

# Updated Resettlement Plan

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August 2015

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

Prepared by Jimunai County Construction Bureau for the Asian Development Bank. This is an updated version of the draft originally posted in November 2010 available on <http://www.adb.org/projects/documents/xinjiang-altay-urban-infrastructure-and-environment-improvement-project-jimunai-c>

## **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
JCCB	-	Jimunai County Construction Bureau
JCG	-	Jimunai County Government
JCLRB	-	Jimunai 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

## **NOTE**

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

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ADB-financed Xinjiang Altay Urban Infrastructure and Environment Improvement Project
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**Resettlement Plan  
for Jimunai County Urban Infrastructure  
and Environmental Improvement Project  
Updated Edition**

**Jimunai County Construction Bureau**

**August 2015**

## Explanation of Updated Resettlement Plan

During loan processing, the Resettlement Plan of Jimunai County was prepared to cover multiple sub-projects, which were actually implemented in different schedules, the Resettlement Plan was updated and approved by ADB in 2011 except for roads and heating components. Therefore, the Resettlement Plan is now updated on the basis of final design of road component and heating supply component. The final designed road and heating components will only acquire state-owned lands and will not affect any individual households. Two due diligence reports on land use respectively for roads component and heating component were prepared and provided in appendix 5 and 6 of this updated resettlement plan. The main text of resettlement plan were also updated to delete those land acquisition and resettlement impacts estimated by the original design of roads and heating system.

Construction of waste treatment requires collective pasture of 277.7 mu (dump occupies 262.05 mu, access roads take up 15.75 mu), the pasture level for class three grade seven, affecting 1 HH with 6 people, all ethnic minorities, and demolition temporary housing for 1 HH, the housing area for 180m<sup>2</sup>, the sheepcote for 300m<sup>2</sup>. 1 township and 2 villages will be affected by LA and HD, respectively Tuoputiereke township and Halahaile village, Halaste village, including 1 HH with 6 persons affected by LA and HD, all of them are ethnic minorities, 50.7 mu of unused stated owned land and 404.7 mu of collective land will be occupied for permanent, identification of grassland. Demolition temporary housing for 1 HH, the housing area for 180m<sup>2</sup>, the sheepcote for 300m<sup>2</sup>, affected for 6 persons.

Laying of water supply networks only involve temporary land occupation of 52.82 mu for excavation of State-owned roads. Laying of drainage network involves only temporary land occupation of 40.5 mu foreexcavation of State-owned roads, temporary occupation of. Laying of heating pipe network involves only temporary land occupation of 15.93 mu for excavation of State-owned roads and green belts of the city. Drainage pipe, heating pipe network and the laying of water supply pipe network required excavation of State-owned roads and green belts of the city, but the water supply network and drainage network, heating pipelines will be laid in the same line, so excavation of drainage network, and heating network will be no longer counted again.

According to the Jimunai County Urban Master Plan (2013-2030) issued by Altay District Administrative Bureau and the high speed development of Xinjiang, the proposed heating supply capability for Jimunai in 2009 is no longer meets the requirement. When the project was designed, it was projected to increase the heating supply service area in Jimunai from 0.27 million m<sup>2</sup> in 2009 to 0.611 million m<sup>2</sup> in 2015. However, up to the end of 2013, the service area already reached 0.7 million m<sup>2</sup>, it was predicted that by 2015 the area will be 0.85 million m<sup>2</sup>. Based on the master plan, by year of 2020, the population of Jimunai is projected to be 25000, the total indoor building area is 1.3 million m<sup>2</sup>, with 87 MW load; by year of 2030, the population is projected to be 42000, the total indoor building area is 2.14 million, with 120 MW load. Therefore, the previous prosed ADB project doesn't meet the demand of heat supply in Jimunai.

In accordance with Urban Master Plan of Jimunai (2013 - 2030) issued by Altay District Administrative Bureau in July 2013, Xinfu Road will be merged into Jimunai square for united construction. As the connection of Provincial highway S229 and S319, Bian'an Street has been incorporated into upgrading works from S319 Jimunai to Jimunai Kou'an Highway, which was initiated by the Traffic Department in 2013 and to be completed by the end of August 2014; however, the capacity of Caigang Street cannot be improved with the original plan, as it is the wading pavement, across the section and nearby Bian'an Street.

