

# Resettlement Plan

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November 2010

## PRC: Xinjiang Altay Urban Infrastructure and Environment Improvement Project

Resettlement Plan for Buerjin County Municipal Infrastructure and  
Environmental Improvement Project

## **CURRENCY EQUIVALENTS**

(as of 11 November 2010)

Currency unit	–	Yuan Renminbi (CNY)
CNY1.00	=	\$0.1507
\$1.00	=	CNY6.6337

## **ABBREVIATIONS**

ADB	–	Asian Development Bank
CPC	–	Communist Party of China
EMDP	–	Ethnic Minority Development Plan
FS	–	Feasibility Study
GMSS	–	Grassland Monitoring and Supervision Station
M&E	–	Monitoring and evaluation
MLS	–	Minimum living security
BCCB	–	Buerjin County Construction Bureau
BCG	–	Buerjin County Government
BCLRB	–	Buerjin County Land and Resources Bureau
HDMO	–	House Demolition Management Office
PMO	–	Project Management Office
PRC	–	People's Republic of China
RP	–	Resettlement Plan
TA	–	Technical assistance
XUAR	–	Xinjiang Uygur Autonomous Region

## **WEIGHTS AND MEASURES**

ha	–	hectare
km	–	kilometer
Km/h	–	Kilometer per hour
m	–	meter
m <sup>2</sup>	–	square meter
mu	–	Chinese area measure for land
		1mu = 1/15 ha (1 ha = 15 mu)

## **NOTE**

- (i) In this report, "\$" refers to US dollars.

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ADB-financed Xinjiang Altay Urban Infrastructure and  
Environment Improvement Project

# **Resettlement Plan for Buerjin County Municipal Infrastructure and Environmental Improvement Project**

**Buerjin County Construction Bureau**

**November 2010**

## Joint Signed letter of Resettlement plan

As implementation entity of the project, Construction Brueau of Buerjin County and Xinjiang ecological geographical institute of Chinese Academy of Sciences together prepared a plan of resettlement of affected residents arising from the road, water supply, water drainage, garbage treatment engineering projects under Asian Development Bank Loan project for infrastructure and eco-environmental improvement of bordering counties and port towns of Altay prefecture.

The resettlement plan is prepared in conformity with relevant laws and regulations specified in guarantee declaration of Asian Development Bank, the people's government of Buerjin County, Altay prefecture, Xinjiang Uygur Autonomous Region, the People's Republic of China.

The resettlement plan can be compiled based on feasibility research report and results of social and economic survey. The People's government of Buerjin County confirms that the contents of the resettlement plan and ensure the payment for land acquisition and compensation to the affected residents will be carried out according to above-mentioned plan. The plan in both Chinese and Kazak Language version will be notified to the affected residents at the end of February of 2011.

After completion of all designs, the resettlement plan will be upgraded accordingly and the submitted to Asian Development Bank for examination and approval, then implementation can be started.

We are grateful to your support and assistance to Asian Development Bank project of Buerjin County.

deputy county magistrate of Buerjin County: Zhang Zhijun

Deputy head of leading group of Asian Development Bank Loan project of Buerjin County



January 25, 2011

## **Letter of Commitment**

The Buerjin County Construction Bureau (“BCCB”) has applied for a loan from the Asian Development Bank (“ADB”) for the Buerjin County Municipal Infrastructure and Environmental Improvement Project. Therefore, this project must be implemented in accordance with ADB’s Social Safeguard Policy. This resettlement plan (“RP”) represents a key requirement of ADB and becomes a basis of the land acquisition, house demolition and resettlement work of this project. This RP complies with the applicable laws and regulations of the People’s Republic of China (the “RPC”), Xinjiang Uygur Autonomous Region (“XUAR”) and Buerjin County. In order to complete the resettlement work more effectively, this RP includes some additional measures, and implementation and monitoring arrangements.

The Buerjin County ADB Project Management Office hereby acknowledges the contents of this RP and warrants that land acquisition, house demolition, resettlement, compensation and budgeting activities under the Project will be carried out according to this RP. This RP is based on data from the Feasibility Study (“FS”) Report and preliminary socioeconomic survey. If the final scope of works of the Project differs from that described in the FS Report and has any material impact on this RP, this RP will be revised accordingly. Such revised RP will be approved by ADB before implementation.

**Buerjin County ADB Project Management Office**

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

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## Abbreviations

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HDMO	-	House Demolition Management Office
PMO	-	Project Management Office
PRC	-	People's Republic of China
RP	-	Resettlement Plan
TA	-	Technical assistance
XUAR	-	Xinjiang Uygur Autonomous Region

## Units

Currency unit	=	Yuan (CNY)
1.00 yuan	=	\$0.15
1 hectare	=	15 mu

## Executive Summary

### A. Overview of the Project

1. In order to improve the living environment of the Buerjin County town and the urban image of the county, and adapt to socioeconomic development, the Buerjin County Government (executing agency, "BCG") plans to use part of ADB lending to start the Buerjin County Municipal Infrastructure and Environmental Improvement Project (the "Project") that includes road construction, water supply, sewage treatment and refuse disposal in the county town. The project is a subproject of the ADB-financed Xinjiang Altay Municipal Infrastructure and Environmental Improvement Project.

(1) Road construction: reconstruction, expansion and construction of 14 roads in the county town, with a total length of 19,396.85m, together with lighting, landscaping and traffic marking facilities, and maintenance equipment; (2) Water supply: construction of a water distribution network of 34.8km and a 9,000m<sup>3</sup>/d water purifying plant; (3) Sewage treatment: construction of sewer lines with a total length of 11,470m, 196 drainage manholes and a sewage lifting pumping station; construction of a 6,000m<sup>3</sup>/d sewage treatment plant; (4) Refuse disposal: construction of a 38t/d refuse disposal plant and operating equipment, 20 refuse collection points, 303 ashbins, 10KV power lines of 0.3km and an access road of 0.95km.

### B. Project impacts

2. The project will affect 2 communities and 5 villages, and permanent land acquisition and house demolition will affect 204 persons, including 151 minority persons, accounting for 74.02% of the affected population. Temporary land occupation will affect 84 households and 250 persons.<sup>1</sup>

3. Houses of 5,238.07 m<sup>2</sup> will be demolished. Urban residential houses of 3,608.07m<sup>2</sup> will be demolished, affecting 24 households with 70 persons, including 5 minority households with 17 persons. An enterprise and a commercial store will also be affected, with a demolition area of 1,510 m<sup>2</sup> and 120 m<sup>2</sup>, respectively. 287.32 mu of collective land will be acquired permanently, all being pasture land, affecting 35 households with 134 persons.

4. Pipe network laying will occupy 182.69 *mu* of pasture land of 5 villages temporarily, affecting 84 households with 250 persons temporarily.

5. At the FS Report stage, the impacts of land acquisition have been minimized in close consultation with local officials and communities/villages. An optimum option has been selected through comparison of some options. The RP has been prepared in accordance with the relevant state, provincial and municipal land policies, and ADB's Policy on Involuntary Resettlement. The RP is based on the FS Report, and will be updated and improved based on the detailed design.

### C. Policy framework and entitlement

6. According to the land laws and policies of the PRC and ADB Safeguard Policy Statement (2009), the resettlement principles of the project are: (1) compensation and

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<sup>1</sup> ADB's Safeguard Policy Statement (2009) trigger for involuntary resettlement changed the terminology of "affected persons" to "displaced persons" which are defined as persons who are physically and/or economically displaced as a result of involuntary acquisition of land or involuntary restrictions on land use or on access to legally designated parks and protected areas. In the PRC, although the resettlement plans maintain the original terminology of "affected persons", the definition is equivalent to ADB's definition of "displaced persons".

entitlements provided are based at replacement costs and must be adequate to allow those affected to at least maintain their pre-project standard of living, with the prospect of improvement; (2) the affected persons are given compensation and assistance in resettlement whether legal title is available or not; (3) if the land available to everyone is insufficient to maintain his/her livelihood, replacement in cash or in kind and other income-generating activities are provided for the lost land; (4) the affected persons fully understand their entitlements, the method and standard of compensation, the livelihood and income restoration plan, and the project schedule, and participate in the implementation of the Resettlement Plan; (5) no land should be acquired before the affected persons are satisfied with the compensation and resettlement (plan).; (6) the executing agency (BCG) and an independent agency / third party should monitor the compensation, relocation and resettlement operations; (7) the vulnerable groups (including women) are provided special assistance or treatment so that they lead a better life, and all affected persons should have an opportunity to benefit from the project; (8) the Resettlement Plan is consistent with the master plans of the affected counties and towns.; and (9) the resettlement expenses are sufficient to cover all affected aspects.

#### **D. Compensation and resettlements**

7. Herdsmen acquired of pasture land will be offered cash compensation at 600 yuan/*mu* for Class 3, Grade 1 pasture land and 250 yuan/*mu* for Class 3, Grade 4 pasture land, as well as stockbreeding and other training as necessary.

8. The final compensation rate for house demolition will be appraised by a real estate appraisal and surveying company. The households affected by house demolition will receive a moving subsidy, a transition subsidy and a reward, etc. The affected households may select a resettlement house or cash compensation as they wish.

#### **E. Organization responsible**

9. The implementing agency will be responsible for project implementation, land acquisition, house demolition and coordination. The land acquisition and house demolition management office will consist of officials from the land administration and urban construction authorities. All affected sub-district offices and village committees will supply one member to the house demolition management office to carry out house demolition, resettlement and income restoration activities, etc.

#### **F. Public participation**

10. In August and September 2009, a survey was made of the physical indicators of the affected population, houses, land and special facilities, as well as the affected residents and rural collective economic organizations. During 11-13 May, 2010, the ADB resettlement TA experts, and the relevant staff of the RP preparation agency and County PMO conducted a supplementary survey of the physical indicators of the affected population, houses, land and special facilities, as well as the affected residents and rural collective economic organizations, and a public opinion and advice survey of the people and entities affected by the project. These surveys were designed to make the implementing and design agencies clear about the local conditions and the concerns of the affected persons. Information on the affected persons was collected through some meetings, involving BCG, the County PMO, urban sub-district offices, land administration bureau, civil affairs bureau, women's federation, urban planning bureau, affected persons, design agency and consultants. On different occasions, such

as meeting, rural household survey and villager team focus group discussion (FGD), the affected persons have been involved in the preparation of the RP, and their concerns and opinions have been incorporated into the RP.

**G. Appeal**

11. The affected persons may file an appeal about any aspect of the project, such as land acquisition, resettlement, income restoration and compensation. The RP defines the appeal procedures, which will be explained to the affected persons at public meetings convened by the implementing agency and communities before land acquisition and house demolition.

**H. Costs**

12. According to the FS Report and subsequent surveys, the resettlement costs for land acquisition and house demolition are about CNY12.2903 million. The resettlement costs will be subject to adjustment during project implementation. The implementing agency will ensure that sufficient resettlement funds will be available to address all resettlement issues.

**I. Schedule**

13. Land acquisition and resettlement will begin in January 2011 and end in June 2013. Construction will not commence only when the affected persons have been compensated in full.

**J. Monitoring and reporting**

14. The implementation of the RP will be subject to internal and external monitoring. The implementing agency is responsible for internal supervision, and will prepare reports regularly for submission to ADB to reflect resettlement progress, with focus on compliance with the RP and compensation policies. The County PMO will employ an independent agency to conduct external monitoring and evaluation (M&E), and prepare an evaluation report on resettlement progress, compensation fees disbursement and other measures to ensure that the affected persons can maintain their standard of living without being affected adversely by the project.

# **1 Overview of the Project**

## **1.1 Background of the Project**

15. The project is a subproject of the ADB-financed Xinjiang Altay Urban Infrastructure and Environment Improvement Project.

16. In order to facilitate the implementation of the ADB-financed Xinjiang Altay Urban Infrastructure and Environment Improvement Project, the Government of the People's Republic of China (PRC) has requested ADB to provide technical assistance (TA) in the application for ADB financing for this project. The ADB TA mission made a field investigation of the affected areas in Altay, Xinjiang from 10-17 June 2009, and entered into the Memorandum of Understanding for Provision of Technical Assistance for the ADB-financed Xinjiang Altay Urban Infrastructure and Environment Improvement Project with the competent authorities of Xinjiang Uygur Autonomous Region (XUAR).

17. The Buerjin County town is located in the north of XUAR, the northeast of Ili Kazak Autonomous Prefecture, the south range of the Altay Mountain, on the delta at the junction of the Irtysh and Buerjin Rivers, between north latitude 47°22'-49°11' and east longitude 86°25'-88°06', connected to Habahe County, Jimunai County, Beitun City and Altay City by highways, being a traffic hub in the western Altay region. The famous Kanas Natural Reserve is located in this county. The advantaged natural environment and geographic location, and unique folk customs provide the county with great potential of urban development.

18. Internationally, Buerjin County is located at the northwest tip of the PRC, and borders Kazakhstan, Russia and Mongolia. With the deepening of the economic cooperation between the PRC and Central Asia and Russia, especially with the opening of the "China-Russia direct transport corridor", sub-regional economic cooperation will provide extensive space for cooperation between the Altay region and neighboring countries in resources, energy, agriculture, industry and tourism, etc.

19. It has become an inevitable choice for BCG to grasp opportunities to speed up the urban infrastructure and environmental improvement of Buerjin County, expand opening up, develop advantageous resources, develop the local economy and improve people's standard of living in the favorable policy and investment environment.

20. The project will:

- i. Promote the economic cooperation between Buerjin County and the neighboring countries, and trade and cultural communications between Buerjin County and the Central Asian countries, and drive the economic development of Buerjin County;
- ii. Improve the urban living and ecological environment, and promote the ecological, sightseeing and holiday tourism of Buerjin County; and
- iii. Improve the urban road traffic network, ecological environment, economic level and people's standard of living of Buerjin County by constructing water supply, sewage treatment and refuse disposal facilities.

## **1.2 Overview of the Project**

21. The project consists of the road construction, water supply, Sewage treatment and refuse disposal components, as shown in Table 1-1.

**Table 1-1 Summary of project components**

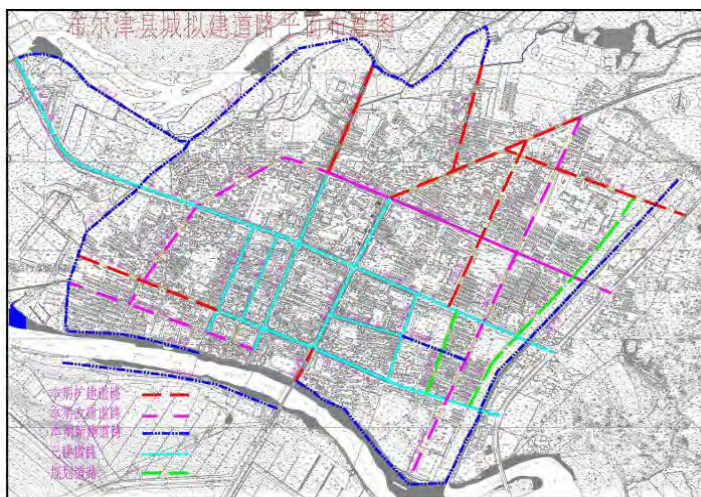
<b>Component</b>		<b>Brief description</b>
Road construction	Urban road construction	Construction, reconstruction and expansion of 11 roads with a total length of 15,135.17m; including 5 primary roads of 4,539.57m, 5 secondary roads of 4,076.73m and a branch road of 6,518.87m, together with lighting, landscaping and traffic marking facilities, and maintenance equipment
	Economic development zone (EDZ) road construction	Construction of a primary road of 1,607.33m, 2 secondary roads of 2,654.35m, together with lighting, landscaping and traffic marking facilities, and maintenance equipment
Refuse disposal		Construction of a 38t/d refuse disposal plant and operating equipment, 20 refuse collection points, 303 ashbins, 10KV power lines of 0.3km and an access road of 0.95km
Water supply		Construction of a water source, a water distribution network of 34.8km (including two segments, from the water source to the water purifying plant, and from the water purifying plant to the county town water distribution network) and a 9,000m <sup>3</sup> /d water purifying plant
Sewage treatment		Construction of sewer lines with a total length of 11,470m, in which DN300 is 5,660m long, DN400 745m long, DN500 440m long, DN600 1,625m long and the pressure flow line d300PE 3,000m long; 196 drainage manholes and a sewage lifting pumping station; construction of a 6,000m <sup>3</sup> /d sewage treatment plant

22. **(1) Road and supporting facilities construction** This component consists of road construction in the Buerjin County town and EDZ, and supporting facilities, and involves reconstruction, expansion and construction of 14 roads, with a total length of 19,396.85 m: construction, reconstruction and expansion of 11 roads with a total length of 15,135.17 m in the county town; including 5 primary roads of 4,539.57 m, 5 secondary roads of 4,076.73 m and a branch road of 6,518.87 m, together with lighting, landscaping and traffic marking facilities, and maintenance equipment; construction of a primary road of 1,607.33 m, 2 secondary roads of 2,654.35 m in EDZ, together with lighting, landscaping and traffic marking facilities, and maintenance equipment. See Table 1-2. So far there are no estimates of land acquisition and resettlement impacts in the EDZ. The county government will ensure that same standards of compensation and rehabilitation will also be applied for the EDZ.



**Table 1-2 Size of proposed urban roads**

No.	Road	Length	Rating	Nature	Width	Driveway width	Facility belt width	Green belt width	Sidewalk width
		(m)			(m)	(m)	(m)	(m)	(m)
1	Youyifeng Road	675.96	Primary	Expansion	29	15	2×0.5	2×3.5	2×3.0
2	Yueliangwan Road	1474.69	Secondary	Reconstruction	26	12	2×0.5	2×3.5	2×3.0
3	Shuanghu Road North	1032.74	Secondary	Expansion	30	12	2×0.5	2×3.5	2×5.0
4	Yingbin Road	1134.13	Primary	Expansion	24	—	—	—	2×4.0
5	Wolongwan Road	826.6	Primary	Expansion	30	15	2×0.5	2×4.0	2×3.0
6	Hebin Road	1083.93	Secondary	Reconstruction	23	9	—	2×4.0	2×3.0
7	Kanasi Road	210.2	Primary	Expansion	12	12	—	—	—
8	Wucaitan Road	1692.68	Primary	Reconstruction	26	12	2×0.5	2×3.5	2×3.0
9	Huancheng Road	6518.87	Branch	New	5, 4	5, 4	—	—	—
10	Shenxianwan Road	108.8	Secondary	New	26	12	—	2×3.0	2×4.0
11	Baihuayuan Road	376.57	Secondary	New	26	12	2×0.5	2×3.5	2×3.0
12	Xingjiang Road	1302.14	Secondary	New	30	8	—	—	—
13	Xingsheng Road	1352.21	Secondary	New	38	15	—	—	—
14	Minzu Avenue	1607.33	Primary	New	48	23	—	—	—
Total		19396.85							



**Figure 1-1 Layout plan of road reconstruction and expansion of the Buerjin County town**



**Figure 1-2 Layout plan of proposed roads in the Buerjin County Economic Development Zone**



**Figure 1-3 Photo of existing Shuanghu Road North**



**Figure 1-4 Photo of existing Baihuayuan Road**

23. **(2) Water supply** Construction of a water source, a water distribution network of 34.8 km (including two segments, from the water source to the water purifying plant, and from the water purifying plant to the county town water distribution network) and a 9,000m<sup>3</sup>/d water purifying plant. The sites of the water source and water purifying plant are shown in Figures 1-5 and 1-6.



**Figure 1-5 Site of proposed water source purifying**



**Figure 1-6 Site of proposed water plant**

24. **(3) Sewage treatment** Construction of sewer lines with a total length of 11,470m, in which DN300 is 5,660 m long, DN400 745 m long, DN500 440 m long, DN600 1,625 m long and the pressure flow line d300PE 3,000 m long; 196 drainage manholes and a sewage lifting pumping station; construction of a 6,000m<sup>3</sup>/d sewage treatment plant. The site of the new sewage treatment plant (oxidation pond) is shown in Figure 1-7 and 1-8.



**Figure 1-7 Photo of existing sewage treatment plant (oxidation pond)**



**Figure 1-8 Site of proposed sewage treatment plant (oxidation pond)**

25. **(4) Refuse disposal** Construction of a 38t/d refuse disposal plant and operating equipment, 20 refuse collection points, 303 ashbins, 10KV power lines of 0.3km and an access road of 0.95 km





**Figure 1-9 Photo of existing refuse disposal plant**  
**Figure 1-10 Site of proposed refuse disposal plant**

### **1.3 Socioeconomic benefits of the Project**

26. The main components of the project include road construction, water supply, sewage treatment and refuse disposal. The project will improve the road network, water supply and drainage systems, and infrastructure of the county town, and the environment of the county town and surrounding areas, and promote the development of the local tourism and commerce.

27. Road construction: This component will relieve the traffic congestion of the county town, promote commerce and tourism, and increase nearby residents' income.

28. Water supply: With the development of the national economy and the improvement of people's standard of living, water shortage has become an important restraint on Buerjin County's socioeconomic development and stability. The water supply component will improve water supply capacity, improve water supply conditions and relieve the water shortage.

29. Sewage treatment: The environment of the county town and surrounding areas will be improved greatly; the aged sewer network will be restored. At the outskirts, drainage facilities will dispose of domestic sewage timely, improve environmental hygiene, and be good to villagers' physical health.

30. Refuse disposal: With the implementation of this component, the living environment will be cleaner, impact of urban refuse on the environment will be reduced significantly, and the infrastructure and environment of the county town will be improved greatly, which will promote the county's tourist development.

31. In general, the road construction, water supply, sewage treatment and refuse disposal components will drive Buerjin County's commercial and tourist development. Presently, the soft environment for investment introduction is attractive, including the relevant preferential policies, but the hard environment is unsound, especially the infrastructure. The Project will improve the traffic and environment of the urban area, which will increase the confidence of investors and promote the economic development of the county town.

32. In the meantime, great importance is attached to public participation during project implementation. Whether at the preparatory stage or the future construction stage, some urban residents and entities have been or will be involved in the environmental decision-making process of the project, and have known the origin and significance of the project, so that more entities and individuals will be involved in environmental decision-making. The project will strengthen the environmental

awareness of urban residents, and enable them to maintain environmental hygiene self-consciously; enterprises and institutions will also further comply with the standards stipulated in the applicable regulations on environmental protection.

33. The County PMO will ensure that a certain number of unskilled job opportunities be available to affected women during project implementation, and give priority to female labor in technical training, so that their economic status will not be reduced.

#### **1.4 Measures to avoid or minimize land acquisition and house demolition**

34. Resettlement impacts have been considered at the design stage to minimize such impacts. The main principles are as follows:

- i. Avoiding or minimizing occupation of existing and planned residential areas (urban and rural)
- ii. Avoiding or minimizing occupation of high-quality farmland and pasture land
- iii. Gaining access to the proposed construction sites through existing state and local roads
- iv. Avoiding or minimizing occupation of environmentally sensitive areas
- v. Selecting a resettlement community in line with the local development plan
- vi. Laying sewer lines along highways or in barren land, avoiding exposed pipelines, and restoring the land surface after construction; and
- vii. Building the sewage treatment plant and refuse disposal plant on barren land where possible according to topographic conditions

##### **1.4.1 Example of reducing resettlement impacts by optimizing project composition**

35. To optimize the road construction design, the TA experts, RP preparation agency and design agency have proposed to cancel Shenhu Road, Qianhu Road, Shuanghu Road South, Baihu Road, Meilifeng Road and Xingye Road based on the field investigation and communication with the government agencies, County PMO, community and village committees concerned; 4 households with 9 persons will be affected by Qianhu Road, with a demolition area of 1,123.21 m<sup>2</sup>, 11 households with 23 persons will be affected by Shuanghu Road South, with a demolition area of 1,552.06 m<sup>2</sup>, 1 household with 2 persons will be affected by Baihu Road, with a demolition area of 88.16 m<sup>2</sup>, 7 households with 19 persons will be affected by Meilifeng Road, with a demolition area of 1,089.3 m<sup>2</sup>, and 18 households with 76 persons will be affected by Xingye Road, with an acquisition area of 171.72 mu.

##### **1.4.2 Example of reducing resettlement impacts by optimizing project design**

36. Four new roads have been added according to field investigation and the development plan of Buerjin County, namely Hebin, Wucaitan, Huancheng and

Shenxianwan Roads, which involve no land acquisition or house demolition. Youyifeng, Yueliangwan, Wolongwan, Yingbin and Hebin Roads have been rerouted to reduce impacts of land acquisition and house demolition. For example, before optimization, Youyifeng Road affected 10 households with 25 persons and involved a demolition area of 1,957.39m<sup>2</sup>, Yueliangwan Road affected 5 households with 12 persons and involved a demolition area of 820.38m<sup>2</sup>, Wolongwan Road affected 36 households with 107 persons and involved a demolition area of 7090.89m<sup>2</sup>, Yingbin Road affected 5 households with 14 persons and involved a demolition area of 984.4m<sup>2</sup>, and Hebin Road affected 23 households with 70 persons and involved a demolition area of 2516m<sup>2</sup>. After optimization, all these impacts of land acquisition and house demolition have been eliminated.

37. Generally, the road construction design is more rationally than before. Not only the road network of Buerjin County will be improved in a more balanced manner, but also impacts of land acquisition and house demolition have been reduced. The number of affected households has dropped from 118 to 24, the amount of acquired collective pasture land from 496.39 mu to 287.32 *mu*, and the number of affected commercial stores and entities from 12 to 2.

**Table 1-3 Comparison of resettlement impacts before vs. after project design optimization**

Item		Unit	Before optimization	After optimization	Difference
Land acquisition	Collective land	Mu	496.39	287.32	-209.07
	State-owned land	Mu	61.11	13.2	-47.91
	Subtotal	Mu	2557.5	300.52	-2256.98
Temporary land occupation		Mu	597.6	436.26	-161.34
House demolition	Rural residents	m <sup>2</sup>	990.5	0	-990.5
	Urban residents	m <sup>2</sup>	19369.36	3,608.07	-15761.29
	Enterprise / institution	m <sup>2</sup>	2666.2	1510	-1156.2
	Commercial store	m <sup>2</sup>	153.4	120	-33.4
	Subtotal	m <sup>2</sup>	23179.46	5238.07	-17941.39
Land acquisition	Affected population	/	150	134	-16
House / building demolition	Rural residents	Household	3	0	-3
	Urban residents	Household	115	24	-91
	Commercial store	/	3	1	-2
	Enterprise / institution	/	9	1	-8
	Subtotal	/	130	26	-104

## **2 Project Impacts**

### **2.1 Types of impact**

38. Based on the physical indicator surveys, the main types of impact of the project include:

- i. Land acquisition/occupation;
- ii. Demolition of residential houses and attachments;
- iii. Demolition of non0residential houses (enterprises, institutions and commercial stores); and
- iv. Demolition of ground attachments and infrastructure

### **2.2 Survey methodology and process**

39. In order to learn the impacts of the Project, the County PMO, design agency and RP preparation task force investigated the range of land acquisition and house demolition of Buerjin County as required by ADB.