Therefore, in accordance with the requirements of Jimunai Urban Master Plan (2013-2030) updated in 2013, Jimunai PMO plans to cancel the road works covering Guanghui Road, Xingfu Street and Caigang Street(west to the flood control channel) but remain Tuanjie Road, Caigang Street (east to the flood control channel) and expansion of Guanghui Road (as the funding is appropriate). In April 2015, the alteration proposal was submitted to DRC of Xinjiang Uygur

Autonomous Region and got approved on May 20th 2015. As for the alteration of road component and heating component, Jimunai PMO has prepared the due diligence report -DDR. (See Appendix 5 and 6)

**August 2015**

**Jimunai County Construction Bureau**

## **Letter of Commitment**

The Jimunai County Construction Bureau (“JCCB”) has applied for a loan from the Asian Development Bank (“ADB”) for the Jimunai 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. The RP has been updated to reflect the final design of roads and heating components. This Updated RP complies with the applicable laws and regulations of the People’s Republic of China (the “PRC”), Xinjiang Uygur Autonomous Region (“XUAR”) and Jimunai County. In order to complete the resettlement work more effectively, this Update RP includes some additional measures, and implementation and monitoring arrangements.

The Jimunai County ADB Project Management Office hereby acknowledges the contents of this Updated RP and warrants that land acquisition, house demolition, resettlement, compensation and budgeting activities under the Project will be carried out according to this RP.

**Jimunai County ADB Project Management Office**

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

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

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## Abbreviations

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## 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 Jimunai County town and the urban image of the county, and adapt to socioeconomic development, the Jimunai County Government (executing agency, “JCG”) is using part of ADB lending to implement the Jimunai County Municipal Infrastructure and Environmental Improvement Project (the “Project”) that includes road construction, water supply, drainage, refuse disposal, central heating and birch forest zone environmental improvement and infrastructure construction in the county town. The Project is a subproject of the ADB-financed Xinjiang Municipal Infrastructure and Environmental Improvement Project.

2. The implementing agency of the Project is JCCB. The Project consists of:

**(1) Road construction:** 3 roads will be reconstructed or expanded in the county town, with a total length of 10,140m, including Tuanjie Rd for 2750m, north extension of Guanghui Rd for 6460m, and Caigang Street for 930m, together with lighting, landscaping and traffic marking facilities, , and maintenance equipment.

**(2) Water supply:** A water supply network of 29,880m will be built, in which DN150 is 390m long, DN200 4,830m long, DN300 17,093m long and DN400 7,567m long.

**(3) Sewage discharge:** A sewer network of 21,756m will be built, in which DN300 is 6,790m long, DN400 3,313m long, DN500 2,127m long and DN600 9,526m long, together with 487 drainage manholes and a 5000m<sup>3</sup>/d sewage treatment plant.

**(4) Refuse disposal:** A 50t/d refuse disposal plant and its operating system, 60 refuse collection points and 450 ashbins will be built, together with a 10KV power line of 3.5km and an access road of 1,500m.

**(5) Central heating:** New construction of heating station for 7, with a heating network of 2×5947.1m.

### B. Project impacts

During loan processing, the Resettlement Plan of Jimunai County was prepared to cover multiple sub-projects, which were actually implemented in different schedules, the Resettlement Plan was updated and approved by ADB in 2011 except for roads and heating components. Therefore, the Resettlement Plan is now updated on the basis of final design of road component and heating supply component. The final designed road and heating components will only acquire state-owned lands and will not affect any individual households. Two due diligence reports on land use respectively for roads component and heating component were prepared and provided in appendix 5 and 6 of this updated resettlement plan. The main text of resettlement plan were also updated to delete those land acquisition and resettlement impacts by original design of roads and heating system.

Construction of waste treatment requires collective pasture of 277.7 mu (dump occupies 262.05 mu, access roads take up 15.75 mu), the pasture level is class three grade seven,

affecting 1 HH with 6 people, all ethnic minorities, and demolition of temporary housing for 1 HH, the housing area for 180m<sup>2</sup>, the sheepcote(sheds) for 300m<sup>2</sup>.

1 township and 2 villages will be affected by LA and HD, respectively Tuoputiereke township and Halahaile village, Halaste village, including 1 HH with 6 persons affected by LA and HD, all of them are ethnic minorities, 50.7 mu of unused stated owned land and 404.7mu of collective land will be occupied permanently, which is all grassland. Demolition of temporary housing for 1 HH, the housing area for 180m<sup>2</sup>, the sheepcote for 300m<sup>2</sup>, affected for 6 persons.