40. From 2-19 June 2009, a field investigation of the project was conducted.

41. On August 4, 2009, a training meeting of the staff involved in the Ethnic Minority Development Plan (EMDP) and the RP was held at BCCB, explaining the planning concept, policy framework, issues arising from land acquisition and house demolition, the relevant requirements in the EMDP and relevant ADB policies in detail; the questions raised by the attendees were answered in detail; training was given to the survey staff on the affected population, houses, land, pasture land and special facilities, etc. in the affected areas, and a survey agenda was determined.

42. From 5-15 August 2009, a FGD was held at BCCB to further define the scope and range of the Project, and a field investigation was conducted; the County PMO and RP preparation agency organized relevant staff to conduct a detailed survey of the physical indicators of the affected population, houses, land and special facilities, as well as the affected residents and rural collective economic organizations.

43. From May to August 2010, the ADB TA experts and RP preparation agency conducted a field investigation of the scope and range of the project, a supplementary survey of the physical indicators of the affected population, houses, land and special facilities, as well as the affected residents and rural collective economic organizations, and interview and case study of affected residents.

44. The surveys were conducted in a combination of field investigation, data collection and inquiry, questionnaire survey and interview. The survey of house demolition included house ownership and attached facilities; the survey of land acquisition included nature and quantity of land, number of directly affected households, population, willingness of resettlement of affected households, and average output value of the past three years. Officials of the affected town government and villager teams participated in the physical indicator surveys of the project.

45. Land acquisition survey: The survey team surveyed the area of the acquired land by ownership and type after the design agency defined the range of land acquisition by field setting-out.

46. Socio-economic survey: A sampling survey of affected population, including ethnic group, age, educational level and employment status, etc.

47. House and attachment demolition survey: Demolished houses were measured on spot one by one, and registered by ownership and structure together with their attachments.

48. Scattered tree survey: Scattered trees within the affected areas were counted on spot to differentiate fruit trees and other trees, and registered by species.

49. Special facility survey: The affected water resources, electric power and telecommunication facilities were surveyed based on the existing information of the competent authorities, and verified and registered on spot.

## **2.3 Impact identification of the components**

50. The land acquisition and house demolition impacts of the project are determined based on the recommended option at the FS stage. The project will affect 2 communities and 5 villages, and land acquisition and house demolition will affect 204 persons.

### **1. Road construction**

51. Urban road construction will affect 24 households with 70 persons in two communities of Buerjin County, including 5 minority households with 17 persons, accounting for 24.29% of the affected population. Urban residential houses of 3,608.07 m<sup>2</sup> will be demolished, including 78.2 m<sup>2</sup> in masonry-concrete structure, 1,275.58 m<sup>2</sup> in masonry-timber structure, 2,126.99 m<sup>2</sup> in earth-timber structure and miscellaneous houses of 127.3 m<sup>2</sup>. One enterprise with a demolition of 1,510 m<sup>2</sup> and one commercial store with a demolition area of 120 m<sup>2</sup> will be affected. Total demolition area will be 5,238.07 m<sup>2</sup>.

52. EDZ road construction will affect 15 households with 49 persons in Halagou Village. The type of land to be acquired is pasture land (Class 3, Grade 1), with an acquisition area of 101.55 *mu*.

### **2. Water supply**

53. Land acquisition for the water purifying plant and pumping station will affect one household with 6 persons in Sartlic Village, and 23.46 *mu* pasture land (Class 3, Grade 4) will be acquired, including 22.11 *mu* (including administrative area) for the water purifying plant and 1.35 *mu* for the access road. The sewer network of the water supply component will occupy 171.2 *mu* of collective pasture land in Irtysh, Sartlic and Talahar Villages, affecting 83 households with 247 persons indirectly, and will occupy 142 *mu* of state-owned barren woodland temporarily. Water distribution network laying will involve excavation of urban state-owned roads and green belts, and occupy 34.29 *mu* of land temporarily. Such roads and green belts will be restored by the construction agency to the former size and standard after network laying, and the relevant costs will be included in the engineering budget of the project.

54. The water intake is in the upper Buerjin River, about 33 km away from the Buerjin County town. This location is out of the planning area of the county town. The proposed water source is in the upper Buerjin River, far away from the urban area, featuring little human and animal activity, and high productive safety. It has been confirmed in the Environmental Impact Assessment Report of the project that no one's livelihood is affected by water source protection within the water-source reserve.

### **3. Sewage treatment**

55. The sewage treatment plant and pumping station will affect one household with 3 persons in Hatai Village by acquiring 72.08 *mu* of pasture land (Class 3, Grade 1), including 72 *mu* for the sewage treatment plant (including administrative area) and 0.08 *mu* for the pumping station. Sewer network laying will involve excavation of urban



state-owned roads, and occupy 74.28 *mu* of land and 14.49 *mu* of collective pasture land temporarily, and affecting one household with three persons indirectly. Sewer network laying will involve excavation of urban state-owned roads. Such roads will be restored by the construction agency to the former size and standard after network laying, and the relevant costs will be included in the engineering budget of the project.

#### **4. Refuse disposal**

56. Refuse disposal will affect 18 households with 76 in Halagou and Hatai Villages (12 households with 47 persons in Hatai Village; 6 households with 29 persons in Halagou Village) by acquiring 90.23 *mu* of pasture land (Class 3, Grade 1), including 80.25 *mu* for the refuse disposal plant (including administrative area) and 9.98 *mu* for the access road.

57. The impacts of the components are shown in Table 2-1.

**Table 2-1 Impact identification of the components**

Component	Permanent land acquisition						Temporary land occupation						House demolition										
	Collective land			State-owned land			Collective land					State-owned land (mu)	Residential house demolition					Relocation of enterprises /institutions			Relocation of commercial stores		
	Pasture land (mu)	Affected population	Minority population	Housing land (mu)	Affected population	Minority population	Collective land (mu)	Affected house-holds	Affected population	Affected population	Minority population		Demolition area	Affected house- holds	Affected population	Minority house- holds	Minority population	Demolition area	Number affected	Persons affected	Demolition area	Number affected	Persons affected
Road construction	101.55	49	49	13.29									3,608.07	24	70	5	17	1510	1	0	120	1	2
Water supply	23.46	6	6				171.2	83	247	83	247	176.29											
Sewage treatment	72.08	3	3				14.49	1	3	1	3	74.28											
Refuse disposal	90.23	76	76																				
Subtotal	287.32	134	134	13.29			185.69	84	250	84	250	250.57	3,608.07	24	70	5	17	1510	1	0	120	1	2

## 2.4 Impacts of permanent land acquisition

### 2.4.1 Collective land

58. Collective land acquisition is caused by the components of EDZ road construction, water supply, sewage treatment plant and refuse disposal mainly, affecting 35 households with 134 persons. 287.32 *mu* of collective pasture land will be acquired permanently, all being pasture land, including 131.61 *mu* in Halagou Village, 23.46 *mu* in Sartlic Village and 132.25 *mu* in Hatai Village, as shown in Table 2-2.

**Table 2-2 Impact analysis of land acquisition**

No.	Component	Village/ community	Acquired collective land ( <i>mu</i> )		Affected households	Affected population
			Pasture land	Rating		
1	EDZ road construction	Halagou Village	101.55	Class 3, Grade 1	15	49
2	Refuse disposal	Hatai Village	60.17	Class 3, Grade 1	12	47
		Halagou Village	30.06	Class 3, Grade 1	6	29
3	Water supply	Sartlic Village	23.46	Class 3, Grade 4	1	6
4	Sewage treatment	Hatai Village	72.08	Class 3, Grade 1	1	3
<b>Total</b>			<b>287.32</b>		<b>35</b>	<b>134</b>

59. For the 35 households affected by land acquisition, only one has a land loss rate of over 1% (1.7%), and that of the other 34 is 0.2% only.

60. The 15 stockbreeding households affected by EDZ road construction have 3,174 *mu* of pasture land on average, and the acquisition area per household is 6.77 *mu*, with an average loss rate of 0.2%. (The pasture land involved in EDZ road construction is owned jointly by these 15 households. Pasture land is divided into work teams, each owned collectively by several to tens of households. Therefore, the pasture land area acquired for EDZ road construction is allocated to the households averagely.)

61. The 18 stockbreeding households affected by the refuse disposal plant own 2,016 *mu* of pasture land, and the acquisition area per household is 5.01 *mu*, with an average loss rate of 0.2%.

62. Water supply will affect one household with 12,052 *mu* of pasture land, 23.46 *mu* will be acquired, with an average loss rate of 0.2%.

63. Sewage treatment will affect one household with 4,265 *mu* of pasture land, in which 72.08 *mu* will be acquired, with a loss rate of 1.7%.

### 2.4.2 State-owned land

64. Permanent acquisition of state-owned land is caused mainly by urban road construction. 13.29 *mu* of state-owned land will be occupied permanently, including

2.26 *mu* used by enterprises and institutions, 0.18 *mu* used by commercial stores and 10.85 *mu* used by communities, as shown in Table 2-3.

**Table 2-3 Statistics of state-owned land permanently occupied by the Project**

Nature of entity	Affected entity	Nature of land	Area of occupied state-owned land ( <i>mu</i> )
Enterprise/institution	Taiyun Group Buerjin Branch	Industrial land	2.26
Commercial store	Baishun Store	Commercial land	0.18
Community/village	Youyifeng Community	Housing land	4.97
	Meilifeng Community	Housing land	5.88
<b>Total</b>			<b>13.29</b>

## 2.5 Temporary land occupation

65. The water distribution network of the water supply component will occupy 171.2 *mu* of collective pasture land in Irtys, Sartlic and Talahar Villages, affecting 83 households with 247 persons indirectly, and will occupy 142 *mu* of state-owned barren woodland and 34.29 *mu* urban state-owned roads temporarily. Sewer network laying will involve excavation of urban state-owned roads, and occupy 74.28 *mu* of land and 14.49 *mu* of collective pasture land temporarily, and affecting one household with 3 persons indirectly (this household is also affected by land acquisition for the sewage treatment plant).

66. The average area of temporarily occupied pasture land of the 83 households affected by temporary land occupation is 2.06 *mu*, while their average pasture land area is 375.29 *mu*. The County PMO will provide compensation according to the measures of compensation for temporary occupation of pasture land, and restore the vegetation as required by the regulatory authority after the completion of the pipe networks.

67. The laying of the water distribution and sewer networks will involve excavation of urban state-owned roads and green belts. Such roads and green belts will be restored by the construction agency to the former size and standard after network laying, and the relevant costs will be included in the engineering budget of the Project. See Table 2-4 for details.

**Table 2-4 Statistics of collective land temporarily occupied by the Project**

No.	Collective land				State-owned land	
	Village/ community	Pasture land ( <i>mu</i> )	Affected households	Affected population	State-owned barren woodland	State-owned urban road
1	Irtys Village	131				
2	Sartlic Village	33.27	17	48		
3	Talahar Village	6.93	3	10		
4	Hatai Village	14.49	1	3		
4					142	108.57
<b>Total</b>		<b>185.69</b>	<b>84</b>	<b>250</b>	<b>142</b>	<b>108.57</b>

## 2.6 House demolition

### 2.6.1 Residential houses

68. The project does not involve demolition of rural residential houses. It involves demolition of urban residential houses mainly, affecting 24 households with 70 persons, including 5 minority households with 17 persons.

69. Total demolition area is 3,608.07 m<sup>2</sup>, including 78.2 m<sup>2</sup> in masonry concrete structure (2.17%), 1,275.58m<sup>2</sup> in masonry timber structure (35.35%), 2126.99m<sup>2</sup> in earth timber structure (58.95%) and miscellaneous houses of 127.3m<sup>2</sup> (3.53%). See Table 2-5. See Appendix 4 for the detailed information of the 24 displaced households.

**Table 2-5 Urban residential houses to be demolished**

Road	Village /community	Total HHs	Total pop	Demolition area (m <sup>2</sup> )				Total
				Masonry concrete	Masonry timber	Earth timber	Misc.	
Baihuayuan Road	Meilifeng Community	15	41	78.2	1215.58	1069.69	29.5	2392.97
Shuanghu Road North	Youyifeng Community	9	29	0	60	1057.3	97.8	1215.1
<b>Total</b>		<b>24</b>	<b>70</b>	<b>78.2</b>	<b>1275.58</b>	<b>2126.99</b>	<b>127.3</b>	<b>3,608.07</b>

### 2.6.2 Commercial stores

70. Commercial store relocation is caused mainly by urban road construction. The Project will affect one commercial store, with a demolition area of 120 m<sup>2</sup> in masonry concrete structure. The store deals mainly with retailing, and 2 persons will be affected. See Table 2-6.

**Table 2-6 Statistics of affected commercial stores**

Road	Owner	Type of business	Annual revenue (10,000 yuan)	Annual profits (10,000 yuan)	Is it rented?	Degree of demolition
Meilifeng Road	Zhang Zhigang	Store	2.4	1.2	No	Full demolition

### 2.6.3 Affected enterprises and institutions

71. House demolition and state-owned land occupation will affect one enterprise, which is Taiyun Group Buerjin Branch, with a demolition area of 1,510 m<sup>2</sup>, including 10 m<sup>2</sup> in masonry concrete structure, accounting for 0.66% and 1,500 m<sup>2</sup> in masonry timber structure, accounting for 99.34%.

72. The demolished premises are located on the training ground in the east courtyard, and house demolition will not affect its production. There is no actually affected population.

73. The impacts are shown in Table 2-7. The business information of this enterprise is shown in Table 2-8.

**Table 2-7 Statistics of affected enterprises and institutions**

Road	Enterprise	Overview of affected enterprise					Demolition area (m <sup>2</sup> )			
		Workforce	Women	Nature of business	Owners	State-owned land occupied (mu)	Office and storage premises			
							Masonry concrete	Masonry timber	Earth timber	Simple structure
Baihuayuan Road	Taiyun Group Buerjin Branch	67	10	Private	Wang Yongbo, Li Lesheng	2.26	10	1500	0	0

**Table 2-8 Business information on affected enterprises and institutions**

Road	Enterprise	Main business	Former area				Total fixed assets (10,000 yuan)	Annual output value (10,000 yuan)	Annual profits (10,000 yuan)	Business condition
			Premises (m <sup>2</sup> )							
			Productive and business premises		Office and storage premises					
			Masonry concrete	Masonry timber	Masonry concrete	Masonry timber				
Baihuayuan	Taiyun Group Buerjin Branch	Enterprise	18000	-	600	-	1200	500	40	Good

## 2.7 Affected vulnerable groups

74. The vulnerable groups refer to those individuals and their families whose living standard is lower than the minimal living standard line of Buerjin (for rural people in Jimunai, the standard is CNY700 per year per person and for urban people the standard is CNY 1860 per year per person), including orphan, aged people, handicapped people, mentally disabled persons, impoverished people, and women headed households.

75. Based on a preliminary analysis, 3 households with 7 persons fall into vulnerable groups, as shown in Table 2-9.

**Table 2-9 Information on affected vulnerable groups**

No.	Householder	Demolition area (m <sup>2</sup> )	Family population		Source of income	Cause analysis	Impact
			Total	Labor			
1	Yang Dianhua	277.08	1	1	MLS benefit	Widow	Demolition
2	Xue Xiu'e	133.18	4	3	MLS benefit	Poverty	Demolition
3	Wang Yuying	124.82	2	1	MLS benefit + house rent	Poverty	Demolition
Total		535.08	7	5	-	-	-

76. (1)Yang Dianhua, living on Baihuayuan Road, 76 years, primary school education, is a female householder whose husband is dead. She lives on a minimum

living security (MLS) benefit of 200 yuan/month mainly, and leads a hard life. She will be affected by road construction, and demolition area will be 277.08 m<sup>2</sup>.

77. It is learned that the old person expects timely and reasonable compensation. If resettlement housing is offered, she expects the government to provide policy assistance. She supports the project highly, because road construction is a project for people's well-being, and is beneficial to all people around.

78. (2)Wang Yuying lives in Meilifeng Community, Baihuayuan Road, and her husband is dead. The old person lives on house rent and MLS benefit. She will be affected by road construction, and demolition area will be 124.82 m<sup>2</sup>.

79. It is learned that she expects fair, reasonable and timely compensation. The resettlement housing should be preferably close to her former residence, so that her son can visit her conveniently; since she is elderly, she expects a lower floor and some living assistance. In case of cash compensation, she would move to her son's house to take care of her grandchild. She supports road construction, because the old road is uneven and often muddy, and the new road will make it more convenient to go out.

80. (3)Xue Xiu'e is 72 years old. Her husband is dead, and two sons and one daughter have been married. She lives mainly on house rent. She will be affected by road construction, and demolition area will be 133.18 m<sup>2</sup>.

81. It is learned that she can accept either property swap or cash compensation. If resettlement housing is offered, she expects a lower floor, because she is elderly. In case of cash compensation, she would move to a son's house and give the compensation to the son to do business or deal with transport in order to improve standard of living. She thinks road construction is a good thing, because the old road is inconvenient for old people like her.

## 2.8 Affected population

82. Land acquisition and house demolition for the project will affect 2 communities and 3 villages, and is estimated to affect 204 persons, including 151 minority persons, accounting for 74.02% of the affected population, as shown in Table 2-10.

**Table 2-10 Statistics of affected population**

Type of impact	Acquisition of collective land only		House demolition only		Both land acquisition and house demolition		Affected commercial stores		Total	
	Affected households	Affected population	Affected households	Affected population	Affected households	Affected population	Affected households	Affected population	Affected households	Affected population
Total	35	134	24	70	—	—	1	2	59	204

Note: 1 HH and 2 persons due to shop demolition is counted in the house demolition.

## 2.9 Affected ethnic minorities

83. Land acquisition and house demolition will affect 59 households with 204 persons in total, including 40 minority households with 151 persons, which 5 minority households with 17 persons are affected by house demolition and 35 minority

households with 134 persons are affected by land acquisition. The main ethnic minorities are Kazakh, Uyghur and Hui. One hundred forty-one Kazakhs are affected by the project, accounting for 89% of the affected minority population. According to the socioeconomic survey, the detailed statistics of the ethnic minorities are shown in Table 2-11.

84. The affected ethnic minorities enjoy the same social and economic status as the local Han people, and have kept their own ethnic customs and religious beliefs.

85. The IP safeguards are triggered and an EMDP has been prepared.

**Table 2-11 Statistics of affected minority population**

Component	Village/ community	Total		Ethnic minorities		Kazakh		Uyghur		Hui	
		households	population	Households	Population	Households	Population	Households	Population	Households	Population
Urban road construction	Youyifeng Community	9	29	5	17	2	7	1	3	2	7
	Meilifeng Community	15	41	0	0	0	0	0	0	0	0
EDZ road construction	Halagou Village	15	49	15	49	15	49	0	0	0	0
Refuse disposal	Hatai Village	12	47	12	47	12	47	0	0	0	0
	Halagou Village	6	29	6	29	6	29	0	0	0	0
Water supply	Sartlic Village	1	6	1	6	1	6	0	0	0	0
Sewage treatment	Hatai Village	1	3	1	3	1	3	0	0	0	0
<b>Total</b>		<b>59</b>	<b>204</b>	<b>40</b>	<b>151</b>	<b>37</b>	<b>141</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>7</b>

## 2.10 Affected attachments and infrastructure

86. The ground attachments and infrastructure affected by road construction are shown in Table 2-12.

**Table 2-12 Affected attachments and infrastructure**

Item	Unit	Qty.
Big tree (non-fruit)	/	58
Small tree (non-fruit)	/	36
Fruit tree (usable as timber)	/	20
Fruit tree (small sapling)	/	20
Pressure well	/	24
Toilet	/	24



### 3 Socioeconomic Profile and Impact Assessment

#### 3.1 Socioeconomic background of the affected areas

87. Buerjin County governs 6 Xiangs, 1 town and 63 administrative villages, with a total population of 68,000 and a minority population of 45,500, composed of 21 ethnic groups. In 2008, the county's GDP was 917.99 million yuan, up 7.4% year on year. The added value of primary, secondary and tertiary industries was 213.15 million yuan, 285.78 million yuan and 419.06 million yuan, respectively, up 5.5%, 5.5% and 9.5% year on year. The structural ratio of industries was 23.2:31.1:45.6. In terms of contribution to economic growth, that of primary industries was 18.9%, driving GDP growth by 1.4 percentage points; that of secondary industries was 21.8%, driving GDP growth by 1.6 percentage points; and that of tertiary industries was 59.4%, driving GDP growth by 4.4 percentage points. In 2008, local fiscal revenue attained 77.5 million yuan.

88. In 2008, the per capita net income of farmers and herdsmen was 4,682 yuan, up 372 yuan year on year, and the total retail sales of consumer goods attained 660 million yuan, up 14% year on year. The county received 850,000 men-times of visitors in total, and realized tourist income of 670 million yuan.

#### 3.2 Socioeconomic profile of affected villages and communities

89. Land acquisition for urban road construction will involve Youyifeng and Meilifeng Communities of Buerjin County, affecting 5 villages, which are Halagou and Hatai Villages in Woyimoke Xiang, and Irtysh, Halatar and Sartlic Villages in Dulaiti Xiang.

90. **Meilifeng Community, Buerjin Town**, founded in October 1996 and renamed from Xinxin Community on January 2, 2008, has a total area of 1.6 km<sup>2</sup>. This community is bordered by Meilifeng Road on the west, and its jurisdiction is south of Yingbin Road in the county town, on both sides of Ehe Road, north of the Irtysh River and east of Meilifeng Road. The community has 14 administrative staff and a resident population of 2,394 in 798 households, including 142 minority households with 476 persons and 656 Han households with 1,918 persons. There are 22 administrative institutions, one safe and civil community, 4 landscaping qualified entities and one landscaped entity within the jurisdiction.

91. **Youyifeng Community, Buerjin Town** is located in the downtown area, bordered by Youyifeng Road on its west, so it has been renamed as Youyifeng Community. Its jurisdiction borders Meilifeng Road on the east, Youyifeng Road South on the west, Wolongwan Road on the south and Shenhu Road East on the north, with a total area of 0.9 km<sup>2</sup> and 3,248 villagers in 1,084 households. There are 26 administrative institutions within the jurisdiction. The community has 12 administrative staff and 51 CPC members. The community has been strengthening resources sharing with the entities inside, and further improved office facilities and activity spaces. There are office premises of 450 m<sup>2</sup> and activity spaces of 230 m<sup>2</sup> within the community.

92. Halagou Village, Woyimoke Xiang is located 60 km southeast of the Buerjin County town, about 95 km away from the seat of the Xiang government. It is a stockbreeding village with an arable area of 1,705 *mu* and 1,611 villagers in 413 households, including a labor force of 451. In 2009, the highest number of livestock was 24,659 heads, and the number of animals in stock at the year end was 17,675 heads. In 2009, per capita net income was 4,700 yuan.

93. Hatai Village, Woyimoke Xiang is located 5 km north of the Buerjin County town, about 30km away from the seat of the Xiang government. It is a stockbreeding village with 2,165 villagers in 583 households, including a labor force of 570, and an arable

area of 1,418 *mu*. In 2009, the highest number of livestock was 29,731 heads, and the number of animals in stock at the year end was 20,630 heads. In 2009, per capita net income was 4,897 yuan.

94. Irtysh Village, Dulaiti Xiang is located 1 km south of National Highway 217 and 13 km west of the seat of the Xiang government, with 1,069 villagers in 344 households, an arable area of 9,700 *mu* and a per capita arable area of 6.4 *mu*. All herdsmen of this village have settled or semi-settled. This is a village dealing with both agriculture and stockbreeding, with focus on stockbreeding. In 2009, per capita net income was 5,177 yuan.

95. Halatar Village, Dulaiti Xiang is located north of National Highway 217 and 9 km west of the Buerjin County town, being the village closest to the county town in this Xiang, with 647 villagers in 158 households. High-yield cows are raised in this village by taking full advantage of its geographic location to sell fresh milk to the county town, which has become a new source of income of farmers and herdsmen. In 2009, per capita net income was 4,697 yuan.

96. Sartlic Village, Dulaiti Xiang is located 7 km south of National Highway 217 and 12 km west of the Buerjin County town, with 928 villagers in 219 households. This is a village dealing with both agriculture and stockbreeding, with focus on stockbreeding. In 2009, per capita net income was 5,158 yuan.

### **3.3 Socioeconomic survey of affected persons**

97. In May 2010, the ADB TA experts, RP preparation agency and County PMO conducted a supplementary survey of the affected residents and rural collective economic organizations for the following purposes: (1) collecting socioeconomic information of the affected persons whose land or properties may be lost due to project construction; (2) collecting the affected persons's opinions about the project; and (3) determining concerns of the affected persons about land acquisition, resettlement and income restoration measures.

98. In the survey, villages/urban communities were selected, and original data on road construction and reconstruction, EDZ road construction, and the urban water distribution and sewer networks, as well as baseline data on land acquisition for refuse disposal was collected. Two questionnaires were used: (1) questionnaire for village officials (including officials of urban community committees), and (2) questionnaire for residents.

99. A highly purposeful appointment sampling framework was designed for residents and entities, and data collected by the implementing agency in its earlier surveys and the current community committee level survey was adopted.

100. The survey covered all villages/communities affected by land acquisition, and is highly representative of land and property losses of residents. All households subject to severe land and property losses were sampled at a rate of 100%; vulnerable groups were covered.

101. The socioeconomic survey covered 59 households with 204 persons in 2 communities and 3 villages affected (directly or indirectly) by the project, accounting for 100% of the households affected by land acquisition and house demolition. See Table 3-1.

**Table 3-1 Surveyed villages and number of households**

Component	Village /community	Respondents	Surveyed households
Urban road construction	Meilifeng Community	41	15
	Youyifeng Community	29	9
EDZ road construction	Halagou Village	49	15
Refuse disposal	Halagou Village	29	6
	Hatai Village	47	12
Water supply	Sartlic Village	6	1
sewage treatment plant	Hatai Village	3	1
Total		204	59

### 3.4 Socioeconomic profile of affected persons

#### 3.4.1 Demographics

102. The demographic profile of the affected persons is shown in Table 3-2, including age, population composition, education and occupation of both genders. The Project will affect 59 households with 204 persons, including 110 men and 94 women; 53 Han people, 3 Uygurs, 141 Kazakhs and 7 Hui people; 3 illiterate or semiliterate persons, 8 persons who have received preschool education, 50 who have received primary school education, 112 who have received junior high school education, 21 who have received senior high school or technical secondary school education, and 10 who have received college or above education; 84 unmarried persons, 107 married persons, 3 divorced persons and 10 bereaved of spouse.

**Table 3-2 Demographic profile of surveyed households**

Type	Men		Women		Total	
	Qty.	%	Qty.	%	Qty.	%
<b>Households</b>					59	
<b>Average population</b>					3.46	
<b>Age</b>						
≤6 years	4	1.96	4	1.96	8	3.92
7-19 years	20	9.80	18	8.82	38	18.62
20-35 years	36	17.65	27	13.24	63	30.89
36-50 years	29	14.22	22	10.78	51	25.00
51-60 years	8	3.92	9	4.41	17	8.33
61-70 years	9	4.41	10	4.9	19	9.31
≥71 years	4	1.96	4	1.96	8	3.92
<b>Total</b>	110	53.92	94	46.08	204	100.00
<b>Ethnic group</b>						
Han	29	14.22	24	11.76	53	25.98

Type	Men		Women		Total	
	Qty.	%	Qty.	%	Qty.	%
Uygur	2	0.98	1	0.49	3	1.47
Kazakh	75	36.76	66	32.35	141	69.12
Hui	4	1.96	3	1.47	7	3.43
<b>Total</b>	110	53.92	94	46.08	204	100
<b>Educational level</b>						
Illiterate or semiliterate	1	0.49	2	0.98	3	1.47
Preschool	4	1.96	4	1.96	8	3.92
Primary school	21	10.29	29	14.22	50	24.51
Junior high school	64	31.37	48	23.53	112	54.90
Senior high school or technical secondary school	13	6.37	8	3.92	21	10.29
Junior college or above	7	3.43	3	1.47	10	4.90
<b>Total</b>	110	53.92	94	46.08	204	100.00
<b>Marital status</b>						
Unmarried	51	25	33	16.18	84	41.18
Unmarried (under statutory marriage age)	29	14.22	21	10.29	50	24.51
Unmarried (men ≥22 years, women ≥20 years)	22	10.78	12	5.88	34	16.67
Married	55	26.96	52	25.49	107	52.45
Divorced	3	1.47	0	0	3	1.47
Bereaved of spouse	1	0.49	9	4.41	10	4.9
<b>Total</b>	110	53.92	94	46.08	204	100
<b>Occupation</b>						
Farming	2	0.98	3	1.47	5	2.45
Stockbreeding	60	29.41	48	23.53	108	52.94
Industry	4	1.96	1	0.49	5	2.45
Commerce	3	1.47	5	2.45	8	3.92
Service	1	0.49	1	0.49	2	0.98
Teacher	1	0.49	0	0	1	0.49
Official	3	1.47	1	0.49	4	1.96
Student	16	7.84	15	7.35	31	15.2

Type	Men		Women		Total	
	Qty.	%	Qty.	%	Qty.	%
Retired	3	1.47	3	1.47	6	2.94
Unemployed	3	1.47	1	0.49	4	1.96
Other	14	6.86	16	7.84	30	14.71
<b>Total</b>	<b>110</b>	<b>53.92</b>	<b>94</b>	<b>46.08</b>	<b>204</b>	<b>100</b>

Note: (1) Retiring age refers to 65 years for men and 60 years for women, so labor includes people between 16 years and this age, excluding those at school; (2) "Other" in "Occupation" refers to occupations not covered in this table and old people without ability to work;

Source: Socioeconomic survey 2009-2010 under the RP

### 3.4.1.1 Age

103. The age distribution reveals that the population is largely in a normal distribution (as shown). Most of the population is between 20-50 years, constituting the main part of labor and accounting for 55.89% of the sample size. The surveyed population is divided into different age groups. For example, students account for 15.2%, and those aged 7-19 years account for 18.62%. In labor identification, it was found that many family members (over 60 years for men and 55 years for women) are still laboring, so the actual labor force should be defined as men aged 16-65 years and women aged 16-60 years out of school education. According to this definition, labor force accounts for 69.61% of the sample size.

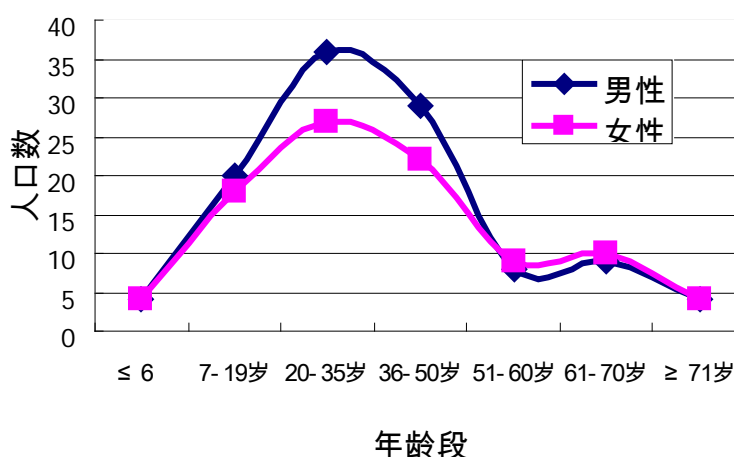
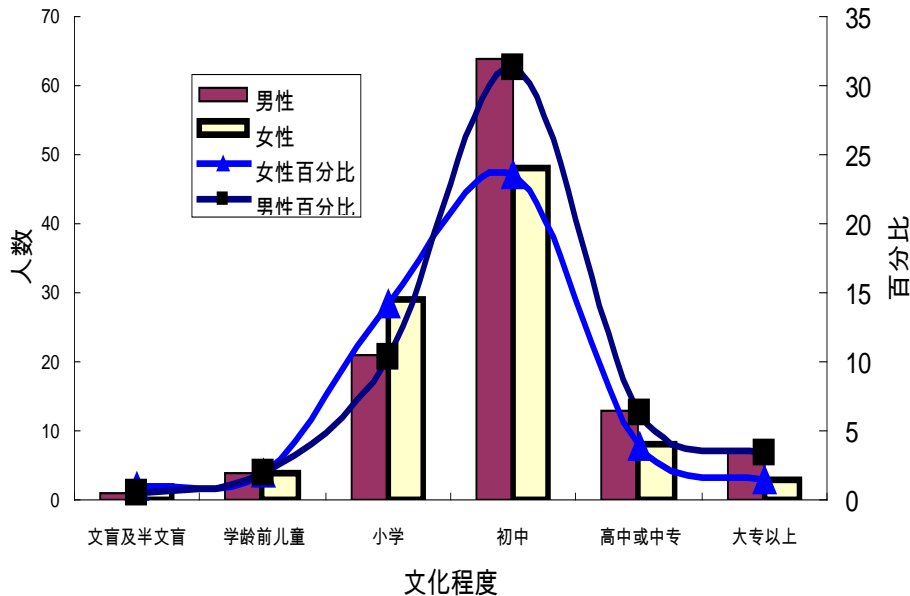


Figure 3-1 Age distribution of affected population

### 3.4.1.2 Education

104. Of the total affected persons, 54.9% have received junior high school education, followed by primary school and senior high school/technical secondary school, accounting for 24.51% and 10.29% respectively. Among the respondents, 15.19% have completed or are receiving senior high school or higher education, and the 3 illiterate or semiliterate respondents that account for 1.47% are all aged over 50, showing a higher overall educational level of the affected persons, with lower (e.g., primary school) and higher (e.g., senior college or above) education levels accounting for a small proportion in the affected population, and moderate educational levels (e.g., junior high school)

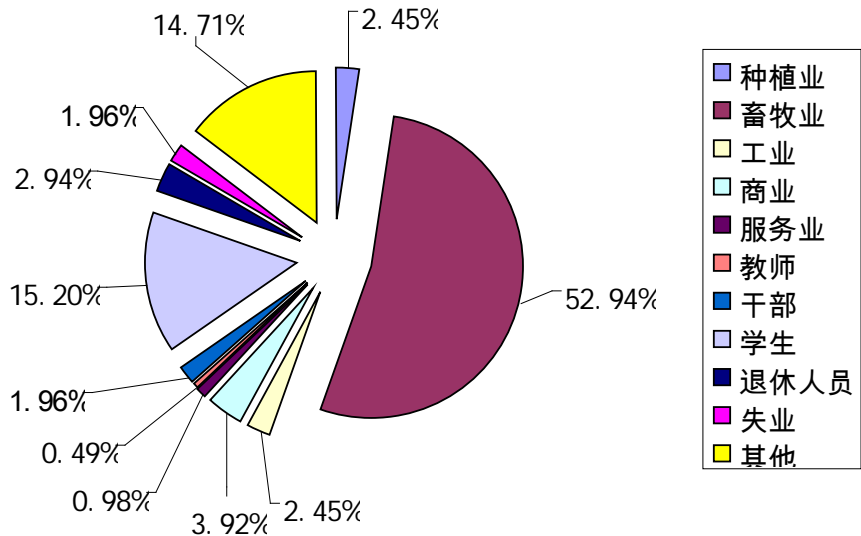
accounting for a greater proportion; it can also be seen that more men have received medium or high education than women, indicating that attention should be paid to the protection of women's rights and interests and women's skills training during project implementation.



**Figure 3-2 Educational level distribution of affected population**

### 3.4.1.3 Occupation

105. Occupation distribution is largely as follows: 2.45% of the affected persons deal with agriculture, 2.45% deal with industry, 3.92% do business, 0.98% deal with services, 1.96% do administrative work (officials), retirees account for 2.94%, other occupations account for 14.71%, and herdsmen account for 52.49%, as shown in Figure 3-3:



**Figure 3-3 Occupation distribution of affected population**

### 3.4.2 Housing conditions

106. Among all the components, only urban road construction involves residential house demolition. The residential profile of the affected persons was evaluated in the socioeconomic survey. Table 3-3 shows that the average living space of these households is 150.34 m<sup>2</sup>, up to 362.94 m<sup>2</sup>.

**Table 3-3 Housing conditions of surveyed households**

Item	Households surveyed	Min.	Max.	Ave.	Std. deviation
Number of rooms	24	3	15	5.5	2.98
House area (m <sup>2</sup> )	—	80	362.94	150.34	67.28

Source: Socioeconomic survey 2009-2010 under the RP

### 3.4.3 Land and resources

107. In the EDZ road construction, water supply, sewage treatment and refuse disposal components, 35 stockbreeding households will be affected by acquisition of pasture land, as shown in Table 3-4.

**Table 3-4 Land statistics of surveyed households**

Unit: *mu*/household

Component	Surveyed households	Item	Min.	Max.	Average land possession ( <i>mu</i> )	Std. deviation
EDZ road construction	15	Pasture land	1700	5600	3174.67	1146.66
Road construction	18		450	3960	2016.67	1788.60
Refuse disposal	1		12052	12052	12052	0
Water supply	1		4265	4265	4265	0
Sewage treatment plant	1					

Source: Socioeconomic survey 2009-2010 under the RP

### 3.4.4 Durable consumer goods

108. In the socioeconomic survey, the ownership of household electric appliances was surveyed and analyzed. It can be seen in the table below that the ownership rate of television sets is the highest at 100%, with 1.12 sets owned per household, indicating that every household has a television set, followed by refrigerators, telephones, mobile phones and motorcycles. It can also be seen that 10.17% of the surveyed households own a PC and 3.39% own a car. See Table 3-5.

**Table 3-5 Statistics of household electric appliances and other assets**

Item	Ownership rate	Number per household	Number per capita
Bicycle	61.02%	1.12	0.32
Motorcycle	67.80%	0.73	0.21
Television set	100%	1.12	0.32
Washing machine	54.24%	0.59	0.17

Item	Ownership rate	Number per household	Number per capita
Refrigerator	89.83%	1.03	0.3
PC	10.17%	0.1	0.03
Tractor	3.39%	0.03	0.01
Car	3.39%	0.03	0.01
Fixed telephone	81.36%	0.81	0.24
Mobile phone	84.75%	1.61	0.47
DVD/VCD	57.63%	0.61	0.18
Induction cooker	5.08%	0.05	0.01
Electric oven	8.47%	0.08	0.02
Radio	25.42%	0.31	0.09
Electric fan	55.93%	0.78	0.23

Source: Socioeconomic survey 2009-2010 under the RP

### 3.4.5 Income and expenditure

109. The surveyed households are divided into three groups by income structure: farming, non-farming and stockbreeding households. In consideration of the complexity of households at outskirts, the income, expenditure and deposits of each household is calculated based on the availability of agricultural income other than agricultural household registration. Herdsmen mean people who own pasture land and livestock, and whose main source of income is stockbreeding. All households affected by land acquisition in Buerjin County are stockbreeding and Kazakh households, and these herdsmen will be analyzed separately below. See Table 3-6.

**Table 3-6 Per capita economic indicators of surveyed households in 2009**  
Unit: yuan/year/person

Item	Households surveyed	Item	Min.	Max.	Ave.	Std. deviation
Farming households	4	Per capita income	6000	8400	5275	2526.36
		Per capita expenditure	1706	6002.67	4098.67	1863.6
Non-farming households	20	Per capita income	2400	24680	8388.67	5978.09
		Per capita expenditure	1339	15276	6397.04	3710.69
Stockbreeding households	35	Per capita income	2000	18000	6038.78	3477.61
		Per capita expenditure	1715	9250	4122.84	1939.08

Source: Socioeconomic survey 2009-2010 under the RP

110. It can be seen from Table 3-6 that averagely, the income of non-farming households is higher than that of farming households. It can be seen from Table 3-7 that this is because non-farming households usually have higher wage income and some other sources of income, such as doing business and house leasing. For farming households, except agricultural income, another main source of income is employment, which is unstable, and there are fewer other sources of income; the per capita income of herdsmen is 6,038.78 yuan, between that of farming and non-farming households, indicating that their standard of living is improving, especially in recent years with the



rise of mutton and beef prices. It can be seen from Table 3-7 that the income structure of herdsmen is relatively simple, in which stockbreeding income accounts for over 90% of total income.

**Table 3-7 Income sources of surveyed households in 2009**

Item	Agriculture	Stockbreeding	Outside employment	Doing business	House leasing	Wages	MLS	Total
Farming households	19000	800	41000	—	—	16800	—	77600
Proportion	24.48%	1.03%	52.84%	—	—	21.65%	—	100.00%
Non-farming households	—	—	95600	117000	64040	217600	7200	501440
Proportion	—	—	19.06%	23.33%	12.77%	43.40%	1.44%	100.00%
Households of herdsmen	38000	763200	—	—	—	18000	—	819200
Proportion	4.64%	93.16%	—	—	—	2.20%	—	100.00%

Source: Socioeconomic survey 2009-2010 under the RP

**111.** Table 3-8 reveals that educational expenses account for 10.03%, 12.20% and 10.76% of the total expenditure of farming, non-farming and stockbreeding households, respectively. It can be seen that there is little difference in this aspect, indicating that all parents have a consistent attitude toward their children's education; living expenses account for 41.12%, 29.30% and 35.38%, respectively, and rank first; the proportion of living expenses to total expenditure of non-farming households is the lowest, indicating a more diversified expenditure mix and a higher standard of living.

**Table 3-8 Expenditure of surveyed households in 2009**

Expense	Urban road construction		EDZ road construction	Refuse disposal	Water supply	Sewage treatment
	Farming households	Non-farming households	Stockbreeding households			
Water	—	—	3.67%	—	1.28%	—
Electricity	2.27%	3.68%	5.82%	3.14%	1.53%	4.78%
Heating	14%	12.50%	11.10%	13%	4.62%	11.48%
Refuse	0.78%	0.45%	—	—	—	—
Amusement	1.67%	—	—	—	—	—
Living	41.12%	29.30%	34.76%	36.44%	13.20%	47.83%
Clothing	11.70%	9.88%	9.09%	10%	16.61%	19.13%
Agriculture	2.38%	—	—	3.12%	28.32%	
Business	—	4.88%	—	—	—	
House leasing	—	2.70%	—	—	—	—
Pasture land	—	—	2.29%	0.60%	2.39%	0.89%
Education	10.03%	12.20%	8.02%	13.93%	2.56%	2.87%
Medical treatment	8.36%	14.10%	11.97%	8.27%	9.16%	4.78%
Traffic	2.67%	2.36%	5.48%	4.98%	7.18%	4.78%
Communication	5.02%	7.30%	7.80%	6.52%	3.36%	3.46%
Taxes	—	0.65%	—	—	6.60%	—
Other	—	—	—	—	3.19%	—
Total	100%	100%	100%	100%	100%	100%

Source: Socioeconomic survey 2009-2010 under the RP

### 3.5 Gender analysis

112. This section provides a gender perspective of resettlement impacts, and includes 3 aspects: (1) gender differences in education, (2) gender differences in occupation, and (3) resettlement-related gender considerations.

#### 3.5.1 Education

113. Urban road construction, EDZ road construction, water supply, sewage treatment and refuse disposal will affect 59 households with 204 persons in total, including 110 men and 94 women. The survey data in Table 3-2 indicates clearly that women's overall educational level is lower than men's in the affected areas. Figure 3-4 indicates the percentages of education receiving of the male and female groups. It can be seen that more men have received high school and higher education than women, but more women have received primary education than men.

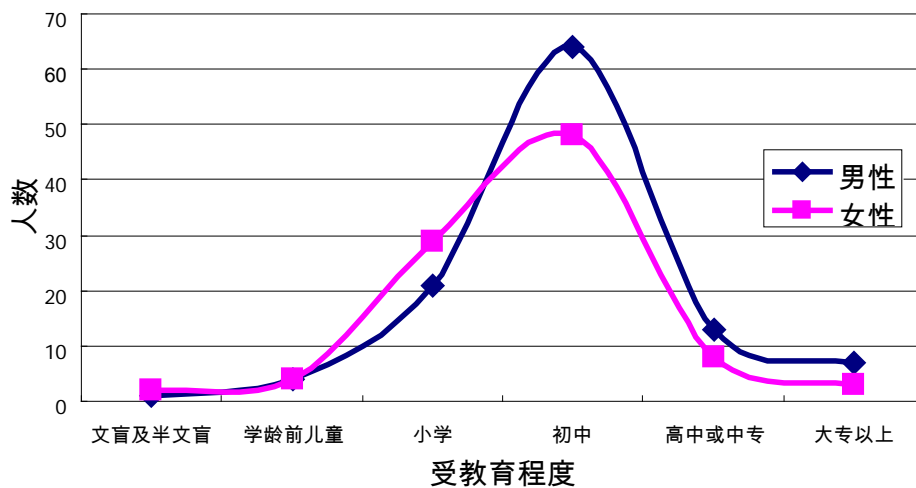
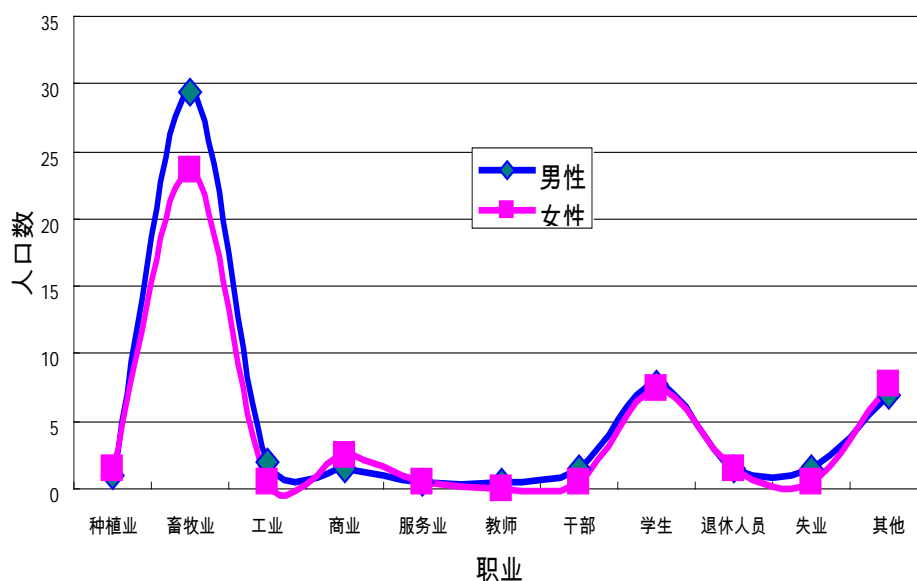


Figure 3-4 Gender difference in educational level

#### 3.5.2 Occupation and income

114. Similar to and associated with the educational background of the male and female groups, the number of women doing farm work is largely equal to that of men. More men deal with industry and stockbreeding than women, and slightly more men do administrative work than women. More women deal with commerce than men, indicating quite high status of women in economic life.

See Figure 3-5.



Note: Sample size: n=204

**Figure 3-5 Gender difference in occupation**

115. Among the labor force, the average annual income per capita income for men is 8,420 yuan and the for the women is 5750 yuan. In consideration of the gender differences in educational and occupational background of the potentially affected persons, the proportion of women's income in household income has been analyzed (see Table 3-9). There are 59 women laborers. The results show that their income accounts for 47.78% of household income on average. Relatively, this figure is higher for urban women.

**Table 3-9 Share of women in household income in 2009**

Item	Persons surveyed	Min.	Max.	Ave.	Std. deviation
Proportion of women's income	59	10%	100%	47.78%	0.22

### 3.5.3 Analysis of affected women

116. Kazakh is a famous nomadic ethnic group, and practices a strict paternal patriarchal system. The husband has a higher authority in the family, but the wife's opinions about family affairs are usually respected. In the division of labor, men deal mainly with herding and women do housework mainly. Respect for the aged is a prevailing in family life. Anyone who disrespects his/her parents will be sneered at or even punished.

117. In urban families, the role of men is closer to that of women, where women also have stable wage income and assume child fostering and housework in family life. In leisure time, women would also take part in amusements like men do; men play their role in social intercourse mainly. There are no differences between urban and rural families in other aspects.

118. If houses/buildings are to be demolished, women's concerns about resettlement are identical with men's: (a) compensation should be based on land output and resettlement cost; (b) the resettlement housing should be close to the road for the convenience of going to work, doing business and attending school; (c) cash compensation should be paid directly to the affected households based on their needs; and (d) the living environment of the resettlement community should be better so that they can adapt to urban life more easily.

## **4 Legal Framework and Policies**

### **4.1 Introduction to laws, regulations and policies on resettlement**

119. The resettlement policies of the Project are based mainly on the applicable regulations and policies of ADB and the PRC, including:

#### **120. ADB policies**

- i. ADB Safeguard Policy Statement (2009), Safeguard Policy 2: Involuntary Resettlement
- ii. ADB Safeguard Policy Statement (2009), Safeguard Policy 3: Indigenous Peoples

*The RP has already described the resettlement impacts on ethnic minorities, but other social impacts will be described in a separate EMDP.*

- iii. ADB Policy on Public Participation
- iv. Gender and Resettlement Analysis

#### **121. Laws and regulations of the PRC**

- v. Land Administration Law of the PRC (effective from January 1, 1999, amended on August 28, 2004)
- vi. Regulation on the Dismantlement of Urban Houses of the PRC (Decree No.305 of the State Council, effective from November 1, 2001)
- vii. Decision of the State Council on Deepening the Reform and Rigidly Enforcing Land Administration (Guo Fa [2004]28) (effective from October 21, 2004)
- viii. Guidelines on Improving Compensation and Resettlement Systems for Land Acquisition (MLR Fa [2004] No.238) (effective from November 3, 2004)
- ix. Property Right Law of the PRC (Decree No.62 of the PRC, effective from October 1, 2007)
- x. Forest Law of the PRC (effective from January 1, 1985, amended on April 29, 1998)
- xi. Grassland Law of the PRC (effective from October 1, 1985, amended on December 28, 2002)
- xii. Administrative Measures for the Examination and Approval of Grassland Acquisition and Occupation (Decree No.58, Ministry of Agriculture of the PRC), effective from March 1, 2006
- xiii. Administrative Measures for the Examination and Approval of Woodland Acquisition and Occupation (Decree No.2 of the State Forestry Administration), effective from February 4, 2001

## **122. Applicable policies of XUAR**

- xiv. Circular of the XUAR CPC Committee and People's Government on Carrying through the Requirements of the CPC Central Committee and the State Council on Further Strengthening Land Administration and Protecting Farmland Practically (XUAR CPC Fa [1997] No.13, effective from June 27, 1997)
- xv. Measures of XUAR for the Implementation of the Land Administration Law of the PRC (XUAR PC [1999] No.9-13, effective from October 1, 1999)
- xvi. Detailed Rules of XUAR for the Implementation of the Regulation on the Dismantlement of Urban Houses of the PRC (XUARG [2004] Decree No.127, effective from December 21, 2004)
- xvii. XUAR Development Planning Commission, Document DOF [XJJF (2001) No.500]
- xviii. Detailed Rules of XUAR for the Implementation of the Grassland Law of the PRC (effective from September 1, 1989, amended on December 11, 1997)
- xix. Measures of XUAR for the Implementation of the Forest Law of the PRC (effective from October 1, 2001)

## **123. Applicable policies of Buerjin County**

- 124. Implementing Regulations for Administration of Low-rent Housing for Urban Minimum-income Families in Buerjin County
- 125. See Appendix 1 for the applicable provisions of some of the above regulations and policies.

## **4.2 Applicable provisions of PRC laws, regulations and policies**

126. The Land Administration Law of the PRC and the Grassland Law of the PRC are the main policy foundation of land acquisition under the Project. In addition, the principles of compensation and resettlement, compensation rates, procedures and supervisory mechanism for pasture land acquisition have been defined by reference to the Measures of XUAR for the Implementation of the Land Administration Law of the PRC.

127. The main policy applicable to house demolition on state-owned land in the urban planning area is Regulation on the Dismantlement of Urban Houses; correspondingly, the XUAR and Buerjin County governments have formulated relevant policies.

## **4.3 Principles of and eligibility for compensation of the Project**

### **4.3.1 Principles of compensation**

128. The principles for compensation and entitlement of the Project have been formulated in accordance with the laws, regulations and policies of the Chinese government and ADB, with the aim of ensuring that displaced persons can obtain sufficient compensation and assistance measures so that their production and

livelihoods are at least restored to pre-displacement levels. The resettlement principles are shown in Table 4-1.

**Table 4-1 Resettlement principles**

<b>Principles</b>	
1	Involuntary resettlement should be avoided where feasible.
2	The affected persons are granted compensation and rights that can at least maintain or even improve their livelihoods in the absence of the project.
3	The affected persons are given compensation and assistance in resettlement whether legal title is available or not.
4	If the land available to everyone is insufficient to maintain his/her livelihood, replacement in cash or in kind and other income-generating activities are provided for the lost land.
5	The affected persons fully understand their entitlements, the method and standard of compensation, the livelihood and income restoration plan, and the project schedule, and participate in the implementation of the Resettlement Plan.
6	No land should be acquired before the affected persons are satisfied with the compensation and resettlement (plan).
7	The executing agency and an independent agency / third party should monitor the compensation, relocation and resettlement operations.
8	The vulnerable groups (including women) are provided special assistance or treatment so that they lead a better life, and all affected persons should have an opportunity to benefit from the project.
9	The Resettlement Plan is consistent with the master plans of the affected counties and towns.
10	The resettlement expenses are sufficient to cover all affected aspects.

### **4.3.2 Eligibility for compensation and beneficiaries**

129. The cut-off date for definition of the eligibility for compensation is the date on which BCG confirms the RP. Affected persons who are resettled in the affected areas, newly reclaimed farmland, newly built houses and other trees planted and facilities added purely for extra compensation after the cut-off date will not be entitled to compensation or subsidization.

## **4.4 Compensation rates**

### **4.4.1 Compensation for acquisition of collective land**

130. The land affected by the Project is pasture land, and no farmland acquisition is involved. According to Document [XJJF (1999) No.3] and Document [XFGJF (2005) No.1138] of the XUAR Development Planning Commission and Department of Finance, ① An entity that acquires, reclaims or develops grassland shall pay grassland compensation fees and a resettlement subsidy to a county-level or above grassland monitoring and supervision agency, in which grassland compensation fees will be used as compensation for herdsman's production, livelihoods and employment, and for grassland construction, and the resettlement subsidy will be returned to former grassland users. ② Grassland compensation fees shall be 4 times the base amount of compensation of the grassland acquired, reclaimed or developed (see Appendix 2 for the calculation bases of pasture land compensation), and the resettlement subsidy shall be 20%-30% of grassland compensation fees.