Laying of water supply networks only involve temporary land, laying of pipelines required excavation of State-owned roads, temporary occupation of 52.82mu. Laying of drainage network involves only temporary land, laying of pipelines required excavation of State-owned roads, temporary occupation of 40.5 mu. Laying of heating pipe network involves only temporary land, laying of pipelines required excavation of State-owned roads and green belts of the city, a temporary occupation for 15.93 mu.

Drainage pipe, heating pipe network and the laying of water supply pipe network required excavation of State-owned roads and green belts of the city, but the water supply network and drainage network, heating pipelines in the same line, so excavation of drainage network, and heating network will be no longer counted again.

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### **C. Policy framework and entitlement**

3. 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 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 people 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 people 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 people are satisfied with the compensation and resettlement (plan); (6) The executing agency (JCG) 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 people 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 resettlement**

4. As for grassland compensation standard, Xinjiang Uygur Autonomous Region Development and Reform Commission, Ministry of Finance issued [2010] 2679 document Notice on Adjusting Charge Standard of Compensation and Resettlement Fees in Grassland, the compensation standard will be implemented based on it.
5. The grassland occupied by waste treatment which was assessed to class three, grade seven



by Jimunai Grassland Supervision Station, grassland compensation fee according to People's Republic of China Grassland Law, 39th article, by Ministry of Agriculture, grassland levy occupied audit approval management approach 9th, 10th, and 11th article, Xinjiang Uyghur Autonomous Region, Development and Reform Committee, and Department of Finance (new sent modified charges "2010" No. 2679) file provides grassland compensation to affected people based on assessment of three years average annual output value (AAOV) which results in a value of 69 Yuan/mu (compensation base for 69 Yuan/mu). The grassland compensation will be 10 times AAOV; resettlement subsidy will be 6 times AAOV.

6. The grassland occupied by sewage treatment which was assessed as class three, grade eight by Jimunai Grassland Supervision Station, with an AAOV of 50 Yuan/mu. The grassland compensation will be 10 times AAOV; resettlement subsidy will be 15 times AAOV.

7. As for house removal resulting from waste disposal project, 180 m<sup>2</sup> temporary house and 300m<sup>2</sup> sheepcote will be removed. PMO signed compensation agreement with affected person Mr. Yersen after negotiation that Jimunai County Construction Bureau shall rebuild a house and a sheepcote in Mr. Yersen's own grassland with same size and same structure compared to old ones. What is more, a big well or an artificial pond will be dug to improve his drinking water situation.

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

8. 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, and the grassland monitoring and supervision station. 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**

9. In August and September 2009, a survey was made of the physical indicators of the affected population, houses, land, pasture land, woodland and special facilities, as well as the affected residents and rural collective economic organizations. In 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, pasture land, woodland 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, covering the 30 households with 113 persons affected by land acquisition and house demolition. These surveys were designed to make the implementing and design agencies clear about the local conditions and the concerns of the affected people. Information on the affected people was collected through some meetings, involving JCG, the County PMO, urban sub-district offices, land administration bureau, civil affairs bureau, women's federation, urban planning bureau, affected people, design agency and consultants. On different occasions, such as meeting, rural household survey and villager team focus group discussion (FGD), the affected people have been involved in the preparation of the RP, and their concerns and opinions have been incorporated into the RP.

10. In Nov. 2014, based on Jimunai County Urban Master Plan (2013-2030), discussing the related issues on alteration of road component and heating component with Jimunai PMO, and plan to submit the alteration proposal to DRC of Xinjiang Uygur Autonomous Region.

11. On Dec.15, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township held a negotiation on LA of extension construction Guanghui road.

12. On Dec.29, 2014, , Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township Government signed the agreement on LA of extension construction Guanghui road.

#### **G. Appeal**

13. The affected people 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 people at public meetings convened by the implementing agency and communities before land acquisition and house demolition.

#### **H. Costs**

14. According to the FS Report and subsequent surveys, the resettlement costs for land acquisition and house demolition are about CNY 3.4203 million. The implementing agency will ensure that sufficient resettlement funds will be available to address all resettlement issues.

#### **I. Schedule**

15. Land acquisition and resettlement will begin in July 2011 end in Dec. 2014.. Construction will not commence only when the affected people have been compensated in full.