131. The compensation rates of the Project have been determined in consultation with the Buerjin County Grassland Monitoring and Supervision Station (GMSS), and affected households. Based on the practical conditions, grassland compensation fees

will be 4 times the base amount of compensation of the grassland acquired, and the resettlement subsidy will be 25% of grassland compensation fees. See Tables 4-2 and 4-3.

**Table 4-2 Base amounts of compensation for pasture land (yuan/mu)**

Level	Grade	1	2	3
1		327.60	262.08	120
2		262.08	148	88
3		136	90	88
4		80	69	50

**Table 4-3 Compensation rates for affected pasture land**

Item	Output value (yuan/mu)	Grassland compensation fees (multiple)	Resettlement subsidy (multiple)	Compensation rate (yuan/mu)
Class 3, Grade 1	120	4	1	600
Class 3, Grade 4	50	4	1	250

#### 4.4.2 Compensation rates for state-owned land

132. The Project is a public program, where state-owned land will be acquired by allocation. For the allocated state-owned land, land use rights will be acquired by paying leasing fees at a rate of 8-15 yuan/m<sup>2</sup>. The Project will involve acquisition of state-owned land within and out of the built-up area of Buerjin County, and the compensation rate is 15 yuan/m<sup>2</sup> within the built-up area and 8 yuan/m<sup>2</sup> out of the built-up area; for land out of the built-up area to be occupied by the Project, the land and resources authority will further collect leasing fees for construction land. According to Attached Table 1 of Document [XJJF (2001) No.500] (Collection standard of leasing fees for new construction land of XUAR), the rate of leasing fees for construction land of Buerjin County is 7 yuan/m<sup>2</sup>.

133. For state-owned land of enterprises and institutions occupied, land use rights will be obtained by paying compensation fees based on the benchmark land price. The prevailing benchmark land prices of Buerjin County are shown in Table 4-4.

**Table 4-4 Benchmark land prices of Buerjin County**  
Unit: yuan/m<sup>2</sup>

Grade	1	2	3
Commercial land	609	469	298
Housing land	426	278	176
Industrial land	296	185	96



#### 4.4.3 Compensation rates for house demolition

##### 4.4.3.1 Compensation rates for residential houses

134. The compensation rates for house demolition have been fixed by reference to the replacement costs of similar local housing in 2009; the final rates will be agreed between the demolisher and displaced persons on this basis after a field appraisal by a real estate appraisal and surveying company. Compensation for house demolition includes compensation for both house structure and state-owned land. See Table 4-5.

**Table 4-5 Compensation rates for urban residential houses**

Category	Item	Unit	Rate	Remarks
Residential house	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	1180	
	Masonry timber	yuan/m <sup>2</sup>	980	
	Earth timber	yuan/m <sup>2</sup>	880	
	Simple structure	yuan/m <sup>2</sup>	400	
	Land compensation			
	Leasing fees of state-owned land		Tier-3 areas: 176 yuan/m <sup>2</sup>	
The following subsidies are provided for the affected households all of whose houses are demolished:				
Other compensation	Moving subsidy	yuan/household	800	For vulnerable groups, they will get additional 500 yuan subsidy.
	Transition subsidy (storied buildings)	yuan/month/household	500	The transition period will be calculated from the date of displacement to the date of move-back; a reasonable transition period is 6 months; compensation will continue beyond 6 months.
	TV displacement fee	yuan/household	108	
	Reward	%	1.5	1.5% of house compensation price

##### 4.4.3.2 Compensation rates for commercial stores

135. The compensation rates for premises of commercial stores involved in the Project are appraised pursuant on policies and by reference to location, as shown in Table 4-6. According to the socio-economic survey result in table 2-6, the profit of this shop per month is 1,000 yuan, so 1500 yuan per month is higher. The shop is operated by the family and no employee will be affected.

**Table 4-6 Compensation rates for commercial stores**

Category	Item	Unit	Rate	Remarks
House	House compensation			
	Masonry concrete structure	yuan/m <sup>2</sup>	2100	
	Land compensation			
	Leasing fees of state-owned land	Tier-3 areas: 298 yuan/m <sup>2</sup>		
Other compensation	Moving subsidy	yuan/household	2000	
	Business subsidy	yuan/	1500	The transition period will be

Category	Item	Unit	Rate	Remarks
		household /month		calculated from the date of displacement to the date of move-back; a reasonable transition period is 6 months; compensation will continue beyond 6 months.

136. The resettlement option for the commercial store will be determined in consultation with the owner based on its location, traffic condition, monthly turnover, area and structure. A shop front of the same size or cash compensation will be offered as the owner may wish.

#### 4.4.3.3 Compensation rates for affected enterprises and institutions

137. The compensation rates for demolition of premises of enterprises are shown in Table 4-7. If losses are incurred due to suspension of production, a certain amount of compensation will be paid based on mutual consultation during project implementation. There will be no impact on production..

**Table 4-7 Compensation rates for business premises**

Category	Item	Unit	Rate	Remarks
House	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	1080	
	Masonry timber	yuan/m <sup>2</sup>	880	
	Earth timber	yuan/m <sup>2</sup>	780	
	Simple structure	yuan/m <sup>2</sup>	400	
	Land compensation			
	Land compensation fees	yuan/m <sup>2</sup>		Tier-3 areas: 96 yuan/m <sup>2</sup>
Other compensation	Moving subsidy	3,000 yuan		
	Transition subsidy	4,000 yuan		

#### 4.4.4 Compensation for temporary land occupation

##### 4.4.4.1 Woodland

138. Temporary land occupation will involve state-owned barren woodland in Buerjin County. Relevant fees will be paid according to the Regulations on the Implementation of the Forest Law of the PRC, Document (XUAR GO Fa [2008] No.39) of the General Office of the XUAR Government and the Administrative Measures for the Examination and Approval of Woodland Acquisition and Occupation of XUAR, including forest compensation fees, woodland compensation fees, resettlement subsidy for woodland and forest vegetation restoration fees. The fee rates are shown in Tables 4-8 to 4-11.

**Table 4-8 Compensation rates for forests**

Species	Unit	Tree specification (breast diameter, cm)	Compensation rate (yuan)
Shrub land	Mu	<5cm	100

**Table 4-9 Compensation rates for woodland**

Forest type		Base amount (yuan)	Multiple
Shrub land	Coverage 20%-40%	300	10

**Table 4-10 Resettlement subsidy for woodland**

Forest type		Base amount (yuan)	Multiple
Shrub land	Coverage 20%-40%	300	6

**Table 4-11 Forest vegetation restoration fees**

Type	Restoration cost per unit area (yuan/m <sup>2</sup> )
Open forest land, shrub land	3

**4.4.4.2 Pasture land**

139. Pasture land will be compensated for according to Document [XJJF (1999) No.3] and Document [XFGJF (2005) No.1138] of the XUAR Development Planning Commission and Department of Finance: If grassland is to be used temporarily for sand digging, ore mining, earth borrowing, gold mining, geographic (petroleum) exploration, pipeline laying or scenic spot construction, compensation fees for temporary use of grassland shall be paid to a county-level or above grassland monitoring and supervision agency at 120 yuan/mu, which will be used for vegetation restoration.

140. According to the data provided by the county stockbreeding authority, the stock capacity per unit of productivity (middle level) of the Altay region (an indicator of productivity of pasture land, usually meaning the amount of livestock that can be herded in a unit area of pasture land) is 1.76 ha/head of sheep, namely 26.4 mu of pasture land/head of sheep; 0.038 head of sheep will be herded on one mu of pasture land acquired. This means that one mu grass land can bring 0.038x300 (value of one sheep) = 11 yuan. 120 yuan/mu is nearly 10 time of annual net income.

**Compensation rates for attachments**

141. See Table 4-12 for the compensation rates for affected attachments and special facilities.

**Table 4-12 Compensation rates for affected attachments and special facilities**

Item	Unit	Qty.	Rate
Big tree (non-fruit)	/	58	80
Small tree (non-fruit)	/	36	35
Fruit tree (usable as timber)	/	20	120
Fruit tree (small sapling)	/	20	60
Pressure well	/	24	660
Toilet	/	24	1200

**4.4.5 Other costs and taxes**

142. The rates of other costs of land acquisition and house demolition are shown in Table 4-13.

**Table 4-13 Rates of other costs**

No.	Item	Rate
1	Land acquisition management fees	4% of land acquisition and resettlement compensation fees
2	Survey, design and scientific research fees	3% of land acquisition and resettlement compensation fees
3	Implementation management fees	3% of land acquisition and resettlement compensation fees
4	Technical training fees	1% of land acquisition and resettlement compensation fees
5	M&E fees	1.5% of land acquisition and resettlement compensation fees
6	Contingencies	8% of land acquisition and resettlement compensation fees

#### 4.4.6 Vulnerable groups

143. The 3 vulnerable group households affected by the Project are entitled not only to the above compensation and the policy of Buerjin County for urban minimum living security, but also to some other preferential policies:

(1) Such households will have priority in selecting a resettlement house of desired floor, location and layout;

(2) If necessary, such households may apply for low-rent housing with governmental assistance.

(3) They will get additional 500 yuan moving subsidy.

#### 4.5 Entitlement matrix

Table 4-14 Entitlement matrix

Type of impact	Degree of impact	Affected persons	Rights	Compensation policies and rates
Permanent acquisition of collective land	287.32 mu of collective land will be acquired, all being pasture land (131.61 mu in Halagou Village, 23.46 mu in Sartlic Village and 132.25 mu in Hatai Village)	35 households with 134 persons in 3 villages	(1) Receiving grassland compensation fees and resettlement subsidy; (2) Receiving stockbreeding training, at least once per household	Class 3, Grade 1 pasture land (Halagou Village, Hatai Village): Grassland compensation fees: 480 yuan/mu Resettlement subsidy: 120 yuan/mu  Class 3, Grade 4 pasture land (Sartlic Village): Grassland compensation fees: 200 yuan/mu Resettlement subsidy: 50 yuan/mu
Demolition of urban residential houses	Total demolition area 3,608.07 m <sup>2</sup> , 78.2 m <sup>2</sup> in masonry concrete structure, 1,275.58m <sup>2</sup> in masonry timber structure, 2,126.99m <sup>2</sup> in earth timber structure and miscellaneous houses of 127.3m <sup>2</sup>	24 households with 70 persons in 2 communities	(1) Receiving house compensation at replacement cost; (2) Selecting a resettlement mode voluntarily, including property swap and purchase of commercial or affordable housing; (3) Applying for low-rent housing for low-income households; (4) Being granted transition and moving subsidies, and TV displacement fee, etc. (5) For households with living difficulty and one house only with a building area of less than 40 m <sup>2</sup> , which select property swap, the demolisher will offer a suite with a building area of 69 m <sup>2</sup> without regard to price difference.	Masonry concrete structure: 1080 yuan/m <sup>2</sup> ; Masonry timber structure: 880 yuan/m <sup>2</sup> ; Earth timber structure: 780 yuan/m <sup>2</sup> ; Simple structure: 400 yuan/m <sup>2</sup> . Moving subsidy: 800 yuan/household; Transition subsidy: 500 yuan/household/month, with a basic period of 6 months; if the basic period is exceeded, the transition subsidy will be based on the actual length; TV displacement fee: 108 yuan/household; Reward: 1.5% of house compensation fees Compensation for state-owned land: 176/m <sup>2</sup>
Relocation of commercial stores	120m <sup>2</sup> , in masonry concrete structure	One household with 2 persons	(1) Receiving house compensation at replacement cost; (2) Being granted transition and moving subsidies; (3) Selecting a resettlement mode voluntarily, including cash compensation and property swap	Masonry concrete structure: 2100 yuan/m <sup>2</sup> ; Masonry timber structure: 1400 yuan/m <sup>2</sup> ; Earth timber structure: 1,000 yuan/m <sup>2</sup> , Moving subsidy: 2,000 yuan/household; Reward: 1.5% of house compensation fees Transition subsidy: 1500 yuan/household/month, with a basic period of 6 months; if the basic period is exceeded, the transition subsidy will be based on the actual length; Compensation for state-owned land: 298 yuan/m <sup>2</sup> .
Relocation of	One enterprise, whose premises will	Business owners	(1) Receiving house compensation at replacement cost;	Masonry concrete structure: 1080 yuan/m <sup>2</sup> ; Masonry timber structure: 880 yuan/m <sup>2</sup> ;

Type of impact	Degree of impact	Affected persons	Rights	Compensation policies and rates			
enterprises and institutions	be demolished partially for an area of 1,510 m <sup>2</sup>		(2) Receiving reward and moving subsidy, etc.; (3) Receiving compensation for business losses	Earth timber structure: 780 yuan/m <sup>2</sup> ; Simple structure: 400 yuan/m <sup>2</sup> . Reward: 1.5% of house compensation fees Moving subsidy: 3,000 yuan/household; Transition subsidy: 4,000 yuan/household/month, with a basic period of 6 months; if the basic period is exceeded, the transition subsidy will be based on the actual length; If losses are incurred due to suspension of production, a certain amount of compensation will be paid based on mutual consultation. Compensation for state-owned land: 96 yuan/m <sup>2</sup> .			
Vulnerable groups	3 households with 7 persons	3 households with 7 persons	(1) During project construction, labor from vulnerable group households will be recruited to do unskilled jobs first; (2) If necessary, such households may apply for low-rent housing with governmental assistance. (3) They will get additional 500 yuan moving subsidy.	Refer to the compensation rates for demolition of residential houses.			
Ethnic minorities	151 persons	17 persons affected by house demolition and 134 persons by land acquisition	(1) Receiving land compensation fees (2) Priority in employment (3) Receiving stockbreeding training (4) A training budget of 30,000 yuan for ethnic minorities and vulnerable groups	The compensation rates for land acquisition and house demolition are the same as above.			
Women	59 persons	20 persons affected by house demolition and 39 persons by land acquisition	(1) Having priority in receiving unskilled job opportunities arising from the Project (2) Giving priority to female labor in labor training (40%), so that their economic status will not be reduced. (3) Ensuring that they receive relevant information during resettlement and are able to participate in consultation	The compensation rates for land acquisition and house demolition are the same as above.			
Ground attachments and public facilities	Including public toilets, trees, enclosures, etc.	Proprietors	The compensation for ground structures or attachments is paid to proprietors. Compensation will be paid at replacement cost or such facilities restored by the demolisher to the original size and standard.	Item	Unit	Rate	
				Big tree (non-fruit)	/	80	
				Small tree (non-fruit)	/	35	
				Fruit tree (usable as timber)	/	120	
				Fruit tree (small sapling)	/	60	

Type of impact	Degree of impact	Affected persons	Rights	Compensation policies and rates			
				Pressure well	/	660	
				Toilet	/	1200	

## **5 Resettlement Measures**

### **5.1 Objectives of resettlement**

144. The objectives of resettlement have been determined as follows based on the actual standard of living of the displaced persons in 2009, and the 11<sup>th</sup> five-year national economic and social development plan and 2015 long-term goals of Buerjin County:

145. (1) The annual per capita net income of the displaced households is restored to the pre-displacement level, and further improved in step with regional economic growth rate;

146. (2) The living environment of the displaced households is at least restored to the pre-displacement level or improved;

147. (3) The utilities, infrastructure, cultural, educational and sanitary facilities, and natural environment available to the displaced persons are equivalent or better than pre-displacement conditions; and

148. (4) All affected land attachments are compensated for at replacement cost; public buildings and special facilities are compensated for at replacement cost and restored to the original standard.

### **5.2 Principles of resettlement restoration**

149. According to the applicable laws and regulations of the PRC and ADB's Policy on Involuntary Resettlement, the following basic principles will apply to the resettlement work of the Project:

150. (1) Since the Project is constructed in a linear form, the design route may be modified appropriately to minimize the affected areas and resettlement;

151. (2) Implement resettlement and the applicable compensation policies properly to improve or at least restore the production level and standard of living of the affected residents;

152. (3) The RP shall be prepared based on physical indicators and compensation rates for land acquisition and house demolition. Resettlement works shall be constructed according to the original size and standard according to the requirements of quota planning, so that there is no investment gap;

153. (4) The affected persons shall be fully consulted for resettlement options;

154. (5) The planning layout shall be determined on the principle of "facilitating production and life"; and

155. (6) Resettlement shall be combined with the local urban development, resources development, economic development and environmental protection programs. Feasible measures shall be designed to restore and improve the displaced persons' production level and standard of living, and create necessary conditions for their self-development.

### **5.3 Summary resettlement option for villages affected by pasture land acquisition**

156. Permanent acquisition of collective land will involve 3 villages, which are Halagou, Hatai and Sartlic Villages; all land to be acquired of 287.32 mu is pasture land.



157. The analysis of Section 2.4.1 has revealed that for the 35 households affected by land acquisition, only one has a land loss rate of over 1% (1.7%), and that of the other 34 is 0.2% only. According to the data supplied the county stockbreeding authority, the stock capacity per unit of productivity of the Altay region (an indicator of productivity of pasture land, usually meaning the amount of livestock that can be herded in a unit area of pasture land) is 1.76 ha/head of sheep, namely 26.4 mu of pasture land/head of sheep; 0.038 head of sheep will be herded on one mu of pasture land acquired. It can be seen that pasture land acquisition will have little impact on herdsmen.

158. According to the survey of the 35 affected households, all of them expect timely cash compensation and support the Project highly; the amount of pasture land acquired is very small, and has little impact on them. After receiving the compensation, some herdsmen wish to buy a truck for sheep flock transfer or for rent; some wish to increase income by buying fine breeds and further developing stockbreeding; some others wish to send their children to better schools to receive better education.

159. During project construction, the implementing agency will take some measures to support the displaced persons, including:

a) Making job opportunities available first to the displaced persons to generate cash income;

b) During production restoration, it will give technical training on cash crop cultivation and stockbreeding, etc. to the affected persons, and invite technicians of the stockbreeding, and labor and social security authorities to give stockbreeding training to herdsmen, so that each affected household receives training on stockbreeding and nonagricultural production skills at least once. These measures will improve stockbreeding skills, improve the affected persons's income, and restore their livelihoods.

## **5.4 Resettlement options for displaced households**

160. The households affected by house demolition may select the resettlement mode of cash compensation or property swap. After receiving the compensation for house demolition, the displaced persons may select either resettlement mode based on their affordability or personal needs, namely cash compensation, buying commercial housing or exchanging for resettlement housing.

### **5.4.1 Property swap**

161. In this mode, a real estate appraisal agency will appraise a house and determine its appraised price based on its location, structure, building area, floor and decoration, and by reference to the displaced person's opinion; if the displaced person agrees with property swap, an area ratio of 1:1.2 will apply, and a decoration fee of 10,000-25,000 yuan will be paid depending on the decoration level of the house.

162. According to the willingness survey, 100% of the 24 displaced households have chosen property swap. Before house demolition, urban residential houses are in earth timber and masonry timber structures mainly, out of repair, without central heating, water supply and drainage systems, with a poor surrounding environment and bad road conditions.

163. The resettlement community is located on Wolongwan Road West, Buerjin County, convenient in traffic and close to Buerjin Tourist Guesthouse. There is a green space, a leisure square and a music fountain nearby. This community is less than 10

minutes' walk from the No.3 Primary School, county hospital and electric power company, and will have great potential of appreciation. The resettlement building has a total building area of 4,944.30m<sup>2</sup>, a floor area of 840.70 m<sup>2</sup> and an overall height of 18.75m. There are two layouts (2 bedrooms and 2 living rooms, and 3 bedrooms and 2 living rooms), and 6 sizes (74 m<sup>2</sup>, 79 m<sup>2</sup>, 87 m<sup>2</sup>, 95 m<sup>2</sup>, 104 m<sup>2</sup> and 113m<sup>2</sup>). The resettlement community is shown in Figures 5-1 and 5-2.

164. Any displaced person who selects property swap will be subject to an area ratio of 1:1.2 and receive a decoration fee of 10,000-25,000 yuan. For example, a 3-member household with a masonry timber house of 80m<sup>2</sup> will obtain a 95m<sup>2</sup> house with 3 bedrooms and 2 living rooms through property swap.

165. For households with living difficulty and one house only with a building area of less than 40 m<sup>2</sup>, which select property swap, the demolisher will offer a suite with a building area of 69 m<sup>2</sup> without regard to price difference.



Figure 5-1 Resettlement community for displaced households

Figure 5-2 Resettlement community for displaced households

#### 5.4.2 Cash compensation and purchase of commercial housing

166. Displaced persons who do not select property swap may ask for cash compensation. To meet their personal needs, they may buy commercial or resettlement housing in the Buerjin County town. Of course, they may also buy housing out of the county town.

167. In order to build county town into a national landscaped county town, the county government carries through the provisions of the State Council on strengthening urban landscaping, and has increased the investment in parks, pleasure grounds, green spaces and road landscaping. The scenic spot Kanas Natural Reserve will promote the development of the Buerjin County town. In recent years, with the rapid development of the local economy and tourism, many real estate developers have entered into the county, heating up the real estate market. Therefore, resettlement is an opportunity for housing condition improvement; some displaced households prefer cash compensation in order to buy suitable commercial housing.

168. **Case:** A 3-member household with a masonry timber house of 70m<sup>2</sup> and an earth timber house of 50m<sup>2</sup> will receive: (1) compensation fees for demolished houses and attachments at replacement cost of 112,600 yuan; (2) leasing fees of state-owned land of 69,500 yuan; (3) a moving subsidy 2,400 yuan; and (4) a moving reward of 1,689 yuan, totaling 186,189 yuan.

169. According to information on the real estate market of Buerjin County in the first half of 2010, the average housing price is 1,700 yuan/m<sup>2</sup>. With the above sum, this household can buy a 90m<sup>2</sup> commercial house with 2 bedrooms and 2 living rooms. The surplus of 30,000 yuan may be used for business investment, etc. The commercial house is provided with water supply, drainage and central heating facilities, and has a better living environment and structure.

#### 5.4.3 Support for vulnerable groups

170. All the 3 vulnerable group households involved in the Project will be displaced. They may choose property swap or cash compensation. Based on consultation, they prefer property swap, because they have a large living space, and can exchange it for a smaller house and use the surplus for livelihood improvement or other purposes. According to the policy of Buerjin County on house demolition, special households (e.g., with an old or displaced person) can have priority in selecting a lower-floor house for convenience. See Table 5-1.

171. For example, Xue Xiu'e's 133.18 m<sup>2</sup> houses will be demolished. She can use 60 M<sup>2</sup> to get a 75 m<sup>2</sup> apartment for living. And for other 73.18 m<sup>2</sup> hosues, based on the compensation rates, she may can receive around 64,000 cash compensation.

Table 5-1 Willingness to resettle of vulnerable groups

No.	Householder	Demolition area (m <sup>2</sup> )	Resettlement option	Cause analysis
1	Yang Dianhua	277.08	Property swap	I live mainly on MLS. Since I'm old, I want a smaller and lower-floor house, and use the surplus of the compensation for livelihood improvement.
2	Wang Yuying	124.82	Cash or property swap	I want a smaller and lower-floor house or cash compensation. I will move to my son's house to take care of my grandchild.
3	Xue Xiu'e	133.18	Cash or property swap	I'm old and inactive. After receiving the cash compensation, I will move to my son's house to take care of my grandchild. I may also choose property swap if my son prefers.
Total	3	535.08		

#### 5.4.4 Application procedure

172. After the compensation agreement is entered into, a household that selects cash compensation will receive full cash compensation directly; a household that selects property swap will select a house of desired floor, area and orientation, and enter into a contract, specifying the floor, area and orientation of the selected house. Those who sign the contract first will select a house first.

### 5.5 Restoration of commercial stores

173. According to the survey, one commercial store located on Baihuayuan Road in the Buerjin County town will be affected by the Project. The County PMO will give a prior notice to the store owner, who may exchange the store for a shop front in the county

town or use the compensation to buy or rent a shop front nearby to carry on his business. Since the affected person has sufficient business experience and is familiar with the surrounding environment, he will resume business within 2-3 months. After the road is completed, there will be a greater traffic and passenger flow, and his business will be better.

174. The rental of a shop front at the center of the Buerjin County town is usually 7-8 yuan/m<sup>2</sup>/month, and its purchase price is usually 2,000-2,300 yuan/m<sup>2</sup>. Based on estimates, the store to be demolished is in masonry concrete structure with a building area of 120m<sup>2</sup>. Compensation fees for demolished houses and attachments at replacement cost of are 252,000 yuan, leasing fees of state-owned land (Tier-3 areas) 120\*298=35760 yuan, moving subsidy 2,000 yuan, and moving reward 3800 yuan, totaling 293,590 yuan. Based on an average purchase price of 2,000 yuan/m<sup>2</sup>, he can buy a 130m<sup>2</sup> secondhand shop front in the same area.

## **5.6 Restoration of enterprises and institutions**

175. The affected enterprise is Taiyun Group Buerjin Branch, which is a private enterprise specializing in automobile repair and driver training. It has a regular workforce of 40 and 27 casual workers. Its training ground in the east courtyard will be affected by the Project only, and its business operation will not be affected.

## **5.7 Training**

176. In addition to cash compensation, farmers and displaced households affected by land acquisition will be offered opportunities of skills training. 300 men-times will be trained in total under the Project. At least, for each affected household, they can get at least 3 person times of training. Also, 40% of the training person times will be provided to female members.

177. (1) Scope of training. According to the industry structure and market demand of Buerjin County and the surrounding areas, vocational skills training will be given with focus on planting, stockbreeding and services. The types of work suitable for training include domestic animal raising, livestock and poultry breeding, motorcycle repair, masonry, building painter, electric welding and clothes cutting, etc.

178. (2) Modes of training. The main modes of training are vocational skills training, single skill training and job training. Vocational skills training is governed by the administrative authority of labor and social security, and given by education and training institutions, industrial organizations and employers, with focus on agricultural techniques, stockbreeding and forest planting.

179. (3) Organization. BCG has established the Buerjin County Leading Group of Surplus Rural Labor Transfer, Employment and Training and the Buerjin County ADB Project Skills Training Workgroup for Land-expropriated Farmers/People Affected by House Demolition. The office is at the Buerjin County Personnel, Labor and Social Security Bureau. Leading groups have been established at the township level.

180. (4) Availability of funds. The total training costs of the Project are 92,400 yuan, in which the costs dedicated to ethnic minorities and vulnerable groups are 30,000 yuan, while the remaining 62,400 yuan will be used for other land-expropriated farmers/displaced households. The training costs include organizational funds, teaching material, printed material, evaluation and practice costs, and trainer remuneration, and will be paid by the Buerjin County ADB Project Skills Training Workgroup for Land-expropriated Farmers/People Affected by House Demolition in a unified manner.

## **5.8 Protection of women's rights and interests**

181. Women will participate in resettlement activities through information disclosure and villager meeting; they will enjoy the same rights in compensation, employment and training under the Project as men. In addition, the following measures will help women restore income.

182. ① During project construction, a certain number of women will receive unskilled job opportunities. In addition, they will receive equal pay for equal work;

183. ② Skills training will be offered to the affected female labor first, including hour labor, hairdressing and beauty care, so that their economic status will not be reduced;

184. ③ During project operation, cleaning and landscaping jobs will be provided to the affected women to ensure their income restoration;

185. ④ The affected women will receive relevant information during resettlement and participate in public consultation and resettlement. The compensation agreement must be signed by a couple.

## **5.9 Ethnic minority development**

186. Among the population affected by house demolition, there are 40 minority households with 151 persons, who are mainly Kazakhs, Uygurs and Hui people.

187. In terms of land acquisition, house demolition and resettlement, ethnic minorities will enjoy the same rights as the Han people, and have priority in employment and skills training. A special EMDP has been developed to promote the development of ethnic minorities. See the EMDP report.

## **5.10 Restoration of infrastructure and ground attachments**

188. The affected infrastructure and ground attachments will be compensated for the County PMO to their proprietors for restoration and rebuilding. Restoration measures must be planned in advance, and suited to practical conditions, so as to be safe, efficient, timely and accurate, with minimum adverse impact on nearby residents.

189. The affected municipal facilities will be demolished by the demolisher according to the construction drawings of the Project so as not to affect project construction and minimize displacement.

190. The affected infrastructure includes canals, small bridges and water supply pipelines, etc., which will be restored with the construction of the new roads. New bridges, culverts and water supply pipelines have been designed in the Project FS Report to replace the functions of the existing special facilities, and the corresponding investment has been included in the general budget of the Project and will no longer be included in the RP. For affected trees, the affected persons or collectives will be compensated in cash directly.

## **6 Public Participation and Grievance Redress**

191. According to the state, provincial (autonomous region), municipal and county policies and regulations on resettlement, the policies and implementation rules of land acquisition, house demolition and resettlement of the Project, and the RP have been further improved, and the organizing work for resettlement done properly in order to maintain the lawful rights and interests of the displaced persons and entities, reduce grievances and disputes, and realize the goal of proper resettlement. Great attention will be paid to the participation of and consultation with the displaced persons at the resettlement policy-making, RP preparation and implementation stages of the Project.

### **6.1 Consultation during project preparation**

#### **6.1.1 Completed public participation activities**

192. In August and September 2009, the RP preparation agency and County PMO conducted a preliminary housing condition and socioeconomic survey of the affected areas. During May 11-13, 2010, the ADB resettlement TA experts, and the relevant staff of the RP preparation agency and County PMO conducted a supplementary survey and interview of the persons and entities affected by the Project; and a series of socioeconomic survey and public consultation activities (with 38% being women). Heads, displaced person representatives, entity leaders and commercial store owners of the two communities and 5 villages (Youyifeng Community, Meilifeng Community, Halagou and Hatai Villages, Woyimoke Xiang, Irtys, Halatar and Sartlic Villages, Dulaiti Xiang) of Buerjin County affected by the Project participated in the survey and consultation. For ethnic minority households, interpreters were employed for smooth communication. See Appendix 3 for the detailed interview and public participation records.

193. Representatives of the affected persons participated in many consultation meetings, and gave opinions on the project design, and compensation and resettlement for land acquisition and house demolition. A socioeconomic survey, a public opinion survey and a mentality survey were conducted. The socioeconomic survey addressed the displaced persons' willingness for resettlement and attitude toward the Project. These opinions have been well incorporated into the project design and the RP.

194. These meetings and surveys have played an important role in fixing reasonable compensation rates, and discussing income restoration programs and training programs. It was found through the public participation meetings and socioeconomic survey that the affected households are concerned about the following:

- (1.) Since land acquisition area is small, the greatest concern of the households affected by land acquisition is that reasonable and timely compensation should be granted according to state policies. They also expect stockbreeding training.
- (2.) In terms of house demolition, the affected households are first concerned about the compensation rates, then the resettlement site, and finally livelihoods during the transition period;
- (3.) The displaced households can accept moving from single-story buildings to storied buildings, and regard this as an opportunity for housing condition improvement;
- (4.) Women think that after they move into storied buildings, the winter heating problem will be solved, which will reduce their labor intensity and heating costs.
- (5.) Taiyun Group Buerjin Branch thinks its business operation will not be affected greatly.
- (6.) The owner of Baishun Store expects that the demolition time be notified in advance

So that he can make arrangements accordingly. .Based on the above discussion, the County PMO will:

- (1.) Discuss the feasibility of improving the road design with the FS preparation agency based on the concerns of the affected households, avoiding substantial land acquisition and house demolition;
- (2.) Discuss resettlement options that meet the displaced persons' willingness with the county government to cover the resettlement of the displaced households, and the training for them together with the labor and social security authority;
- (3.) Discuss resettlement options that meet the displaced persons' willingness with the house demolition management authority and resettlement housing construction agency, where the house demolition management authority will further explain the policies and compensation rates for house demolition to the affected households, and the resettlement housing construction agency will disclose the construction progress of the resettlement housing to the affected households periodically. For the concerns of the affected households during the transition period, the County PMO will ensure that the resettlement housing is completed as soon as possible, pay a transition subsidy to the affected households, and grant material and monetary subsidies to vulnerable groups to help them get through the transition period. Some important consultation activities/meetings at the preparatory stage are outlined in Table 6-1.

Table 6-1 **Key public participation activities during project preparation**

Organizer	Date	Participant	Number of persons	Purpose	Key opinions/details
County PMO and design agency	May-Jun. 2009	Affected persons, village officials, engineering technicians	120	Project resettlement, field investigation, preliminary project impact survey	Introducing the background and purpose of the Project Minimizing farmland occupation
Task force of County PMO	Aug.-Sep. 2009	Meilifeng Community, Youyifeng Community, Halagou Village, Hatai Village, etc.	62	RP preparation, socioeconomic survey	Assisting in the project impact survey Villagers expressed strong support for the Project Socioeconomic survey and displaced household survey
TA consultants, County PMO, design agency	May 2010	Meilifeng Community, Youyifeng Community, Halagou Village, Hatai Village, etc.	80	Preparing an income restoration plan	Consultation of compensation and income restoration programs

### 6.1.2 Completed public opinion survey

195. In August and September 2009, a survey was made of the physical indicators of the affected population, houses, land and special facilities, as well as the affected residents and rural collective economic organizations. During May 11-13, 2010, the ADB resettlement TA experts, and the relevant staff of the RP preparation agency and County PMO conducted a supplementary survey of the physical indicators of the affected population, houses, land and special facilities, as well as the affected residents and rural collective economic organizations, and a public opinion and advice survey of the people and entities affected by the Project.

196. The respondents included 59 households of residents affected by land acquisition and house demolition, 83 stockbreeding households affected by temporary land occupation (one is affected by both land acquisition and temporary land occupation, and included in the 59 households above). These surveys were designed to make the implementing and design agencies clear about the local conditions and the concerns of the affected persons. The survey results reveal that of the 142 respondents 83.53% know that the Project is about to be constructed, 16.47% are not quite clear or don't know; 88.28% approve of the Project, and 8.53% don't care; 39.57% think unsound infrastructure makes their work and life inconvenient, 31.44% think this affects quality of life, 16.52% think this affects investment environment and 12.47% think this affects urban image; 88.21% think unsound infrastructure affects life and work seriously, and 9.86% don't think so; 17.17% think the Project will improve their living environment, 15.63% think it will improve their working environment, 55.43% think it will increase job opportunities, and 11.67% think it will promote physical and mental health; 56.08% know or partly know the policies for land acquisition, house demolition compensation and resettlement, and 92.37% know the means of appeal when your lawful rights and interests are infringed on during land acquisition and house demolition. See Table 6-2.



Table 6-2 Public opinion and mentality questionnaire

	Question	Answer 1		Answer 2		Answer 3		Answer 4		Answer 5	
		Answer 1	Result (%)	Answer 2	Result (%)	Answer 3	Answer 1	Result (%)	Answer 2	Result (%)	Answer 3
1	Are you clear that the Project will be built?	Yes	83.53	Not clear	11.65	No	4.82	—	—	—	—
2	Do you approve of the construction of the Project?	Yes	88.28	No	3.19	Don't care	8.53	—	—	—	—
3	Your expected possible impact of unsound infrastructure	Inconvenience of life and work	39.57	Reducing quality of life	31.44	Affecting investment environment	16.52	Affecting urban image	12.47	—	—
4	To what extent unsound infrastructure will affect your life and work?	No	1.93	Slight	9.86	Serious	84.58	Very serious	3.63	—	—
5	Possible benefits of the Project for you	Improving living environment	17.17	Improving working environment	15.63	Increasing job opportunities	55.43	Promoting physical and mental health	11.77	—	—
6	Adverse impacts of the Project on you	No adverse impact	2.19	Affecting traffic	27.36	House demolition may cause economic losses.	33.45	Land acquisition may reduce income.	32.74	Other	4.46
7	Do you know the compensation and resettlement policies for land acquisition and house demolition?	Yes	36.14	Somewhat	19.94	No	43.92	—	—	—	—
8	Do you know the means of appeal when your lawful rights and interests are infringed on during land acquisition and house demolition?	Yes	92.37	No	7.63	—	—	—	—	—	—
9	Do you know that the Project will cause temporary land occupation?	Yes	37.53	Not clear	35.62	Not clear	26.85	—	—	—	—
10	Will temporary land occupation have any adverse impact on your life and production?	Yes	12.46	No	35.69	Not clear	48.15	—	—	—	—

## 6.2 Public participation and consultation plan

197. With the progress of project preparation and implementation, the County PMO, communities, entities, commercial stores and village collectives will conduct further public participation, including discussion of resettlement housing construction, area and layout; scope of training for the affected persons; issues arising from construction and solutions; listening to the affected persons's opinions and expectations during implementation; disclosure of compensation rates and means of appeal; understanding the implementation of the RP and the livelihood restoration of the affected persons. The public participation plan is shown in Table 6-3.

Table 6-3 **Public participation plan**

Purpose	Mode	Time	Agency	Participant	Topic
Disclosure of the RP or RIB	Distribution of RIB	Oct. 2010	County PMO	Affected persons	Publication of compensation rates and means of appeal
Disclosure of the RP	ADB website	Aug. 2010			
Land acquisition announcement	Village / community bulletin board, village/ resident meeting	Mar. 2011	County PMO	All affected persons	Disclosure of land acquisition area, compensation rates and resettlement modes, etc.
Announcement of compensation and resettlement option for land acquisition	Village bulletin board and villager meeting	Mar.-Oct. 2011	County PMO, sub-district offices, village officials	All affected persons	Compensation fees and mode of payment
Disclose result of DMS and updated RP	Field survey	Mar.-Apr. 2011	County PMO, sub-district offices, village officials	All affected persons	Finding out anything omitted to determine the final impacts List of occupied land and lost properties of displaced persons Preparing the basic compensation contract
Determination of income restoration plan	Villager meeting	May 2011	County PMO, sub-district offices, village officials	All affected persons	Discussing the final income restoration plan and the plan for use of compensation fees
Disclosure of compensation fees and date of payment	Villager meeting	Mar. 2011	County PMO, sub-district offices, village officials	All affected persons	Disclosure of compensation fees and date of payment
Monitoring of the affected persons	Door-to-door interview	Oct. 2011	County PMO, sub-district offices, village officials	Random sampling	Understanding the implementation of the RP and the livelihood restoration of the affected persons

### 6.3 Appeal procedures

198. Since public participation is encouraged during the preparation and implementation of the RP, no substantial dispute will arise. However, unforeseeable circumstances may arise during this process. In order to address issues effectively, and ensure the successful implementation of project construction and land acquisition, a transparent and effective grievance redress mechanism has been established, as shown in Figure 6-1. The basic means of appeal is as follows:

199. Stage 1: If any displaced person is dissatisfied with the RP, he/she can report this to village/community committee orally or in writing. In case of an oral appeal, the village/community committee shall make a disposition and keep written records. Such appeal should be solved within 2 weeks;

200. Stage 2: If the displaced person is dissatisfied with the disposition of Stage 1, he/she may file an appeal to the township government/urban district office after receiving such disposition, which shall make a disposition within 2 weeks;

201. Stage 3: If the displaced person is dissatisfied with the disposition of Stage 2, he/she may file an appeal to the Buerjin County Land and Resources Bureau (BCLRB) / House Demolition Management Office (HDMO) after receiving such disposition, which shall make a disposition within 30 days;

202. Stage 4: If the displaced person is still dissatisfied with the disposition of Stage 3, he/she may apply for administrative reconsideration with the County PMO or file an administrative action in the county people's court in accordance with the Civil Procedure Law of the PRC after receiving such disposition.

203. Displaced persons may file an appeal on any aspect of resettlement, including compensation rates, etc. The above means of appeal, and the names, locations, persons responsible and telephone numbers of the appeal accepting agencies will be communicated to the displaced persons at a meeting, through an announcement or the RIB, so that the displaced persons know their right of appeal. Mass media will be used to strengthen publicity and reportage, and comments and suggestions on resettlement from all parties concerned will be compiled into messages for disposition by the resettlement organization at all levels.

204. All agencies will accept grievances and appeals from the affected persons for free, and costs so reasonably incurred will be disbursed from the contingency costs. During the whole construction period of the Project, these appeal procedures will remain effective to ensure that the affected persons can use them to address relevant issues.

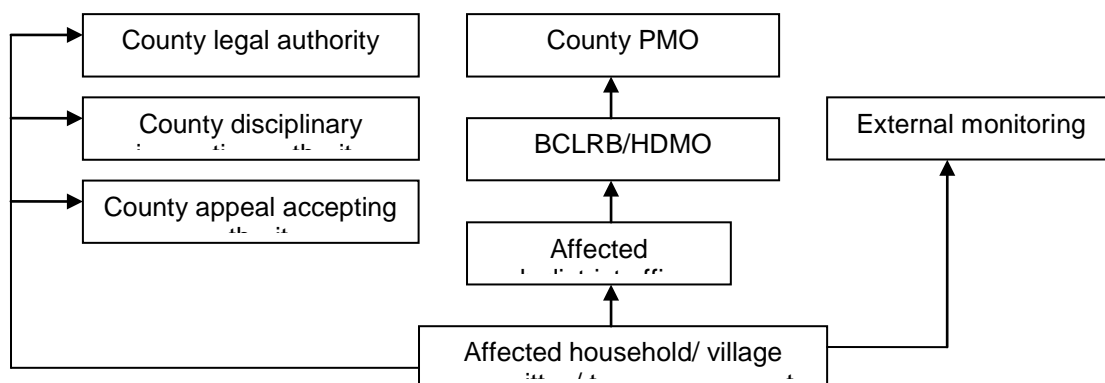


Figure 6-1 **Appeal procedures**

#### 6.4 Appeal contact information

205. In order that the affected persons can feed back their grievances timely, contacts have been appointed for different appeal accepting agencies and their contact information disclosed.

Head of Meilifeng Community Committee: Wang Zhenping	Tel: 0906-6525330
Head of Youyifeng Community Committee: Feng Hua	Tel: 0906-6526005
Head of Halagou Village Committee: Harhen	Tel: 13899427853
Head of Hatai Village Committee: Karhen	Tel: 13809968938
Head of Sartlic Village Committee: Tarihati	Tel: 15809064908
Head of BCG: Zhang Dongmei	Tel: 0906-6522029
Head of BCLRB: He Panjiang	Tel: 0906-6522035
Head of HDMO: Wen Guohua	Tel: 0906-6524001
Head of County PMO: Yu Guangpu	Tel: 0906-6523938
Head of county appeal authority: Mayila	Tel: 0906-6522150
Head of county disciplinary inspection authority: Ma Ding	Tel: 0906-6522040
Head of county legal affairs authority: Liu Guoting	Tel: 0906-6523937
External resettlement monitoring agency (TBD)	

206. *After the external resettlement monitoring agency is determined, its contact and information will be disclosed to the affected persons during the baseline survey.*

## 7 Resettlement Budget

### 7.1 Resettlement budget

**207.** All costs incurred in land acquisition and resettlement will be included in the general budget of the Project. All resettlement funds are from domestic sources. Based on prices of the second half of 2009, the total resettlement costs of Project are 12.2903 million yuan, as shown in Table 7-1.

**208. Acquisition of collective land (pasture land):** totaling 164,200 yuan (1.34% of total costs), including grassland compensation fees and resettlement subsidy;

**209. State-owned land occupation:** totaling 3.1197 million yuan (25.38% of total costs), including leasing fees of and compensation of state-owned land;

**210. House demolition:** The total compensation for house demolition is 5.0473 million yuan (41.07% of total costs), including house compensation fees, moving subsidy, transition subsidy, etc.;

**211. Temporary land occupation:** Temporary land occupation costs total 1.1021 million yuan, including grassland compensation fees, grassland resettlement subsidy, forest compensation fees, woodland compensation fees, resettlement subsidy for woodland, forest vegetation restoration fees, accounting for 8.15% of total costs.;

**212. Attachments and infrastructure:** The total compensation for ground attachments is 54,100 yuan (0.44% of total costs);

**213. Other costs:** including survey and design fees, implementation management fees, skills training costs and contingencies, totaling 1.5489 million yuan (12.60% of total costs);

**214. Stipulated fees for land acquisition:** totaling 1.3539 million yuan (11.02% of total costs), including leasing fees of new construction land, temporary occupation and land acquisition management fees

Table 7-1 Resettlement investment estimates

No.	Item	Unit	Compensation rate	Qty.	Cost (10,000 yuan)	Proportion	Remarks
			(yuan/Unit)				
<b>1</b>	<b>Acquisition of rural collective land</b>	<b>mu</b>			<b>16.42</b>	<b>1.34%</b>	
	Grassland compensation fees	<b>mu</b>	480	263.86	12.67		Class 3, Grade 1
	Resettlement subsidy	<b>mu</b>	120	263.86	3.17		
	Grassland compensation fees	<b>mu</b>	200	23.46	0.47		Class 3, Grade 4
	Resettlement subsidy	<b>mu</b>	50	23.46	0.12		
<b>2</b>	<b>State-owned land acquisition</b>				<b>311.97</b>	<b>25.38%</b>	
	Leasing fees of state-owned land	M <sup>2</sup>	15	8866.50	13.30		Within built-up area
		M <sup>2</sup>	8	191546.67	153.24		Out of built-up area
Commercial land	Class 3	M <sup>2</sup>	298	120	3.58		
Housing land	Class 3	M <sup>2</sup>	176	7236.5	127.36	<b>10.85475</b>	
Industrial land	Class 3	M <sup>2</sup>	96	1510	14.50		
<b>3</b>	<b>House demolition</b>				<b>504.73</b>	<b>41.07%</b>	
<b>3.1</b>	<b>Residential house demolition</b>				<b>340.78</b>	<b>27.73%</b>	
	<b>House compensation</b>						
	Masonry concrete	M <sup>2</sup>	1180	78.2	9.23		
	Masonry timber	M <sup>2</sup>	980	1275.58	125.01		
	Earth timber	M <sup>2</sup>	880	2126.99	187.18		
	Simple structure	M <sup>2</sup>	400	127.3	5.09		
	<b>Other subsidies</b>						

No.	Item	Unit	Compensation rate	Qty.	Cost (10,000 yuan)	Proportion	Remarks
			(yuan/Unit)				
	Moving subsidy	Household	800	24	1.92		
	Transition subsidy	Household /month	500	24	7.20		6 months
	TV displacement	Household	108	24	0.26		
	Reward	%	1.5		4.90		1.5% of house compensation fees
<b>3.2</b>	<b>Commercial stores</b>				<b>26.68</b>	<b>2.17%</b>	
	<b>House compensation</b>						
	Masonry concrete	M <sup>2</sup>	2100	120	25.2		
	Masonry timber	M <sup>2</sup>	1400				
	Earth timber	M <sup>2</sup>	1000				
	<b>Other subsidies</b>						
	Moving subsidy	Household	2000	1	0.2		
	Transition subsidy	Household /month	1500	1	0.9		6 months
	Reward	%	1.5		0.38		
<b>3.3</b>	<b>Enterprises and institutions</b>				<b>137.28</b>	<b>11.17%</b>	
	<b>House compensation</b>						
	Masonry concrete	M <sup>2</sup>	1080	10	1.08		
	Masonry timber	M <sup>2</sup>	880	1500	132.00		
	Earth timber	M <sup>2</sup>	780				
	Miscellaneous houses	M <sup>2</sup>	400				
	<b>Other subsidies</b>						
	Moving subsidy	Household	3000	1	1.80		6 months

No.	Item	Unit	Compensation rate	Qty.	Cost (10,000 yuan)	Proportion	Remarks
			(yuan/Unit)				
	Transition subsidy	yuan/ household	4000	1	0.40		
	Reward	%	1.5		2.00		
<b>4</b>	<b>Temporary land occupation</b>				<b>100.21</b>	<b>8.15%</b>	
	Forest compensation fees	Mu/yuan	100	142	1.42		State-owned barren woodland
	Woodland compensation fees	Mu/yuan	3000	142	42.60		
	Resettlement subsidy	Mu/yuan	1800	142	25.56		
	Forest vegetation restoration fees	M <sup>2</sup>	94714	3	28.40		
	Pasture land						Class 3, Grade 1
	Grassland compensation fees	Mu	120	185.69	2.23		
<b>5</b>	<b>Ground attachments</b>						
	<b>Total of attachments</b>				<b>5.41</b>	<b>0.44%</b>	
	<b>Subtotal of Items 1-5</b>				938.74		
<b>6</b>	<b>Other costs</b>				<b>154.89</b>	<b>12.60%</b>	
	Survey, design and scientific research fees	A percentage of land acquisition and resettlement compensation fees	3		28.16		
	Implementation management fees		3		28.16		
	Technical training fees		1		9.24		
	Special moving subsidy to vulnerable groups				0.15		
	Supervision and M&E fees		1.5		14.08		



No.	Item	Unit	Compensation rate	Qty.	Cost (10,000 yuan)	Proportion	Remarks
			(yuan/Unit)				
	Contingencies		8		75.10		
<b>7</b>	<b>Stipulated fees of land acquisition</b>				<b>135.39</b>	<b>11.02%</b>	
	Leasing fees of new land for construction	yuan/m <sup>2</sup>	7	191546.67	134.08		
	Temporary land occupation management fees	yuan/year/mu	20	327.69	0.66		1 year
	Land acquisition management fees	4% of land acquisition and resettlement compensation fees	4%		0.66		
Total					<b>1229.03</b>	<b>100.00%</b>	

## 7.2 Investment plan by year

215. All resettlement funds of the Project are from local counterpart funds. Before project construction or during project implementation, the investment plan will be implemented in stages in order not to affect the production and lives of the affected households, as shown in Table 7-2.

Table 7-2 **Resettlement investment plan**

Year	2011	2012	2013	2014	2015
Investment (10,000 yuan)	122.90	368.71	368.71	245.81	122.90
Proportion (%)	10%	30%	30%	20%	10%

## 7.3 Disbursement flow and plan of resettlement funds

### 7.3.1 Fund flow

216. During project implementation, the County PMO will pay compensation fees to the affected entities and individuals according to the compensation policies and compensation rates specified in the RP.

217. The fund flow is as shown below:

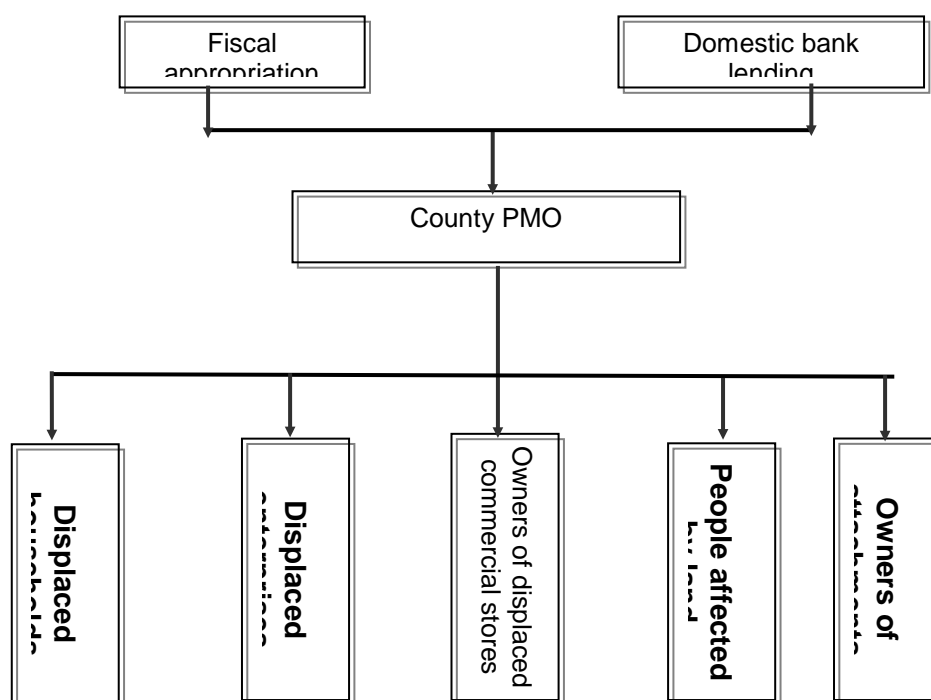


Figure 7-1 **Flowchart of resettlement funds**

### 7.3.2 Disbursement plan

218. Land acquisition compensation fees, pre-acquisition management fees and compensation fees for temporary land occupation will be collected by BCLRB;

grassland compensation fees, resettlement subsidy and temporary use compensation fees will be collected by the County GMSS in a unified manner, which will return grassland compensation fees and resettlement subsidy to the grassland user; forest compensation fees, woodland compensation fees and resettlement subsidy and forest vegetation restoration fees will be collected by the County Forestry Bureau; forest compensation fees, woodland compensation fees and resettlement subsidy will be paid to the County Forestry Bureau and individuals for forestation; forest vegetation restoration fees will be paid to the State Forestry Administration; house demolition compensation fees, and compensation fees for infrastructure and attachments will be paid to the affected entities and individuals.

219. To ensure that resettlement funds are available timely and in full for the production, livelihood and income restoration of the affected households, the County PMO will take the following measures:

- All costs related to house demolition and resettlement will be included in the general budget of the Project;
- Land compensation fees and resettlement subsidy will be paid up before land acquisition so that all affected persons are resettled properly; and
- To ensure the successful implementation of land acquisition and resettlement, financial and supervisory agencies will be established at all levels to ensure that all funds are disbursed on timely and in full.

220. The budget is a cost estimate of resettlement. Depending on practical changes within the affected areas, and due to the practical impacts of detailed measurement survey (DMS), modifications to compensation and inflation, etc., resettlement costs may be increased, but the County PMO will ensure the payment of compensation fees. The budget incorporates contingencies, and will be applied and revised as necessary.