**J. Monitoring and reporting**

16. 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 has employed 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 people can maintain their standard of living without being affected adversely by the Project.

# **1 Overview of the Project**

## **1.1 Background of the Project**

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

18. In order to facilitate the implementation of the ADB-financed Xinjiang Altay Urban Infrastructure and Environment Improvement Project, the Chinese government has requested ADB to provide TA in the application for ADB financing for this project. The ADB technical assistance (TA) mission made a field investigation of the affected areas in Altay, Xinjiang during June 10-17, 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 XUAR.

19. Jimunai County is located in the north of XUAR, on the north edge of the Dzungarian Basin, the north range of the Sawuer Mountain and the south bank of the Irtysh River. It borders Fuhai County on the east, Hoboksar County in the Tacheng region on the south, Habahe and Burqin Counties on the north, and the Republic of Kazakhstan on the west. Jimunai County The Jimunai Port is a national Class 1 land port in the county, open all the year round, providing a great geographic advantage for frontier trade and tourism. The well-equipped Jimunai Port has a history of one century, and was open to third counties on March 1, 2002. The port is 22km away from the county town, 220km away from Altay City, 680km away from Urumqi City, and 68km away from Zaysan County, Kazakhstan only, being an important international trade corridor leading to Central Asia, Russia and Europe.

20. With the western China development strategy and the favorable international investment environment, it has become a necessary choice for JCG to accelerate the urban infrastructure construction and environmental improvement of Jimunai County, thereby opening the county further to the outside ward, developing advantaged resources, developing the local economy and improving people's standard of living.

## **1.2 Overview of the Project**

21. The Project consists of the road construction, water supply, sewage discharge, refuse disposal and central heating components, as shown in Table 1-1.

22. According to the Jimunai County Urban Master Plan (2013-2030) issued by Altay District Administrative Bureau and the high speed development of Xinjiang, the proposed heating supply capability for Jimunai in 2009 is no longer meets the requirement. When the project was designed, it was projected to increase the heating supply service area in Jimunai from 0.27 million m<sup>2</sup> in 2009 to 0.611 million m<sup>2</sup> in 2015. However, up to the end of 2013, the service area already reached 0.7 million m<sup>2</sup>, it was predicted that by 2015 the area will be 85 million m<sup>2</sup>. Based on the master plan, by year of 2020, the population of Jimunai is projected to be

25000, the total indoor building area is 1.3 million m<sup>2</sup>, with 87 MW load; by year of 2030, the population is projected to be 42000, the total indoor building area is 2.14 million, with 120 MW load. Therefore, the previous proposed ADB project doesn't meet the demand of heat supply in Jimunai.

23. In accordance with Urban Master Plan of Jimunai (2013 - 2030) issued by Altay District Administrative Bureau in July 2013, Xinfu Road will be merged into Jimunai square for united construction. As the connection of Provincial highway S229 and S319, Bian'an Street has been incorporated into upgrading works from S319 Jimunai to Jimunai Kou'an Highway, which was initiated by the Traffic Department in 2013 and to be completed by the end of August 2014; however, the capacity of Caigang Street cannot be improved with the original plan, as it is the wading pavement, across the section and nearby Bian'an Street.

24. Therefore, in accordance with the requirements of Jimunai Urban Master Plan (2013-2030) updated in 2013, Jimunai PMO plans to cancel the road works covering Guanghui Road, Xingfu Street and Caigang Street(west to the flood control channel); after project alteration, the heating component: 7 newly built heat exchangers, with total length of heating network of 2×5947.1m. After the alteration of road component, consideration the development of Jimunai County Border cooperation zone, expansion of Guanghui Road (as the funding is appropriate).

25. In April 2015, the alteration proposal was submitted to DRC of Xinjiang Uygur Autonomous Region and got approved on May 20th 2015. As for the alteration of road component and heating component, Jimunai PMO has prepared the due diligence report -DDR. (See Appendix 5 and 6).

26. After the alteration of the road component, the north extension of Guanghui Road does not involve LA or HD, and the construction of north extension of Guanghui Road will occupy land for 145.35mu, including state-owned unused land for 77.52mu, all of nature grassland; and state-owned construction land for 67.83mu, all of existing road. There are no buildings, facilities or affected population within the construction red line. The ownership of the land is Tuoputiereke township, on Dec.15, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and Tuoputiereke Township held a negotiation on LA of extension construction Guanghui road, Tuoputiereke Township decided to provide the land to PMO for free, on Dec.29, 2014, On December 15, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township Government signed the agreement on LA of extension construction Guanghui road. Agreement says that Tuoputiereke Township Government will provide 77.52mu of land for the construction of extension north

Guanghui Road, and provide necessary assistant to deal with related procedures.