## 8 Organization and Responsibilities

### 8.1 Resettlement action agencies

221. During project implementation, the agencies that plan, manage, implement and monitor resettlement activities of the Project include:

- Buerjin County Leading Group for the Promotion of the ADB-financed Road Reconstruction and Expansion Project (County Leading Group for short)
- Buerjin County ADB-financed Project Management Office (executing agency, County PMO for short)
- BCCB (implementing agency)
- BCLRB
- HDMO
- Buerjin County Forestry Bureau
- Buerjin County GMSS
- Design institute

222. County Leading Group: leading, organizing and coordinating land acquisition, house demolition and resettlement activities, approving the RP and implementing internal supervision and inspection.

223. County PMO: directing the formulation of resettlement policies, the preparation of the RP, and the implementation of land acquisition and house demolition

224. BCCB: being the implementing agency, responsible for socioeconomic and physical indicator surveys, assisting in preparing the RP, contacting BCLRB, the township governments and affected village committees in carrying out practical resettlement work

225. BCLRB: going through, examining and approving land acquisition formalities, and carrying out coordination, management, supervision and arbitration of land acquisition

226. HDMO: going through, examining and approving house demolition formalities, issuing permits, and carrying out coordination, management, supervision and arbitration of house demolition and resettlement

227. Buerjin County Forestry Bureau: going through, examining and approving woodland acquisition formalities, and carrying out coordination, management, supervision and arbitration

228. Buerjin County GMSS: going through, examining and approving grassland acquisition formalities, and carrying out coordination, management, supervision and arbitration, and this agency is responsible for determining this based on the quality of the land.

229. Sub-district offices: assisting in the County PMO's survey, entering into a land acquisition and house demolition agreement with BCLRB, and assisting BCLRB in implementing land acquisition, house demolition and resettlement

230. Affected village/community committees: providing land contracting information, assisting in the surveys, reallocate housing sites and contracted land after land acquisition and house demolition, providing information on affected vulnerable groups, carrying out community mobilization and publicity, assisting technicians in measurement, valuation, and signing and negotiating the resettlement agreement

231. Design institute: preparing the project design and defining the range of land acquisition and house demolition

## 8.2 Organizational chart

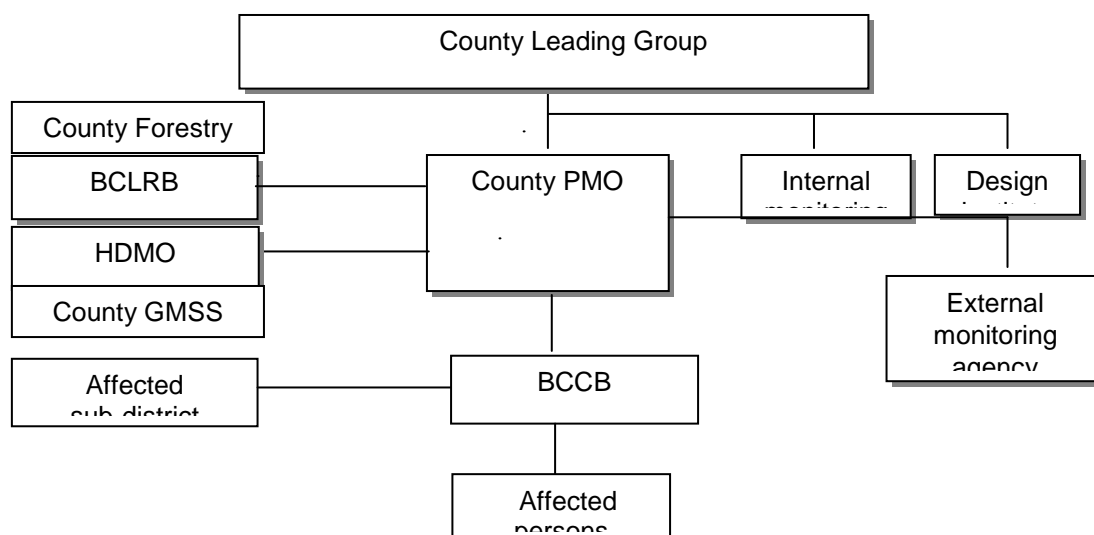


Figure 8-1 Resettlement organizational chart

## 8.3 Organizational qualifications and staffing

232. The staff of the Leading Group is comes from different functional departments of BCG, and is experienced in municipal construction works, and land acquisition, house demolition and resettlement. Since the members are from different levels and functions of government, it will play a good organizing and coordinating role in land acquisition, house demolition and resettlement. Other agencies involved in resettlement implementation are composed of staff experienced in urban construction project management.

233. The following members responsible for specific land acquisition and house demolition tasks work under the direction of the Leading Group and its office.

Leader: Deng Shihong, member of the standing county CPC committee, executive deputy county head

Deputy leader: Zhang Zhijun, county head

Members:

Yu Guangpu	Director-general, BCCB
Li Xiaochun	Director, County Development and Reform Commission
Wu Benyou	Director, Economic and Trade Commission
Sun Chunping	Director-general, County Finance Bureau
Wan Yan'an	Director-general, County Audit Bureau
Shi Jiangyi	Director-general, County Supervision Bureau
Wang Xiaobing	Director-general, BCLRB
Wang Hongchen	Director-general, County Agriculture Bureau
Li Xianglin	Director-general, County Forestry Bureau
Baheti	Director-general, County Livestock Veterinary Bureau

Han Wei	Director-general, County Water Resources Bureau
Wei Wei	Director-general, County Environmental Protection Bureau
Yerkan	Director-general, County Civil Affairs Bureau
Mayila	Director-general, County Appeal Bureau
Yang Zhiqiang	Director-general, County Communications Bureau
Nurbolati	Director-general, County Ethnic and Religious Affairs Bureau
Jiarhen	Head, Woyimoke Xiang
Maheshati	Head, Hu'er Xiang
Hanati	Head, Dulaiti Xiang
Yerlan	Head, Kuostek Xiang
Hailati	Head, Yegzetbe Xiang
Xu Guanghua	CPC Committee Secretary and Head, Buerjin Town

234. The office of the Leading Group is at BCCB, responsible for handling day-to-day affairs, headed concurrently by Yu Guangpu, and composed of staff transferred from agencies concerned.

## 8.4 Division of labor

### 8.4.1 County Leading Group

235. Responsible for project leadership, organizing, coordination and decision-making, examining the RP, implementing internal supervision and inspection, and making decisions on major issues arising from resettlement

### 8.4.2 County PMO

- Appointing a design agency to define the affected areas
- Organizing socioeconomic survey
- Organizing and coordinating the reparation of the RP
- Executing the policies in the RP
- Coordinating the implementation of the RP according to the project construction schedule
- Disbursing funds and supervising the use thereof
- Directing, coordinating and supervising resettlement activities and progress
- Organizing and implementing internal monitoring, appointing an independent monitoring agency, and assisting in external monitoring activities
- Reviewing monitoring reports
- Coordinating and handling conflicts and issues arising from implementation
- Coordinating and handling appeals arising from implementation
- Reporting the progress of land acquisition and house demolition, fund use and implementation quality to ADB periodically

### 8.4.3 BCCB

- Organizing socioeconomic survey
- Registering physical indicators of land acquisition and house demolition, and conducting surveys
- Organizing public participation activities

- Negotiating resettlement options, and organizing the preparation of the RP
- Applying for a land use planning permit and a permit to use land with BCLRB
- Implementing the relevant measures of house demolition
- Implementing the state policies and regulations on the administration of land for project construction
- Developing resettlement options and compensation rates for land acquisition according to the established policies, and submitting to the competent authorities for approval
  - Going through the land use approval formalities
  - Applying for a land use planning permit and a permit to use land
  - Implementing the RP
  - Signing a compensation and resettlement agreement for land acquisition with the affected rural collective economic organizations together with the township governments
  - Signing a compensation agreement for temporary land occupation with the affected entities
  - Signing a compensation and resettlement agreement for land acquisition and house demolition with the displaced households and entities together with HDMO
  - Inspecting resettlement implementation
  - Managing information on land acquisition, house demolition and resettlement activities
  - Training the staff
  - Coordinating and handling conflicts and issues arising from implementation
  - Coordinating and handling appeals arising from implementation
  - Reporting land acquisition, house demolition and resettlement progress to the County PMO

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

236. These offices are led by leaders in charge and composed of officials of CPC and government offices, land administration offices and villages, with the following responsibilities:

- Participating in the surveys and assisting in preparing the RP;
- Organizing public participation, and publicizing the resettlement policies;
- Implementing, inspecting, monitoring and recording all resettlement activities;
- Going through house demolition formalities;
- Paying and managing land compensation fees;
- Supervising land acquisition, house and attachment demolition, house rebuilding and relocation;
- Reporting land acquisition, house demolition and resettlement progress to BCLRB and HDMO;
- Coordinating and handling issues arising in their work

#### **8.4.5 Village/community committees**

237. Composed of village/community officials, with the following responsibilities:

- Participating in the socioeconomic and project impact surveys;
- Organizing public consultation, publicizing the land acquisition and house demolition policies;
- Paying and managing relevant funds;
- Reporting displaced persons' opinions and suggestions to the competent authorities;

- Reporting the progress of resettlement implementation;
- Providing assistance to difficult households affected by land acquisition;
- Performing other land acquisition and house demolition tasks assigned by superior agencies

#### **8.4.6 Design institute**

- Reducing project impacts by design optimization;
- Defining the range of land acquisition and house demolition

### **8.5 Measures to strengthen institutional capacity**

238. In order to implement resettlement successfully, the displaced persons and resettlement staff must be trained under a program developed by the County PMO.

#### **8.5.1 Training program for resettlement management staff**

239. A staff training and human resources development system will be developed for the county, township and village resettlement agencies. The resettlement project and process management training under this system will be given in such forms as workshop, training course, visit of similar projects and field training, and will cover:

- Principles and policies of resettlement
- Resettlement project planning management training
- Resettlement implementation planning and design
- Resettlement implementation progress control
- Resettlement financial management
- Resettlement quality control
- Management information system
- Resettlement M&E
- Resettlement project management

#### **8.5.2 Measures to improve the resettlement organization**

240. (1) Define the responsibilities and scope of duty all resettlement agencies, and strengthen supervision and management;

241. (2) Improve the strength of all resettlement agencies gradually, especially technical strength; all staff must attain a certain level of professional proficiency and management level; improve their technical equipment, such as PC, monitoring equipment and means of transportation, etc.;

242. (3) Select staff strictly, and strengthen operations and skills training for management and technical staff of all resettlement agencies to improve their professional proficiency and management level;

243. (4) Appoint women officials appropriately, and give play to women's role in resettlement implementation;

244. (5) Establish a database and strengthen information feedback to ensure a smooth information flow, and leave major issues to the Leading Group;

245. (6) Strengthen the reporting system and internal monitoring, and solve issues timely; and

246. (7) Establish an external M&E mechanism and an early warning system.



## **9 Resettlement Implementation Plan**

247. According to the project implementation schedule, the Project will be constructed from 2011 to 2015, and have a preparation period of 2 years, in which the preparatory work will be completed; the implementation period will be 5 years (2011-2015). The land acquisition, house demolition and resettlement schedule links up the construction schedules of the components, and will span from January 2011 to June 2013. The resettlement schedule is developed based on the following principles:

- The land acquisition work will be completed at least one month prior to project construction so that the affected villages have sufficient time to prepare production resettlement and income restoration programs;

- During resettlement, the affected persons shall have an opportunity to participate in the Project. Before project construction commences, the range of land acquisition will be disclosed, the RIB distributed and public participation activities conducted properly;

- All compensation fees will be paid to the affected proprietors directly and in full within 3 months of approval of the compensation and resettlement option for land acquisition. No agency or individual should use such compensation fees on their behalf, nor should such compensation fees be discounted for any reason.

### **9.1 Pre-implementation work**

- Defining the range of land acquisition and house demolition

248. The range of land acquisition will be defined according to the project design and layout. The resettlement work will be announced to the affected sub-district offices at a meeting, which will disclose the land acquisition notice in the affected villages. The County PMO will survey and register land, houses and attachments, and their ownership within the define range.

- Investigating the range of land acquisition and house demolition

249. The County PMO will organize relevant staff of the sub-district offices, HDMO, BCLRB and GMSS to visit the affected areas, investigate and register land, houses, attachments, facilities and equipment, etc., judge the nature and ownership of infrastructure, and keep detailed records.

- Drafting the RP and preparing the budget

250. Before the beginning of land acquisition, house demolition and civil works, the RP will be updated based on the detailed design and detailed measurement survey (DMS), and submitted to ADB for approval. According to the survey findings, the County PMO will prepare the RP and budget according to the applicable policies and regulations, and then submit them to BCCB for approval.

- Contract signing

251. Under the coordination and direction of the County PMO, BCCB will enter into land acquisition and house demolition agreements with BCLRB and HDMO, and pay the contract price.

252. The compensation agreement for land acquisition will be signed based on the compensation rates specified in the RP, and in accordance with the state, provincial and municipal laws and regulations on resettlement. BCLRB, GMSS and HDMO will negotiate with the affected village committees, residents, enterprises and stores about compensation and resettlement respectively. The sub-district offices and village committees then negotiate with the affected households. After consensus, BCLRB and

HDMO will sign the compensation agreement for land acquisition immediately. A copy of such agreement should be submitted. BCLRB will supervise and witness the whole process.

## 9.2 Implementation work

### ➤ Disbursement of compensation

253. After signing the contract, the APs will get all the compensation in a timely manner.

### ➤ Permit to use land

254. The executing agency should endeavor to obtain a permit to use land timely by applying for it with the land and resources authorities level by level. The permit to use land must be obtained before the payment of compensation fees and the acquisition of land, houses and private properties.

### ➤ Facility relocation and rebuilding

255. The facilities affected by the Project will be relocated under the supervision of the executing agency. BCCB will pay compensation fees to proprietors, who will arrange the relocation, restoration and rebuilding of such facilities.

### ➤ Resettlement

256. The affected villagers may elect to receive cash compensation, property swap or buy commercial. In the latter two options, their housing conditions will improve greatly.

### ➤ Internal and external M&E

257. Internal supervision is a responsibility of the implementing agency, which will submit a monitoring report to the executing agency semiannually. External monitoring is a responsibility of the executing agency, which will commission this task to an independent consulting agency and submit a monitoring report to ADB annually. The purpose of external monitoring is that the income and standard of living of the affected persons should be maintained after land acquisition and house demolition. Compulsory measures should be taken if this purpose is not fulfilled.

## 9.3 Post-implementation work

### ➤ Continuing with internal and external M&E

### ➤ Filing and documentation

258. After the resettlement work is completed, the person responsible will write a supplementary resettlement report, which will be reviewed and filed by BCCB.

259. The general resettlement schedule of the Project has been drafted based on the progress of project construction, land acquisition and house demolition, resettlement preparation and implementation. The exact implementation times may be adjusted due to deviations in overall project progress. See Table 9-1.

Table 9-1 **Resettlement implementation schedule**

Progress	Deadline
<b>A. Disclosure</b>	
RIB	Sep. 2010
Distributing the RP to HDMO/ sub-district office/ village/ affected persons	Oct. 2010
Disclosing the RP on the ADB website	Aug. 2010

<b>B. Land acquisition</b>	
1. Disclosing resettlement information	Oct. 2010
2. Defining objectives based on project impacts	Dec. 2010
3. Preparing for and carrying out detailed measurement survey	Dec. 2010
4. Disclosing the compensation rates	Jan. 2011
5. Disclosing measurement results and notifying affected residents	Feb. 2011
6. Fixing compensation amount through consultation	Mar. 2011
7. Paying land compensation fees	Mar.-Sep. 2011
8. Going through land acquisition and registration formalities	Mar.-Sep. 2011
9. Training	Apr. 2011-Jun. 2013
<b>C. House demolition</b>	
1. Disclosing resettlement information	Dec. 2010
2. Defining objectives based on project impacts	Dec. 2010
3. Preparing for and carrying out detailed measurement survey	Dec. 2010
4. Disclosing the compensation rates	Jan. 2011
5. Disclosing measurement results and notifying affected residents	Feb. 2011
6. Signing a resettlement agreement after consultation with affected townships, villages and households	Mar. 2011
7. Selecting resettlement housing	Oct. 2011
8. Obtaining resettlement housing	Nov. 2011
9. Paying compensation fees	Mar.-Sep. 2011
10. Moving into new housing	Jan. 2012
<b>D. Restoration of special facilities</b>	
1. Detailed measurement	Oct. 2010
2. Consultation with owners	Nov. 2010
3. Payment of compensation fees	Jun. 2011
<b>E. M&amp;E</b>	
Baseline survey	Mar. 2011
Establishment of internal monitoring	Jan. 2011
Appointment of external monitoring agency	Mar. 2011
Internal monitoring reporting	2011-2015
External monitoring reporting	2011-2015



## **10 Monitoring and Evaluation**

260. To ensure the successful implementation of the RP and realize the objectives of resettlement properly, land acquisition, house demolition and resettlement activities of the Project will be subject to periodic M&E according to ADB's resettlement policies, including internal and external monitoring.

### **10.1 Internal monitoring**

#### **10.1.1 Purpose**

261. The purpose of internal monitoring is to enable all resettlement agencies to function properly during project implementation, conduct internal supervision and inspection on the whole process of resettlement preparation and implementation, learn resettlement progress, and ensure that the land acquisition, house demolition and resettlement work can be completed on schedule according to the RP, and promote successful project construction.

#### **10.1.2 Organization and staff**

262. The internal resettlement monitoring agencies of the Project are the XUAR PMO, County PMO and other relevant authorities (e.g., BCLRB). These agencies will have a leader who is responsible specifically for the resettlement work. Such leaders should have rich resettlement experience and authority, and be able to coordinate all departments involved in the resettlement work. The members of such agencies should have knowledge on resettlement and social issues so as to perform their duties.

#### **10.1.3 Scope of internal monitoring**

263. The XUAR PMO and County PMO will develop a detailed internal monitoring plan for land acquisition and resettlement, including:

264. (1) Relocation of displaced persons, allocation of housing sites and housing rebuilding, etc.;

265. (2) Payment, use and availability of compensation fees for land acquisition, and implementation progress and quality of production and development options of displaced persons;

266. (3) Investigation, coordination of and suggestion on key issues of the resettlement and implementing agencies during land acquisition, house demolition and resettlement;

267. (4) Restoration of the household income of displaced persons;

268. (5) Restoration of vulnerable groups;

269. (6) Payment, use and availability of compensation fees for resettlement;

270. (7) Level of public participation and consultation during land acquisition, house demolition and resettlement;

271. (8) Resettlement training and its effectiveness; and

272. (9) Working mechanism, training, working hours and efficiency of local resettlement offices

#### 10.1.4 Reporting of internal monitoring

273. The XUAR PMO will submit an internal monitoring report to ADB semiannually. Such report should indicate the statistics of the past 6 months in tables, and reflect the progress of land acquisition, resettlement and use of compensation fees through comparison. Tables 10-1 and 10-2 provide some formats.

Table 10-1 **Progress report of resettlement for land acquisition and house demolition**

\_\_\_\_\_, \_\_\_\_\_ Township, \_\_\_\_\_ District (County)

Cut-off date: MM/DD/YY

Date of completion: MM/DD/YY

Item	Unit	Planned	Actually completed	Accumulated	Proportion of completion
Permanent land acquisition	mu				
Temporary land occupation	mu				
Payment of land compensation fees	10,000 yuan				
Training	Person				
Employment arrangement	Person				
Land reallocation	mu				

Reported by: \_\_\_\_\_ Signature (person responsible): \_\_\_\_\_ Official seal:

Table 10-2 **Fund use progress**

\_\_\_\_\_, \_\_\_\_\_ Township, \_\_\_\_\_ District (County)

Cut-off date: MM/DD/YY

Date of completion: MM/DD/YY

Affected entity	Description <sup>2</sup>	Unit/qty.	Required investment (yuan)	Compensation received (yuan)	Adjusted compensation	Proportion of compensation
Village 1						
Village 2						
Collective						
Displaced household						
Entity						

Reported by: \_\_\_\_\_ Signature (person responsible): \_\_\_\_\_ Official seal:

## 10.2 External monitoring

274. According to ADB's policies, the XUAR PMO will employ a qualified, independent and experienced resettlement agency as the independent resettlement monitoring agency.

275. The external monitoring agency will conduct follow-up M&E of resettlement activities periodically, monitor resettlement progress, quality and funding, and give advice. It shall also conduct follow-up monitoring of the displaced persons' production level and standard of living, and submit M&E reports to the XUAR PMO and ADB.

<sup>2</sup> Fill in labor training, employment, vulnerable group subsidy, etc. in "Description".

### 10.2.1 Scope and methodology of external monitoring

276. (1) Baseline survey. The external monitoring agency will conduct a baseline survey of the affected villages and villager teams affected by land acquisition to obtain baseline data on the monitored displaced households' production level and standard of living. The production level and standard of living survey will be conducted semiannually to track variations of the displaced persons' production level and standard of living. This survey will be conducted using such methods as panel survey (sample size: 20% of the households affected by land acquisition and house demolition, 50% of the affected villages and 100% of affected commercial stores, which will be sampled randomly), random interview and field observation to acquire necessary information. A statistical analysis and an evaluation will be made on this basis.

277. (2) Periodic M&E. During the implementation of the RP, the external monitoring agency will conduct periodic follow-up resettlement monitoring semiannually of the following activities by means of field observation, panel survey and random interview:

- Payment and amount of compensation funds;
- Preparation and adequacy of the resettlement site;
- House rebuilding;
- Relocation of the affected persons;
- Training;
- Support for vulnerable groups;
- Restoration and rebuilding of infrastructure and special facilities;
- Production resettlement and restoration;
- Compensation for lost properties;
- Compensation for lost working hours;
- Transition subsidy;
- Timetables of the above activities (applicable at any time);
- Resettlement organization;
- Use of compensation fees for collective land and income of displaced persons;

and

- Income growth of labor through employment

278. (3) Public consultation. The external monitoring agency will attend public consultation meetings held during resettlement implementation to evaluate the effectiveness of public participation.

279. (4) Grievance redress. The external monitoring agency will visit the affected villages periodically and inquire the County PMO, township governments, village committees and resettlement agencies that accept grievances about how grievances have been handled. It will also meet complainants and propose corrective measures and advice for existing issues so as to make the resettlement process more effectively.

### 10.2.2 Reporting of external monitoring

280. The external monitoring agency will submit a monitoring or evaluation report to ADB and the XUAR PMO semiannually.

Table 10-3 Resettlement M&E Timetable

	Resettlement report	Date
1	Socioeconomic Baseline Survey	Mar. 2011
2	Monitoring Report No.1	Apr. 2011
3	Monitoring Report No.2	Oct. 2011

4	Monitoring Report No.3	Apr. 2012
5	Evaluation Report No.4	Oct. 2012
6	Evaluation Report No.5	Oct. 2013
7	Final Report	Sep. 2014

### **10.3 Resettlement post-evaluation**

281. After project implementation, the theory and methodology of post-evaluation will be applied to evaluate the Project's resettlement activities on the basis of M&E to obtain successful experience and lessons in land acquisition and house demotion as a reference for future work. The post-evaluation agency will prepare terms of reference for post-evaluation, establish a system of evaluation indicators, conduct socioeconomic analysis and survey, and prepare the Resettlement Post-evaluation Report of the Project for submission to the XUAR PMO and ADB.



## **Appendix 1 Applicable Laws and Policies**

### **Applicable provisions of the Land Administration Law of the PRC**

#### **Ownership and right of use of land**

Article 8 Land in urban districts shall be owned by the State.

Land in the rural areas and suburban areas, except otherwise provided for by the State, shall be collectively owned by peasants including land for building houses, land and hills allowed to be retained by peasants.

Article 22 The amount of land used for urban construction shall conform to the standards prescribed by the State so as to make full use of the existing land for construction purposes, not to occupy or occupy as less agricultural land as possible.

Urban general planning and the planning of villages and market towns should be in line with the general plans for land use. The amount of land for construction use in the urban general planning and the planning of villages and market towns shall not exceed the amount of land used for construction purposes in cities, villages and market towns fixed in the general plans for the utilization of land.

The land for construction purposes in cities, villages and market towns within the planned areas of cities, villages and market towns shall conform to the city planning and the planning of villages and market towns.

Article 24 People's governments at all levels shall strengthen the administration of plans for land use and exercise control of the aggregate land for construction purposes.

Article 26 Revision of the general plans for land use shall be approved by the original organ of approval. Without approval, the usages of land defined in the general plans for the utilization of land shall not be changed.

Whereas the purpose of land use defined in the general plans for the utilization of land needs to be changed due to the construction of large energy, communications, water conservancy and other infrastructure projects approved by the State Council, it shall be changed according to the document of approval issued by the State Council.

If the purpose of land defined in the general plans for the utilization of land needs to be changed due to the construction of large energy, communications, water conservancy and other infrastructure projects approved by provinces, autonomous regions and municipalities, it shall be changed according to the document of approval issued by the provincial level people's governments if it falls into their terms of reference.

#### **Protection of cultivated land**

Article 31 The State protects the cultivated land and strictly controls the conversion of cultivated land into non-cultivated land.

The State fosters the system of compensations to cultivated land to be occupied. In the cases of occupying cultivated land for non-agricultural construction, the units occupying the cultivated land should be responsible for reclaiming the same amount of land in the same quality as that occupied according to the principle of "reclaiming the same amount of land occupied. Whereas units which occupy the cultivated land are not available with conditions of reclamation of land or the land reclaimed is not up to requirements, the units concerned should pay land reclamation fees prescribed by provinces, autonomous regions and municipalities for reclaiming land for cultivation the land reclaimed.

Article 32 The local people's governments at and above the county level may demand units which occupy cultivated land to use the topsoil of the land occupied for use in the newly reclaimed land, poor land or other cultivated land for soil amelioration.

Article 33 People's governments of all provinces, autonomous regions and municipalities shall strictly implement the general plans for the utilization of land and annual plan for the use of land, adopt measures to ensure not to reduce the total amount of cultivated land within their jurisdictions. Whereas reductions occur, the State

Council shall order it to organize land reclamation within the prescribed time limit to make up for the reduced land in the same quantity and quality and the land administrative department of the State Council shall, together with agricultural administrative department, examine and accept it.

Article 36 Land shall be used sparingly for non-agricultural construction purposes. Whereas wasteland can be used, no cultivated land should be occupied; whereas poor land can be used, no good land should be occupied.

Article 41 The State encourages land consolidation. People's governments of counties and townships (towns) shall organize rural collective economic organizations to carry out comprehensive consolidation of fields, water surface, roads, woods and villages according to the general plans for the utilization of land to raise the quality of cultivated land and increase areas for effective cultivation and improve the agricultural production conditions and ecological environment.

Local people's governments at all levels shall adopt measures to ameliorate medium-and low-yielding land and consolidate idle and scattered and abandoned land.

Article 42 Whereas land is damaged due to digging, cave-in and occupation, the units or individuals occupying the land should be responsible for reclamation according to the applicable provisions of the State; for lack of ability of reclamation or for failure to meet the required reclamation, land reclamation fees shall be paid, for use in land reclamation. Land reclaimed shall be first used for agricultural purposes.

#### **Land for construction purposes**

Article 43 Any unit or individual that need land for construction purposes should apply for the use of land owned by the State according to law, except land owned by peasant collectives used by collective economic organizations for building township enterprises or building houses for villagers or land owned by peasant collectives approved according to law for use in building public facilities or public welfare facilities of townships (towns).

The term "apply for the use of land owned by the State according to law " used in the preceding paragraph refers to land owned by the State and also land originally owned by peasant collectives but having been acquired by the State.

Article 44 Whereas occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required.

For projects of roads, pipelines and large infrastructure approved by the people's governments of provinces, autonomous regions and municipalities, land for construction has to be approved by the State Council whereas conversion of agricultural land is involved.

Whereas agricultural land is converted into construction purposes as part of the efforts to implement the general plans for the utilization of land within the amount of land used for construction purposes as defined in the general plans for cities, villages and market towns, it shall be approved batch by batch according to the annual plan for the use of land by the organs that approved the original general plans for the utilization of land. The specific projects within the scope of land approved for conversion shall be approved by the people's governments of cities or counties.

Land to be occupied for construction purposes other than those provided for in the second and third paragraphs of this article shall be approved by the people's governments of provinces, autonomous region and municipalities whereas conversion of agricultural land into construction land is involved.

Article 45 The acquisition of the following land shall be approved by the State Council:

1. Basic farmland;
2. Land exceeding 35 hectares outside the basic farmland;

Acquisition of land other than prescribed in the preceding paragraph shall be approved by the people's governments of provinces, autonomous regions and municipalities and submitted to the State Council for the record.

Acquisition of agricultural land should first of all go through the examination and approval procedure for converting agricultural land into land for construction purposes according to the provisions of Article 44 of this law. Whereas conversion of land is approved by the State Council, the land acquisition examination and approval procedures should be completed concurrently with the procedures for converting agricultural land to construction uses and no separate procedures are required. Whereas the conversion of land is approved by people's governments of provinces, autonomous regions and municipalities within their terms of reference, land acquisition examination and approval procedures should be completed at the same time and no separate procedures are required. Whereas the terms of reference have been exceeded, separate land acquisition examination and approval procedures should be completed according to the provisions of the first paragraph of this article.

Article 46 For acquisition of land by the State the local people's governments at and above the county level shall make an announcement and organize the implementation after the approval according to the legal procedures.

Owners or users of the land acquired should, within the time limit specified in the announcement, go through the compensation registration for acquired land with the land administrative departments of the local people's governments on the strength of the land certificate.

Article 47 In acquiring land, compensation should be made according to the original purposes of the land acquired.

Compensation fees for land acquired include land compensation fees, resettlement fees and compensation for attachments to or green crops on the land. The land compensation fees shall be 6-10 times the average output value of the three years preceding the acquisition of the cultivated land. The resettlement fee shall be calculated according to the number of agricultural population to be resettled. The number of agricultural population to be resettled shall be calculated by dividing the amount of cultivated land acquired by the per capital land occupied of the unit whose land is acquired. The resettlement fees for each agricultural person to be resettled shall be 4-6 times the average annual output value of the three years preceding the acquisition of the cultivated land. But the maximum resettlement fee per hectare of land acquired shall not exceed 15 times of the average annual output value of the three years prior to the acquisition.

The standards for land compensation and resettlement fees for land acquired shall be determined by various provinces, autonomous regions and municipalities in reference to the land compensation fees and resettlement fees for cultivated land acquired.

The standards for compensating for ground attachments and green crops on the land acquired shall be determined by various provinces, autonomous regions and municipalities.

In acquiring vegetable fields in suburban areas, the units using the land should pay new vegetable field development and construction fund.

Whereas the land compensation fees and resettlement fees paid according to the provisions of the second paragraph of this article are not enough to maintain the original level of living, the resettlement fees may be increased with the approval of the people's governments of provinces, autonomous regions and municipalities. But the combined total of land compensation fees and resettlement fees shall not exceed 30 times the average output value of the three years prior to the acquisition.

In special circumstances, the State Council may raise the standards for land compensation and resettlement fees for land acquired according to the social and economic development level.

Article 48 After the plan for land compensation and resettlement fees is finalized, related local people's governments shall make an announcement and hear the opinions of the rural collective economic organizations and peasants whose land has been acquired.

Article 49 Rural collective economic organizations shall make public to its members the receipts and expenditures of the land compensation fees for land acquired and accept their supervision.

It is forbidden to embezzle or divert the land compensation fees and other related expenses.

Article 50 Local people's governments at all levels shall support rural collective economic organizations and peasants in their efforts toward development and operations or in starting up enterprises.

Article 52 In the process of the feasibility study for construction projects, land administrative departments may examine the related matters concerning the land for construction purposes and put forward their proposals according to the general plans for the utilization of land, the annual plan for the use of land and standards for land used for construction purposes.

Article 53 Whereas a construction project approved needs land owned by the State for construction purposes, the construction unit should file an application with land administrative department of the people's government at and above the county level with the power of approval on the strength of related documents required by law and administrative decrees. The land administrative department shall examine the application and submit it to the people's government at the same level for approval.

Article 54 A paid leasing should be go through in use of land owned by the State by a construction unit. But the following land may be obtained through government allocation with the approval of the people's governments at and above the county level according to law:

1. Land for use by government organs and for military use;
2. Land for building urban infrastructure and for public welfare undertakings;
3. Land for building energy, communications and water conservancy and other infrastructure projects supported by the State;
4. Other land as provided for by the law and administrative decrees.

Article 55 Construction units that have obtained State-owned land by paid leasing can use the land only after paying the land use right leasing fees and other fees and expenses according to the standards and ways prescribed by the State Council.

Starting from the date when this law comes into effect, 30% of the leasing fees for new construction land shall be handed over to the central finance, with the rest 70% to be retained by related local people's governments, for the development of land for cultivation.

Article 56 In using State-owned land, construction units should use the land according to the provisions of the contract for compensated use of leased land use right or according to the provisions of the documents of approval concerning the allocation of land use right. The change of the land to construction purposes should get the consent from the land administrative departments of the related people's governments and be submitted to the people's governments that originally give the approval for the use of land. In changing the purpose of land within the urban planned areas, the consent should be obtained from the related urban planning administrative departments before submission for approval.

Article 57 In the case of temporary using State-owned land or land owned by peasant collectives by construction projects or geological survey teams, approval

should be obtained from the land administrative departments of local people's governments at and above the county level. Whereas the land to be temporarily used is within the urban planned areas, the consent of the urban planning departments should be obtained before being submitted for approval. Land users should sign contracts for temporary use of land with related land administrative departments or rural collective organizations or villagers committees depending on the ownership of the land and pay land compensation fees for the temporary use of the land according to the standard specified in the contracts.

Users who use the land temporarily should use the land according to the purposes agreed upon in the contract for the temporary use of land and should not build permanent structures.

The term for the temporary use of land shall not usually exceed two years.

Article 58 In one of the following cases, the land administrative departments of related people's governments shall recover the land use right of State-owned land with the approval of the people's governments that originally gives the approval or the people's governments with the power of approval:

1. Use land for the sake of public interests;
2. Use land for adjustment in re-building old city districts in order to implement urban construction plans;
3. When the term for the land use right expires according to what is agreed upon in the contract for compensated use of land, the land user has failed to apply for extension or failed to get approval for extension;
4. The use of land originally allocated has been stopped due to cancellation or removal of units;
5. Roads, railways, airports and mining sites that have been approved to be abandoned.

Proper compensation should be given to land use right users whereas the use right of State-owned land is recovered according to the provisions of 1 and 2 of the preceding paragraph.

Article 62 One rural household can own one piece of land for building house, with the area not exceeding the standards provided for by provinces, autonomous regions and municipalities.

Construction of rural houses should conform to the general plans for the utilization of land of townships (towns) and the original land occupied by houses and open spaces of villages should be used as much as possible for building houses.

The use of land for building houses should be examined by the township (town) people's governments and approved by the county people's governments. Whereas occupation of agricultural land is involved the examination and approval procedure provided for in Article 44 of this law is required.

The application for housing land after selling or leasing houses shall not be approved.

Article 63 The land use right of peasant collectives shall not be leased, transferred or rented for non-agricultural construction, except in the case of legal transfer of the land that conforms to the general plan for the utilization of land and legally obtained by enterprises due to bankruptcy or acquisition.

Article 64 Buildings or structures put up before the general plan for the utilization of land and unconfordable to the general plans are not allowed to be rebuilt or expanded.

Article 65 In one of the following cases, the rural collective economic organizations may recover the land use right with the approval of the people's government that gives the approval for the use of land:

1. Land needed for building public facilities and public welfare undertakings of townships (towns) and villages;
2. Land not used according to the purposes approved;

3. Land not used any more due to cancellation or removal of the original units.  
Proper compensation shall be given to land users in the case of recovering the land owned by peasant collectives provided for in item 1 of the preceding paragraph.

### **Applicable provisions of the Regulation on the Dismantlement of Urban Houses**

Article 6 Only if the agency about to demolish houses has obtained a permit for house demolition can demolition be implemented.

Article 8 When issuing the permit for house demolition, the administrative department for house demolition shall disclose the demolisher, scope and period of demolition specified in the permit for house demolition in the form of a house demolition announcement. The administrative department for house demolition and the demolisher shall make proper and timely publicity and explanation to displaced persons.

Article 22 The demolisher shall compensate displaced persons hereunder.

Article 23 Displaced persons may be compensated in cash or by property swap.

Article 24 The amount of cash compensation shall be determined based on the demolished house's geographic location, purpose and building area, and the appraised price on the real estate market. Specific measures shall be formulated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 25 In case of property swap, the demolisher and the displaced person shall calculate the amount of compensation of the demolished house and the price of the replacement house pursuant to Article 24 above, and settle the price difference of property swap.

In case of demolition of an attachment to a non-public-welfare institution's premises, no property swap shall be made and the demolisher shall offer cash compensation.

Article 26 In case of demolition of a public welfare institution's premises, the demolisher shall rebuild such premises in accordance with the applicable laws, regulations and urban plan, or provide cash compensation.

Article 27 In case of demolition of a leased house, and the displaced person and the lessee dissolves the leasehold relation or the displaced person resettles the lessee, the demolisher shall compensate the displaced person accordingly.

If the displaced person and the lessee fail to agree on the dissolution of the leasehold relation, the demolisher shall grant property swap to the displaced person. If the replacement house is leased by the former lessee, the displaced person shall enter into a new house lease contract with the former lessee.

Article 28 The demolisher shall provide housing that meets the national quality and safety standards for relocation and resettlement.

Article 29 For a house whose property right is unclear, the demolisher shall submit a compensation and resettlement proposal to the administrative department for house demolition for approval before demolition. Before demolition, the demolisher shall go through the conservation of evidence formalities with a notary organ for the demolished house.

Article 30 A mortgaged house shall be demolished in accordance with the state laws on guarantee.

Article 31 The demolisher shall pay a moving subsidy to the displaced person or the lessee. During the transition period, if the displaced person or lessee of the house finds a residence itself, the demolisher shall pay a temporary resettlement subsidy; if the displaced person or lessee uses a turnover house provided by the demolisher, such temporary resettlement subsidy shall not be paid. The rates of the moving subsidy and temporary resettlement subsidy shall be stipulated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 32 The demolisher shall not extend the transition period without authorization; the user of the turnover house shall make it available on time.

If the transition period is extended for the demolisher's sake, the displaced person or lessee who finds a residence itself shall be paid an additional temporary resettlement subsidy from the month of extension, or the user of the turnover house shall pay a temporary resettlement subsidy from the month of extension.

Article 33 If demolition of any non-residential house results in suspension of production or business, the demolisher shall offer appropriate compensation.

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

### **Chapter 1 General Provisions**

Article 2 These Regulations shall be complied with by all those who engage in land protection, development, utilization, supervisory and administrative activities within the jurisdiction of Xinjiang Uygur Autonomous Region.

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

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

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

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

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

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

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

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

- (1) Prohibited areas identified in overall land utilization plans;
- (2) Natural hay fields, artificial pastures, fenced pastures and high-grade pastures;
- (3) Woodland and river or lake flat;
- (4) Sloping land with a gradient of over 25 degrees and desert land exposed directly to sandstorm; and
- (5) Areas whose ownership is disputed.

### **Chapter 5 Land for Construction**

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

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

administrative office according to the control quotas defined by the yearly plan for land use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The collective economic organization expropriated of land shall make the incomings and outgoings of the compensation for land requisition to its members and subject itself



to supervision. Misappropriation and speculation of the compensation for the land requisition and other related funds are prohibited.

Article 40 When the people expropriated of land are to be resettled by a rural economic organization, the resettlement subsidy shall be paid to the organization, which manages and uses the money according to laws. If they are to be resettled by other organization, the resettlement subsidy shall be paid to the corresponding resettling organization. In case no unified resettlement is required, the resettlement subsidy shall be paid to the individuals to be resettled or used for pay their insurance expense with their approval. The resettlement subsidy shall be earmarked its specified purposes only without speculation.

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

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

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

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

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

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

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

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

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

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

#### **Chapter II Ownership of Grasslands**

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

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

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

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

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

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

With respect to the grasslands owned by collectives, the people's governments at or above the county level shall register such grasslands, issue to the collectives the

certificates of ownership after verification to and establish their right of ownership of such grasslands.

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

Article 12 The right of ownership and the right of use of the grasslands registered in accordance with law shall be protected by law, and no unit or individual may infringe upon such ownership or right.

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

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

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

Article 14 For contractual management of a piece of grasslands, the party contracting out the grasslands and the contracting party shall sign a written contract. The contents of the grassland contract shall include the rights and obligations of both parties, the four boundaries, area and grade of the contracted grasslands, the term of the contract and the starting and expiration dates, the purpose of use of the grasslands and the liabilities for breach of the contract, etc. At the expiration of the term of the contract, the original contractor shall, under equal conditions, have the priority of the right to contract.

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

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

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

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

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

individuals or between individuals and units shall be handled by the township (town) people's government or the people's government at or above the county level.

Pending the settlement of a dispute over ownership of grasslands, none of the parties may change the status quo in which the grasslands is being used, or damage the grasslands in question or the facilities thereon.

#### **Chapter V Use**

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

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

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

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

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

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

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

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

Article 39 Where grasslands owned by collectives are to be acquired for construction, compensation shall be made to the said collectives in accordance with the

Land Administration Law of the People's Republic of China; and where State-owned grasslands are to be used for construction, compensation shall be made to the contractors for grassland management in accordance with the relevant regulations of the State Council.

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

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

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

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

Article 17 The requisition of collectively owned grassland for state construction shall comply with the Land Administration Law of the PRC and the Regulations of XUAR for the Implementation of the Land Administration Law of the PRC. The use of the grassland owned by the whole people for state construction shall be allocated with the approval in accordance with the procedure and approving authority of land expropriation for state construction. The construction unit shall properly compensate the original use unit for losses thus incurred and appropriately resettle the living and production of herdsmen, provide them with grassland or arrange the employment of conforming herdsmen. The construction unit shall be responsible for relocation of the original use unit if required.

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

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

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

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

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

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

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

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

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

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

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

Article 15 The occupation or requisition of forest land for mineral exploration and mining and other construction projects is subject to the approval of the competent forestry authority of the people's government above county level. For occupation or expropriation of the forest land directly administered by the competent forestry authority of prefecture (city), county (city) or autonomous region, an application form shall be submitted to the authority and the relevant formalities gone through in compliance with the laws and regulations on forest and land administration.

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

The standards for forest cover recovery charges shall be developed by the competent forestry authority of the autonomous region together with competent pricing authority in pursuance of the concerned regulations of the state and submitted to the people's government of the autonomous region for approval before execution. Forest land compensation, forest compensation and resettlement subsidy shall comply with the

Regulations of XUAR for the Implementation of the Land Administration Law of the PRC. It is required to go through examination and approval procedures as per Article 15 for conversion of forest land to non-forestry construction uses by a forest operator within the range of its forest land except the facilities directly used for forestry production.

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

The erection and arrangement of power transmission line, communication line and tourist cableway, laying of pipeline and construction (expansion) of road shall avoid forest. When it is unavoidable and required to fell an entire forest belt or forest, the construction unit shall present an application to the competent forestry authority of prefecture (city) in advance. For felling of odd woods, an application shall be submitted to the competent forestry authority of county (city) and associated procedures handled according to laws and the owner of the woods compensated economically.

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

#### **Measures of Buerjin County for the Administration of Low-rent Housing for Urban Minimum-income Households**

Article 5 Houseless households or those with a per capita housing building area of below 13 square meters or those with a per capita housing building area of above 13 square meters but whose house is dilapidated (identified to attain Grade C or D), and meeting the criteria for urban minimum income households shall be entitled to low-rent housing.

Article 6 Low-rent housing for urban minimum income households shall be offered in the modes of housing rental subsidy and housing supply, in which the former is the main mode. The housing rental subsidy shall apply to a housing building area of not more than 50 square meters per household. In case of housing supply, the rental rate shall be fixed based on repair costs and management fees.

#### **Chapter 4 Subsidization and Resettlement**

Article 15 Low-rent housing shall be allocated by the county housing management bureau based on the list of proposed households and the available stock of housing. Unit areas shall not exceed 50 square meters.

Article 16 The rental rate of low-rent housing shall be fixed by the government, and shall consist of repair costs and management fees. The specific rate shall be fixed by the county development and reform commission and the county construction bureau jointly on an annual basis.

Article 17 A single resettlement system shall apply to the housing supply mode. A household approved to rent low-rent housing must enter into a lease contract with the county housing management bureau before moving in. The lessee shall pay rent pursuant to the contract. Any candidate household who refuses to accept the housing supply arrangements may be rotated again.

Article 18 Minimum income households under the housing supply mode shall be exempt from paying a housing lease deposit.

#### **Chapter 5 Eligibility and Standard for Security**

Article 19 A household applying for low-rent housing (hereinafter referred to as the candidate household) shall meet all of the following conditions:

(1) Its per capita income meets the minimum income standard specified in the policy for urban low-rent housing, and it has received minimum living security assistance from the civil affairs authority for over 12 consecutive months;

(2) Its present per capita housing building area meets the area standard specified in the policy for urban low-rent housing, namely less than 13 square meters;

(3) All of its members have local nonagricultural resident household registration and actually live in the county, at least one of its members has obtained local resident household registration for over 3 years, and the other members have moved in the present residence for at least one year;

(4) There are statutory support, fostering or maintenance relations among its members; and

(5) It meets other criteria specified in our county's low-rent housing policy

Article 20 The modes of low-rent housing security include housing supply and rental subsidy, to be determined by the county construction bureau based on the candidate household's practical conditions.

Article 21 The building area of low-rent housing shall be 50 square meters.

Article 22 The rental and subsidy rates for low-rent housing shall be fixed by the county development and reform commission together with the construction bureau, adjusted from time to time, and published on local media and through the government website or bulletin board.

Article 23 If the per capita housing area of a household entitled to low-rent housing is less than 13 square meters, a rental subsidy shall be provided for the deficiency.

#### **Chapter 6 Application and Approval**

Article 24 The householder of the candidate household shall apply for low-rent housing; if the householder does not have full civil capacity, the candidate household shall elect a member with full civil capacity as the applicant.

The applicant shall file a written application with the community committee, and provide the following materials:

(1) A certificate of minimum living security issued by the civil affairs authority or a certificate of income issued by any competent authority determined by the government;

(2) A certificate of present housing issued by the employer of a member of the candidate household or the community committee;

(3) The ID cards and household register of the members of the candidate household;

(4) The Application Form for Urban Low-rent Housing Security of Buerjin Town filled out by the applicant;

(5) A certificate of marital status; and

(6) Other evidence to be submitted.

If the applicant is not the householder, a written power of attorney signed by the other members with full civil capacity shall also be provided.

Article 25 After receiving the low-rent housing application materials, the community committee shall conduct a field investigation and submit its acceptance opinion to the town government (acceptance authority). The acceptance authority shall make a decision of acceptance or not timely, and issue a written document to the applicant. If the application materials are incomplete or do not comply with the legal format, all corrections to be made shall be notified to the applicant within 5 days, where the time of acceptance shall be calculated from the day following the makeup of the materials; if such notice is not given within above period, the town government shall be deemed to accept the application from the date of receipt of the application materials.

After the application materials are complete, the acceptance authority shall give an opinion timely and hand over all application materials to the county construction bureau.

Article 26 After receiving the application materials from the acceptance authority, the county construction bureau shall organize a review team together with the civil

affairs bureau and town government to review such materials, and may investigate the candidate household's income, population and housing conditions by means of record retrieval, door-to-door interview, neighborhood interview or evidence solicitation letter. The candidate household and entities, organizations or individuals concerned shall provide information truthfully. The county construction bureau shall issue its review decision within 15 days from the date of receipt of the application materials.

If the candidate household is eligible, the county construction bureau shall disclose its review decision through the government website or bulletin board for 15 days. If the candidate household is not eligible, the county construction bureau shall give a written notice to the applicant through the acceptance authority to specify the reason.

Article 27 If there is no objection or any objection is untenable during the disclosure period, the county administrative authority for real estate shall register the candidate household formalities and give a written notice to the applicant. If there is any objection during the disclosure period, the county construction bureau shall verify such objection within 10 days. If the objection is found to be tenable, the candidate household shall not be registered and a written notice shall be given to the applicant through the acceptance authority, specifying the reason for non-registration.

Article 28 A candidate household that has been registered shall wait in rotation according to the provisions of the county construction bureau. Households without ability to work, source of income, legal supporter or maintainer, households eligible for preferential treatment or suffering from heavy disability, and household households as identified by the town government and county civil affairs bureau may have priority in receiving low-renting housing.

During waiting in rotation, if the candidate household's income, population or housing changes, the application shall notify the county construction bureau of such change timely for review and change of registration.



**Table Notes to Document [XJJF (2001) No.500]**

**Table Note 1:**

**Calculation bases of farmland compensation**

**Unit: yuan/mu**

Grade	I (High-yield)	II (High-yield)	III (High-yield)
Level	1200	640	480
Notes	1. These rates apply to farmland on which cereal crops are grown; 2. For farmland on which special crops are grown, vegetable plots and orchards, annual output values shall be higher than that of Grade I farmland; that of cotton land may be up to 105 times, that of orchards up to 3 times, that of grape land up to 4 times, and that of other cash crops measured at actual annual output value.		

**Table Note 2:**

**Calculation bases of pasture land compensation**

**Unit: yuan/mu**

Grade Base amount Level	I Excellent/good	II Medium	III Inferior
1	328	262	120
2	262	148	88
3	136	96	63
4	80	69	50

**Table Note 3:**

**Standard of resettlement subsidy**

Per capita arable area (mu)	Multiple of average annual output value of the past 3 years
>3.5 mu	4—5
3.0—3.5	6—7
2.5—3.0	8—9
2.0—2.5	10—12
1.5—2.0	13—15
1.0—1.5	16—18
0.5—1.0	19—20
<0.5 mu	30 times of the sum of land compensation fees and resettlement subsidy

**Table Note 4:**

**Standard of compensation fees for urban state-owned land**

**Unit: yuan/m<sup>2</sup>**

Entity	Within built-up area	Out of built-up area
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Urumqi Municipality	30	20
Karamay, Shihezi, Kuytun, Changji, Bole, Yining, Tacheng, Korla, Altay, Turpan, Hami, Aksu, Artux and Hetian Municipalities	20	10
Other counties (cities)	15	8
Other townships	6	2

**Table Note 5:**

**Compensation rates for timber and commercial forests**

Item / species	Unit	Tree specification (breast diameter, cm)	Compensation rate (yuan)
Broad-leaf forest	/	<5cm	10-15.
	/	5-15cm	15-25
	/	13-30cm	25-35
	/	>30cm	45
Coniferous forest	/	<5cm	20-30
	/	5-15cm	30-50
	/	13-30cm	50-70
	/	>30cm	90
Fruit tree	/	<5cm	20-40
	/	5-15cm	40-60
	/	13-30cm	60-100
	/	>30cm	120
Grape	/	Not bearing fruit below 3 years	30-70
	/	Bearing fruit above 3 years	70-110
Note: The forest compensation fees of Zhengbo Reserve are higher by 50%.			

**Table Note 6:**

**Compensation rates for scrub forests**

Close canopy (%)	Rate (yuan/mu)
20—40	300
40—60	500
>60	600

**Table Note 7:**

**Table 1.7 Rates of management fees for temporary land uses**

Nature of land	Land type and area	Rate	Remarks
Land for infrastructure construction projects, such as energy, traffic, water resources, communication and		20 yuan/year*mu	Any period less than one year shall be counted as one year, and more than one year but less than two

Nature of land	Land type and area	Rate	Remarks
investigation			years as two years.
Operating temporary land uses	Within built-up area	1-2 yuan/month*m <sup>2</sup>	
	Out of built-up area	0.1-0.5 yuan/month*m <sup>2</sup>	
Other temporary land uses	Within built-up area	0.3-0.5 yuan/month*m <sup>2</sup>	
	Out of built-up area	0.1-0.3 yuan/month*m <sup>2</sup>	

## Appendix 2 Resettlement Information Booklet (RIB)

### (Name of affected person)

In order to relieve traffic congestion, and improve road safety and the county town's ecological environment and overall image, BCG (executing agency) plans to use part of an ADB loan to implement a municipal infrastructure and environmental improvement project in Buerjin County, which is a subproject of the ADB-financed Xinjiang Municipal Infrastructure and Environmental Improvement Project.

The Project will affect your family (entity) to some extent. This booklet is provided to you so that you understand the basic information of the Project, state policies on land acquisition, house demolition and resettlement, and possible impacts on you.

### **I. Composition of the Project**

The implementing agency of the Project is BCCB. The Project involves:

**1. Road and supporting facilities construction:** This component consists of road construction in the Buerjin County town and EDZ, and supporting facilities, and involves reconstruction, expansion and construction of 14 roads in the county town, with a total length of 19,396.85m, including 6 primary roads of 6,146.9m, 7 secondary roads of 6,731.08m and a branch road of 6,518.87m, together with lighting, landscaping and traffic marking facilities, and maintenance equipment.

**2. Water supply:** Construction of a water source, a water distribution network of 34.8km (including two segments, from the water source to the water purifying plant, and from the water purifying plant to the county town water distribution network) and a 9,000m<sup>3</sup>/d water purifying plant

**3. Sewage treatment:** Construction of sewer lines with a total length of 11,470m, in which DN300 is 5,660m long, DN400 745m long, DN500 440m long, DN600 1,625m long and the pressure flow line d300PE 3,000m long; 196 drainage manholes and a sewage lifting pumping station; construction of a 6,000m<sup>3</sup>/d sewage treatment plant

**4. Refuse disposal:** construction of a 38t/d refuse disposal plant and operating equipment, 20 refuse collection points, 303 ashbins, 10KV power lines of 0.3km and an access road of 0.95km

### **II. Impacts of the Project**

The road construction and refuse disposal components of the Project will involve land acquisition and house demolition; the water supply and sewage treatment components will involve permanent acquisition and temporary occupation of collective land, state-owned barren woodland and state-owned roads.