27. Before the alteration of heating component, the project plan to occupy state-owned residential land for 5.94mu, HD area for 1121.03m<sup>2</sup>, with 11HHs, 48 persons affected, however, after the alteration the heating component will newly build heating exchangers for 7, and with a heating network of 2×5947.1m. As for the newly heating exchangers will take state-owned vacant land for 1.58mu, with no affected population.

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

Component	Brief description
Road construction	3 roads will be reconstructed or expanded in the county town, with a total length of 101140m, including Tuanjie Road 2750m, north extension of Guanghui Road for 6460m, Caigang Street 930m, together with lighting, landscaping and traffic marking facilities, and maintenance equipment.
Water supply	A water supply network of 29,880m will be built, in which DN150 is 390m long, DN200 4,830m long, DN300 17,093m long and DN400 7,567m long.
Sewage discharge	A sewer network of 21,756m will be built, in which DN300 is 6,790m long, DN400 3,313m long, DN500 2,127m long and DN600 9,526m long, together with 487 drainage manholes and a 5000m <sup>3</sup> /d sewage treatment plant.
Refuse disposal	A 50t/d refuse disposal plant and its operating system, 60 refuse collection points and 450 ashbins will be built, together with a 10KV power line of 3.5km and an access road of 1,500m.
Central heating	New construction of heating station for 7, with a heating network of 2×5947.1m.

28. (1) Road construction: 3 roads will be reconstructed or expanded in the county town, with a total length of 101140m, including Tuanjie rd 2750m, north extension of Guanghui Rd. for 6460m, Caigang Street 930m, together with lighting, landscaping and traffic marking facilities, , and maintenance equipment.. See Table 1-2.

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

No.	Road	Nature	Length	Width	Central reserve	Driveway	Green belt	Non-driveway	Green belt	Sidewalk	Green belt
1	North expand of Guanghui Road	Primary	6460	30	--	15	--	--	--	--	--
2	Caigang Street	Primary	930	33	--	15	2*3.0	--	--	2*3.0	--
4	Tuanjie Road	Secondary	10140								--

Total			930	33	--	15	2*3.0	--	--	2*3.0	
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29. (2) Water supply: A water supply network of 29,880m will be built, in which DN150 is 390m long, DN200 4,830m long, DN300 17,093m long and DN400 7,567m long.

30. (3) Sewage discharge: A sewer network of 21,756m will be built, in which DN300 is 6,790m long, DN400 3,313m long, DN500 2,127m long and DN600 9,526m long, together with 487 drainage manholes and a 5000m<sup>3</sup>/d sewage treatment plant.

31. (4) Refuse disposal: A 50t/d refuse disposal plant and its operating system, 60 refuse collection points and 450 ashbins will be built, together with a 10KV power line of 3.5km and an access road of 1,500m. Figure 1-1 and figure 1-2 is the existing and proposed location of the disposal plant.



Figure 1-1 **Photo of existing refuse disposal plant**      Figure 1-2 **Site of proposed refuse disposal plant**

32. (5) Central heating: New construction of heating exchangers for 7, with a heating network of 2×5947.1m.

### 1.3 Project scope and influence of LA and HD

33. The updated Resettlement Plan report is updated based on the final design and detailed practicality survey. Because the Resettlement Plan covers multiple sub-projects, involving more than one contract packages, so this updated Resettlement Plan was updated according to sub-project. Therefore, the Resettlement Plan only updated corresponding contents related to road component and heating supply component. Construction of waste treatment requires collective pasture of 277.7 mu (dump occupies 262.05 mu, access roads take up 15.75 mu), the pasture level for class three grade seven level, affecting 1 HH 6 people, all ethnic minorities, and demolition temporary housing for 1HH, the housing area for 180m<sup>2</sup>, the sheepcote for 300m<sup>2</sup>. The updated resettlement plan includes projects and land acquisition and relocation of migrants impact, compensation, livelihood restoration and placement, budget, timetables and other aspects.