Urban road construction will affect 2 communities of Buerjin County, affecting 24 households with 70 persons, with a demolition of 3,608.07m<sup>2</sup>. An enterprise and a commercial store will also be affected by urban road construction, with a demolition area of 1,510 m<sup>2</sup> and 120 m<sup>2</sup>, and an affected population of 30 and 2 respectively. Land acquisition for EDZ road construction will affect 15 households with 49 persons in Halagou Village, and 101.55 mu of pasture land (Class 3, Grade 1) will be acquired. Land acquisition for refuse disposal will affect 18 households with 76 persons in Halagou and Hatai Villages directly, and 90.23 mu of pasture land (Class 3, Grade 1) will be acquired. Water supply will affect one household with 6 persons in Sartlic Village, and 23.46 mu of pasture land (Class 3, Grade 4) will be acquired. Sewage treatment will affect one household with 3 persons in Hatai Village, and 72.08 mu of pasture land (Class 3, Grade 1) will be acquired.

In addition, the water distribution network of the water supply component will occupy 171.2 mu of collective pasture land in Irtysh, Sartlic and Talahar Villages, affecting 83 households with 247 persons indirectly, and will occupy 142 mu of state-owned barren woodland temporarily. Water distribution network laying will involve

excavation of urban state-owned roads and green belts, and occupy 34.29 mu of land temporarily; sewer network laying will involve excavation of urban state-owned roads, and occupy 74.28 mu of land and 14.49 mu of collective pasture land temporarily, and affecting one household with 3 persons indirectly (this household is affected by both permanent land acquisition and temporary land occupation).

### III. Compensation rates

#### (1) Compensation rates for permanent acquisition of pasture land

Table 1-Compensation rates for affected pasture land

	Output value (yuan/mu)	Grassland compensation fees (multiple)	Resettlement subsidy (multiple)	Compensation rate (yuan/mu)
Class 3, Grade 1	120	4	1	600
Class 3, Grade 4	50	4	1	250

#### (2) Compensation rates for residential houses

Table 2-Compensation rates for urban residential houses

Category	Item	Unit	Rate	Remarks
Residential house	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	1180	
	Masonry timber	yuan/m <sup>2</sup>	980	
	Earth timber	yuan/m <sup>2</sup>	880	
	Simple structure	yuan/m <sup>2</sup>	400	
	Land compensation			
	Leasing fees of state-owned land		Tier-3 areas: 176 yuan/m <sup>2</sup>	
The following subsidies are provided for the affected households all of whose houses are demolished:				
Other compensation	Moving subsidy	yuan/household	800	For vulnerable groups, they will get additional 500 yuan subsidy
	Transition subsidy (storied buildings)	yuan/month/household	500	The transition period will be calculated from the date of displacement to the date of move-back; a reasonable transition period is 6 months; compensation will continue beyond 6 months.
	TV displacement fee	yuan/household	108	
	Reward	%	1.5	1.5% of house compensation fees

#### (3) Compensation rates for premises of commercial stores

The compensation rates for premises of commercial stores involved in the Project are appraised pursuant on policies and by reference to location, as shown in Table 3.

Table 3-Compensation rates for commercial stores

Category	Item	Unit	Rate	Remarks
House	House compensation			

Category	Item	Unit	Rate	Remarks
	Masonry concrete structure	yuan/m <sup>2</sup>	2100	
	Land compensation			
	Leasing fees of state-owned land	Tier-3 areas: 298 yuan/m <sup>2</sup>		
Other compensation	Moving subsidy	yuan/household	2000	
	Transition subsidy	yuan/household/month	1500	The transition period will be calculated from the date of displacement to the date of move-back; a reasonable transition period is 6 months; compensation will continue beyond 6 months.

(4) Compensation rates for demolition of premises of enterprises and institutions

The compensation rates for demolition of premises of enterprises are shown in Table 4. If losses are incurred due to suspension of production, a certain amount of compensation will be paid based on mutual consultation during project implementation.

**Table 4 Compensation rates for business premises**

Category	Item	Unit	Rate	Remarks
House	House compensation			
	Masonry concrete structure	yuan/m <sup>2</sup>	1080	
	Masonry timber structure	yuan/m <sup>2</sup>	880	
	Earth timber structure	yuan/m <sup>2</sup>	780	
	Simple structure	yuan/m <sup>2</sup>	400	
	Land compensation			
	Land compensation fees	yuan/m <sup>2</sup>		Tier-3 areas: 96 yuan/m <sup>2</sup>
Other compensation	Moving subsidy	3,000 yuan		
	Transition subsidy	4,000 yuan		

(5) Attachments

**Table 5-Compensation rates for affected attachments and special facilities**

Item	Unit	Qty.
Big tree (non-fruit)	/	15
Small tree (non-fruit)	/	9
Tree (usable as timber)	/	15
Fruit tree (usable as timber)	/	20
Fruit tree (small sapling)	/	20

Pressure well	/	5
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#### IV. Resettlement

The households affected by house demolition may select the resettlement mode of cash compensation or property swap. After receiving the compensation for house demolition, the displaced persons may select either resettlement mode based on their affordability or personal needs, namely cash compensation, buying commercial housing or exchanging for resettlement housing.

In this mode, a real estate appraisal agency will appraise a house and determine its appraised price based on its location, structure, building area, floor and decoration, and by reference to the displaced person's opinion; if the displaced person agrees with property swap, an area ratio of 1:1.2 will apply, and a decoration fee of 10,000-25,000 yuan will be paid depending on the decoration level of the house.

The resettlement community is located on Wolongwan Road West, Buerjin County, convenient in traffic and close to Buerjin Tourist Guesthouse. There is a green space, a leisure square and a music fountain nearby. This community is less than 10 minutes' walk from the No.3 Primary School, county hospital and electric power company, and will have great potential of appreciation. The resettlement building has a total building area of 4,944.30m<sup>2</sup>, a floor area of 840.70 m<sup>2</sup> and an overall height of 18.75m. There are two layouts (2 bedrooms and 2 living rooms, and 3 bedrooms and 2 living rooms), and 6 sizes (74 m<sup>2</sup>, 79 m<sup>2</sup>, 87 m<sup>2</sup>, 95 m<sup>2</sup>, 104 m<sup>2</sup> and 113m<sup>2</sup>).

#### V. Rights and obligations of the affected persons

##### (1) Rights of the affected persons

You will receive compensation according to the above compensation rates. You may express your opinions and suggestions to the county government, your township government, community/village committee, HDMO or PMO about compensation amount, compensation rates, time of payment and selection of rebuilding site, etc. The HDMO must respond to any received appeal or inquiry within 7 days.

There are 5 options of appeal in Buerjin County:

1. Village/community committee;
2. Township government/urban district office;
3. BCLRB/HDMO;
4. County PMO/county government; and
5. Legal proceedings

In order that the affected persons can feed back their grievances timely, contacts have been appointed for different appeal accepting agencies and their contact information disclosed.

Head of Meilifeng Community Committee: Wang Zhenping	Tel: 0906-6525330
Head of Youyifeng Community Committee: Feng Hua	Tel: 0906-6526005
Head of Halagou Village Committee: Harhen	Tel: 13899427853
Head of Hatai Village Committee: Karhen	Tel: 13809968938
Head of Sartlic Village Committee: Tarihati	Tel: 15809064908
Head of BCG: Zhang Dongmei	Tel: 0906-6522029
Head of BCLRB: He Panjiang	Tel: 0906-6522035
Head of HDMO: Wen Guohua	Tel: 0906-6524001
Head of County PMO: Yu Guangpu	Tel: 0906-6523938
Head of county appeal authority: Mayila	Tel: 0906-6522150
Head of county disciplinary inspection authority: Ma Ding	Tel: 0906-6522040
Head of county legal affairs authority: Liu Guoting	Tel: 0906-6523937
External resettlement monitoring agency (TBD)	

*After the external resettlement monitoring agency is determined, its contact and information will be disclosed to the affected persons during the baseline survey.*

(2) Obligations of the affected persons:

1. Cooperating in the implementation of this national project actively;
2. A new storied building shall not be built within the defined range of house demolition, otherwise compensation fees will be withheld;
3. All buildings within the boundary line (red or blue line, being the outer boundary line of road or river width) will be demolished.



### Appendix 3 Minutes of Public Participation and Interview

Minutes 1	
Time	2010-3-12
Venue	BCCB
Attendees	BCCB, County Environmental Protection Bureau, County Forestry Bureau, County Tourist Bureau, County Development and Reform Commission, BCLRB RP preparation agency
Key points	<p>1. The households affected by house demolition may select the resettlement mode of cash compensation or property swap. For some affected households that select cash compensation, livelihoods will not be affected by the Project. Affected households with all houses demolished will be compensated according to the compensation rates. The replacement costs for demolition of urban and rural houses are the same. For urban houses, state-owned land will be compensated for; for rural houses, the compensation for housing sites will be included.</p> <p>2. According to the survey of the households affected by land acquisition, they expect timely cash compensation. In addition, during project construction, the implementing agency will take some measures to support the displaced persons, including:</p> <p>a) Making job opportunities available first to the displaced persons to generate cash income;</p> <p>b) During production restoration, it will give technical training on cash crop cultivation and stockbreeding, etc. to the affected persons, and invite technicians of the stockbreeding, and labor and social security authorities to give stockbreeding training to herdsman, so that each affected household receives training on stockbreeding and nonagricultural production skills at least once. These measures will improve stockbreeding skills, improve the affected persons's income, and restore their livelihoods.</p> <p>3. Resettlement of vulnerable groups: They may choose property swap or cash compensation. Based on consultation, they prefer property swap, because they have a large living space, and can exchange it for a smaller house and use the surplus for livelihood improvement or other purposes. According to the policy of Buerjin County on house demolition, special households (e.g., with an old or displaced person) can have priority in selecting a lower-floor house for convenience.</p> <p>4. Resettlement of commercial stores: It may exchange the store for a shop front in the county town or use the compensation to buy or rent a shop front nearby to carry on his business. The store owner will be notified before demolition, so that he has sufficient time to rent a suitable shop front. The moving and transition subsidies for the store will be paid to the lessee to cover the loss from suspension of business, and the house compensation fees will be paid to the store owner, who will return the unrealized rent to the lessee according to the lease contract.</p> <p>5. Resettlement of the affected enterprise Taiyun Group Buerjin Branch: It will move into the east part of the county town, east of National Highway 217 by land replacement. The east part is a single-storied building area, where the main water supply network has been laid and other infrastructure is being improved. The government will notify the enterprise in advance so that it has sufficient time for business adjustment. The enterprise will be compensated for all affected objects according to the compensation rates, and the loss from suspension of business will be finally appraised by a specialized appraisal agency during implementation in order to minimize such loss.</p> <p>6. For affected ground structures or attachments, the affected persons or collectives will be compensated in cash directly.</p> <p>7. Other costs: Contingencies, house demolition management fees, house demolition service fees and site clearing fees may be incurred during land acquisition and house demolition.</p> <p>Attitude toward the Project:</p>

	<ul style="list-style-type: none"> <li>● All authorities support the Project and the work of the RP preparation agency.</li> <li>● Reasonable compensation should be paid for the demolished houses. An appraisal firm should be invited. Since residents are displaced for public benefits, they should be taken care of properly.</li> </ul>
Photos	

Interview Record 1	
Time	2010-5-11
Venue	Kaletale Village Sartlic Village Irtysk Village
Attendees	Liu Kai, Ma Jian, County PMO 8 representatives of herdsmen affected by temporary land occupation, including 3 men and 5 women, all being Kazakhs TA team resettlement experts and RP preparation agency
Key points	<p>All affected herdsmen rely on stockbreeding as the main source of income, and few of them work outside.</p> <p>Representatives of herdsmen from Kaletale Village:            Ashantai, male, householder, Kazakh, 63 years, primary school education, dealing mainly with stockbreeding, living in a 3-member family            His wife Gulinisha, 60 years, primary school education, dealing mainly with stockbreeding, earning 35,000 yuan annually            He son, 25 years, junior high school education            Since I and my wife are old and inactive, my son stays at home to take care of them.            I and my family support this project very much.</p> <p>Representatives of herdsmen from Sartlic Village:            Re'ahai, male, householder, Kazakh, 71 years, primary school education, dealing mainly with stockbreeding, living in a 3-member family            His wife Bayan, 69 years, primary school education, dealing mainly with stockbreeding            The whole family lives on stockbreeding, earning about 25,000 yuan annually            His son Talidao, 16 years, attending senior high school            I expect reasonable compensation so that my son can enter a good university for better education.</p> <p>Representatives of herdsmen from Irtysk Village:            Aterhan, male, householder, Kazakh, 72 years, primary school education, dealing mainly with stockbreeding, living in a 4-member family            His son Harhan, 34 years, senior high school education, dealing with stockbreeding together with his daughter-in-law            The whole family lives on stockbreeding, earning about 41,000 yuan annually.            I and my family support this project very much. I wish my son to receive computer skills training in this project and my daughter-in-law to receive handicraft training. I expect them to be involved in this project and learn skills to increase income.</p> <p>Attitude toward the Project:            (1) All herdsmen affected by temporary land occupation support the Project.</p>

	<p>(2) Infrastructure should be protected properly during temporary occupation of pasture land.</p> <p>(3) Reasonable compensation is expected for the temporarily occupied pasture land. After pipe network laying, the excavated pipe trenches should be filled and sprayed with water to restore the vegetation gradually.</p> <p>(4) During project construction, these households expect to participate and receive skills training.</p>
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Interview Record 2	
Time	2010-5-11
Venue	Halagou Village
Attendees	<p>Liu Kai, Ma Jian, County PMO</p> <p>15 representatives of herdsmen affected by land acquisition, including 8 men and 7 women, all being Kazakhs</p> <p>TA team resettlement experts and RP preparation agency</p>
Key points	<p>All herdsmen in Halagou Village live on stockbreeding.</p> <p>Dalielehan, male, Kazakh, 49 years, junior high school education, dealing mainly with stockbreeding</p> <p>His wife Ayiguli, Kazakh, 47 years, junior high school education, dealing mainly with stockbreeding</p> <p>He has two sons, who have been helping at home after graduation from junior high school. All household income is from stockbreeding, about 24,000 yuan per annum. 6.77 mu of pasture land will be acquired, which will have little impact on household income. He expects both sons to participate in project construction and learn some skills.</p> <p>Ma Hezan, male, Kazakh, 37 years, junior high school education, dealing mainly with stockbreeding</p> <p>His wife Kuliash, Kazakh, 33 years, junior high school education, dealing mainly with stockbreeding, living in a 4-member family</p> <p>His son and daughter are attending primary school. 6.77 mu of pasture land will be acquired due to road construction, which will have little impact on this family. He expects to do small business nearby for livelihood improvement after receiving compensation fees.</p> <p>Arhenbiek, male, Kazakh, 35 years, junior high school education, dealing mainly with stockbreeding</p> <p>His wife Ayiguli, Kazakh, 30 years, junior high school education, dealing mainly with stockbreeding, living in a 3-member family</p> <p>His daughter, 10 years, attending primary school</p> <p>6.77 mu of pasture land will be acquired. He expects to buy a truck for sheep flock transfer or for rent after receiving compensation fees.</p> <p>Attitude toward the Project:</p> <p>The 15 affected households support the Project highly; the amount of pasture land acquired is very small, and has little impact on them. After receiving the compensation, some herdsmen wish to buy a truck for sheep flock transfer or for rent; some wish to increase income by buying fine breeds and further developing stockbreeding; some others wish to do small business nearby to improve livelihoods or send their children to better schools to receive better education.</p>

Interview Record 3	
Time	2010-5-12
Venue	Hatai Village
Attendees	<p>Ma Jian, County PMO</p> <p>13 representatives of villagers affected by land acquisition, including 6 men and 7 women, all being Kazakhs</p> <p>TA team resettlement experts and RP preparation agency</p>
Key	Bildlihan Zubaihan, male, Kazakh, 38 years, junior high school education, dealing

points	<p>mainly with stockbreeding</p> <p>His wife Guzyila, Kazakh, 33 years, junior high school education, dealing mainly with stockbreeding, earning about 38,000 yuan annually, living in a 5-member family</p> <p>His eldest daughter, 12 years, primary school education, dealing mainly with stockbreeding</p> <p>His second daughter, 8 years, attending school</p> <p>His youngest daughter, 1 year</p> <p>5.02 mu of pasture land will be acquired. He expects reasonable compensation for the acquired pasture land. The whole family supports the project, because they think the sewage treatment plant and refuse disposal plant will improve the living environment.</p> <p>Axiati, male, Kazakh, 60 years, junior high school education, dealing mainly with stockbreeding</p> <p>His wife Ayiguli, Kazakh, 59 years, junior high school education, dealing mainly with stockbreeding, earning about 25,000 yuan annually, living in a 5-member family</p> <p>His son and two daughters have not been married. 5.01 mu of pasture land will be acquired for the refuse disposal component. He expects that the refuse disposal plant to be fenced after completion, because he lives nearby and the fencing can prevent livestock from eating refuse and being poisoned. Refuse should be cleaned up or buried on a daily basis.</p> <p>Nurbahet, male, Kazakh, 41 years, junior high school education, dealing mainly with stockbreeding, living in a 7-member family</p> <p>His younger brother Talapbiek, 24 years, junior high school education</p> <p>His mother, 62 years, primary school education</p> <p>All of them live together with him. His father is dead, and he has a son and two daughters. The main source of household income is stockbreeding, about 14,000 yuan per annum. 5.01 mu of pasture land will be acquired for the refuse disposal component. If he could find a job in the project, he would use the money earned to do small business or retailing in order to improve the family's standard of living.</p> <p>Attitude toward and suggestions for the Project:</p> <ol style="list-style-type: none"> <li>1. All herdsmen support the Project completely by thinking that the sewage treatment plant and refuse disposal plant will improve the living environment.</li> <li>2. The acquired pasture land should be compensated for reasonably.</li> <li>3. The refuse disposal plant should be fenced after completion, because the fencing can prevent livestock from eating refuse and being poisoned.</li> <li>4. Refuse should be cleaned up or buried on a daily basis, especially in summer when infectious diseases are likely to occur.</li> </ol>
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Interview Record 4	
Time	2010-5-13
Venue	Baihuayuan Road
Attendees	<p>Li Hongyan, BCCB</p> <p>Representatives of persons affected by house demolition (vulnerable groups)</p> <p>TA team resettlement experts and RP preparation agency</p>
Key points	<p>Yang Dianhua, living on Baihuayuan Road, 76 years, primary school education, is a female householder whose husband is dead. She lives on a MLS benefit of 200 yuan/month mainly, and leads a hard life. She will be affected by road construction, and demolition area will be 277.08m<sup>2</sup>. It is learned that the old person expects timely and reasonable compensation. If resettlement housing is offered, she expects the government to provide policy assistance. She supports the Project highly, because road construction is a project for people's well-being, and is beneficial to all people around.</p> <p>Wang Yuying lives in Meilifeng Community, Baihuayuan Road, and her husband is dead. The old person lives on house rent and MLS benefit. She will be affected by road construction, and demolition area will be 124.82m<sup>2</sup>. It is learned that she expects fair, reasonable and timely compensation. The resettlement housing should be preferably close to her former residence, so that her son can visit her</p>

	<p>conveniently; since she is elderly, she expects a lower floor and some living assistance. In case of cash compensation, she would move to her son's house to take care of her grandchild. She supports road construction, because the old road is uneven and often muddy, and the new road will make it more convenient to go out.</p> <p>Xue Xiu'e is 72 years old. Her husband is dead, and two sons and one daughter have been married. She lives mainly on house rent. She will be affected by road construction, and demolition area will be 133.18m<sup>2</sup>.</p> <p>It is learned that she can accept either property swap or cash compensation. If resettlement housing is offered, she expects a lower floor, because she is elderly. In case of cash compensation, she would move to a son's house and give the compensation to the son to do business or deal with transport in order to improve standard of living. She thinks road construction is a good thing, because the old road is inconvenient for old people like her.</p>
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Interview Record 5	
Time	2010-5-13
Venue	Baihuayuan Road
Attendees	County PMO: Ma Jian Owner of affected commercial store: Zhang Zhigang TA team resettlement experts and RP preparation agency
Key points	<p>Baishun Store will be relocated due to road construction. This store is located on Baihuayuan Road in the Buerjin County town, and is running well. The annual net revenue of the store is 20,000 yuan; the other two rooms are rented at 3,600 yuan/year; the garage is rented at 3,000 yuan/year. Due to road construction, this commercial store and other attachments will be demolished.</p> <p>Attitude toward the Project:</p> <ol style="list-style-type: none"> <li>1. The demolished premises should be compensated for reasonably.</li> <li>2. The store owner expects to exchange the store for a shop front in the Buerjin County town.</li> <li>3. He supports the Project very much by thinking that road construction will bring a greater traffic and pedestrian flow, and thereby promote his business. For the safety hazard arising from increased traffic flow, he suggests that visible signs should be set up on the sidewalks, and a deceleration strip be provided near schools and residential areas.</li> <li>4. He expects the Project to be implemented as soon as possible so as to benefit from it earlier.</li> </ol>



Interview Record 6	
Time	2010-5-13
Venue	Baihuayuan Road Taiyun Group Buerjin Branch
Attendees	County PMO Li Lesheng, head of Taiyun Group Buerjin Branch TA team resettlement experts and RP preparation agency
Key points	The affected enterprise is Taiyun Group Buerjin Branch, which is a private enterprise specializing in automobile repair and driver training. It has a regular workforce of 40

	<p>and 27 casual workers. Its training ground in the east courtyard will be affected by the Project only.</p> <p>Attitude toward the Project and willingness to resettle:</p> <ol style="list-style-type: none"> <li>1. He supports the Project, because road construction will benefit most people.</li> <li>2. He suggests that the impact on the enterprise's business operation be reduced during project construction.</li> </ol>
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#### Appendix 4 Information on houses to be demolished

Component	Community	Householder	Former house area										Area of demolished house											
			Main rooms (m <sup>2</sup> )				Side rooms (m <sup>2</sup> )				Simple rooms (m <sup>2</sup> )		Main rooms (m <sup>2</sup> )				Side rooms (m <sup>2</sup> )				Simple rooms (m <sup>2</sup> )			
			Masonry concrete	Masonry timber	Earth timber	Misc.	Masonry concrete	Masonry timber	Earth timber	Misc.	Iron sheet	Masonry timber	Earth timber	Masonry concrete	Masonry timber	Earth timber	Misc.	Masonry concrete	Masonry timber	Earth timber	Misc.	Iron sheet	Masonry timber	Earth timber
Road construction	Youyifeng	Wang Yuhua			98.34							23.1			98.34								23.1	
Ditto	Youyifeng	Qu Zhencai			76.5							14			76.5								14	
Ditto	Youyifeng	Wang Yucheng			68.16				25.28			16.45			68.16					25.28				16.45
Ditto	Youyifeng	Zhou Xiangduan			56				28						56					28				
Ditto	Youyifeng	Abuliz			139.3							12.25			139.3									12.25
Ditto	Youyifeng	Zaipuk Hakuli			137.7				225.24						137.7					225.24				
Ditto	Youyifeng	Watihan			100.5							12			100.5									12
Ditto	Youyifeng	Ma Zhonghua			70.5				31.82						70.5					31.82				
Ditto	Youyifeng	Yang Taikang		60								20		60										20
Ditto	Meilifeng	Yang Dianhua			85.5			92	94.08		5.5				85.5			92	94.08		5.5			
Ditto	Meilifeng	Guo Xiaoyang		77.52				46.8						77.52				46.8						
Ditto	Meilifeng	Wang Xiuhua			96			97.58			10				96			97.58			10			
Ditto	Meilifeng	Guo Xiaoling			81.43				69.9						81.43				69.9					
Ditto	Meilifeng	Zhao Meilan			96			112				14			96			112						14
Ditto	Meilifeng	Wan Yubin			85.5				94.08						85.5				94.08					
Ditto	Meilifeng	Xue Xiu'e			66.23				66.95						66.23				66.95					
Ditto	Meilifeng	Jiang Ming		77.52				44.4						77.52				44.4						
Ditto	Meilifeng	Wang Haiyun		42.52				47.3						42.52				47.3						
Ditto	Meilifeng	Wang Yuying		77.52				47.3						77.52				47.3						
Ditto	Meilifeng	Ma Bingli		35				49.3						35				49.3						
Ditto	Meilifeng	Guo Zhengxian		65.5				69.82						65.5				69.82						

Ditto	Meilifeng	Jin Xiaoming			86.58		78.2								86.58		78.2							
Ditto	Meilifeng	Li Yong			92.4			78.3							92.4			78.3						
Ditto	Meilifeng	Zhang Zhigang						155.2	55									155.2	55					



## Appendix 5 Terms of Reference of External Monitoring and Evaluation

### 1. Objective

The objective of external M&D is:

To analyze variations of the standard of living of the affected persons, and submit reports to ADB, the executing agency and competent authorities by conducting independent M&E of resettlement activities, and monitoring and tracking resettlement progress, funding and management according to ADB's Resettlement Handbook and Social Analysis Guidelines, so that they can learn the progress of resettlement and ensure that existing issues and suggestions are addressed consistently

### 2. M&E tasks

The M&E tasks are as follows:

Progress of Land acquisition and house demolition:

- Progress of land acquisition;
- Progress of temporary land occupation;
- Progress of project impact

Progress of resettlement:

- Progress of and compensation for house demolition;
- Progress of house construction of displaced persons;
- Progress of relocation

Progress of fund availability and payment:

- Payment of funds;
- Expenditure (budgetary vs. actual);

Standard of living of the affected persons, including: standards of living before and after resettlement;

- Employment before and after resettlement

Compensation for, restoration and rebuilding of public facilities

The affected persons's participation in resettlement (RP) preparation, land acquisition, house demolition, resettlement and income restoration

Grievance redress mechanism and efficiency

Collection of monitoring data and establishment of database

Comparative analysis

Submission of report

### 3. Technical procedures

Preparing terms of reference, questionnaires, random sampling plan, baseline survey, establishing information management system, supervision and inspection, establishing data files, comparative analysis, conducting evaluation, preparing evaluation report, final inspection and making a conclusion

### 4. Independent monitoring agency

An independent monitoring agency will be employed to monitor the resettlement work conducted by the County PMO or implementing agency.

The County PMO will provide assistance to the external monitoring agency, especially in field investigation, resettlement and logistic services.

### 5. M&E methods

The field observation, analysis and overall evaluation methods will be combined.

Comprehensive field investigation and random sampling inspection of progress, funding, organization and management

Sampling 20% of the households affected by house demolition for follow-up

Comprehensive interview, and meeting and document review

Collecting photos, tapes and real objects in addition to written documents

### 6. M&E arrangements

Table 5.1 M&E arrangements

Mar. 2011	Preparing a monitoring plan, including terms of reference, tables, monitoring system and sample selection
Apr. 2011	Baseline survey, 1 <sup>st</sup> visit, submission of Monitoring Report No.1
Oct. 2011	2 <sup>nd</sup> visit, submission of Monitoring Report No.2
Apr. 2012	3 <sup>rd</sup> visit, submission of Monitoring Report No.3
Oct. 2012	4 <sup>th</sup> visit, submission of Monitoring Report No.4
Oct. 2013	5 <sup>th</sup> visit, submission of Monitoring Report No.5
Sep. 2014	Submission of final report