34. 1 township and 2 villages will be affected by LA and HD, respectively Tuoputiereke

township and Halahaile village, Halaste village, including 1HH 6 persons affected by LA and HD, all of them are ethnic minorities, 50.7 mu of unused stated owned land and 404.7mu of collective land will be occupied for permanent, identification of grassland. Demolition temporary housing for 1HH, the housing area for 180m<sup>2</sup>, the sheepecote for 300m<sup>2</sup>, affected for 6 persons.

35. Laying of water supply networks only involve temporary land, laying of pipelines required excavation of State-owned roads, temporary occupation of 52.82mu. Laying of drainage network involves only temporary land, laying of pipelines required excavation of State-owned roads, temporary occupation of 40.5 mu. Laying of heating pipe network involves only temporary land, laying of pipelines required excavation of State-owned roads and green belts of the city, a temporary occupation for 15.93 mu.

36. Drainage pipe, heating pipe network and the laying of water supply pipe network required excavation of State-owned roads and green belts of the city, but the water supply network and drainage network, heating pipelines in the same line, so excavation of drainage network, and heating network will be no longer counted again. The details resettlement impacts see Chapter 2.

Table 1-3 Summary of resettlement impacts

Items		Total
Affected Villages		2
Collective land (mu)	Total	404.7
	Cultivated land	—
	Woodland	—
	Grassland	404.7
State-owned land (mu)	Total	77.52
	Residential land	—
	Commercial land	—
	Enterprises	—
	State - owned wasteland	—
	State-owned unused land	77.52
HD (m <sup>2</sup> )	Rural residential land	180
	sheepecote	300
	urban residential land	—



Items		Total
	Shops	—
	Enterprises	—
Affected population	LA only (HH)	—
	HD only (HH)	—
	Both LA and HD (HH)	1
	Both LA and HD (persons)	6
Total affected people		6

#### 1.4 Socioeconomic benefits of the Project

37. The main components of the Project include road construction, water supply, sewage discharge, central heating and refuse disposal. The Project will improve the urban traffic network and living environment for urban residents, promote the development of the local tourism and commerce, improve the environmental hygiene of the urban area greatly, and generate tremendous ecological and socioeconomic benefits.

38. Road construction: This component will improve the traffic network of the county, make traffic more convenient, promote commerce and tourism, and increase nearby residents' income.

39. Water supply: This component will improve the urban water supply network, and further secure the domestic water supply of residents.

40. Sewage discharge: 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.

41. Refuse disposal: When completed, this component will change the present situation of disorderly refuse disposal greatly, and create an integrated refuse disposal system for refuse collection, recovery and sanitary landfill. In the urban area, the living environment will be cleaner, and the impact of urban refuse on the environment will be reduced significantly.

42. Central heating: Central heating and management will be practiced in order to save energy, and improve the environment and the lifestyle of the county town people. This component will further improve the quality of life of residents, reduce atmospheric pollution and improve atmospheric quality.

43. In general, the road construction, water supply, sewage discharge, refuse disposal and central heating components will drive Jimunai County's economic 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 hard environment of the county, which will increase the confidence of investors.

44. 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. 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.

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

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

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

46. According to the Jimunai County Urban Master Plan (2013-2030) issued by Altay District Administrative Bureau and the high speed development of Xinjiang, the proposed heating supply capability for Jimunai in 2009 is no longer meets the requirement. When the project was designed, it was projected to increase the heating supply service area in Jimunai from 0.27 million m<sup>2</sup> in 2009 to 0.611 million m<sup>2</sup> in 2015. However, up to the end of 2013, the service area already reached 0.7 million m<sup>2</sup>, it was predicted that by 2015 the area will be 85 million m<sup>2</sup>. Based on the master plan, by year of 2020, the population of Jimunai is projected to be 25000, the total indoor building area is 1.3 million m<sup>2</sup>, with 87 MW load; by year of 2030, the population is projected to be 42000, the total indoor building area is 2.14 million, with 120 MW load. Therefore, the previous proposed ADB project doesn't meet the demand of heat supply in Jimunai.

47. In accordance with Urban Master Plan of Jimunai (2013 - 2030) issued by Altay District Administrative Bureau in July 2013, Xinfu Road will be merged into Jimunai square for united

construction. As the connection of Provincial highway S229 and S319, Bian'an Street has been incorporated into upgrading works from S319 Jimunai to Jimunai Kou'an Highway, which was initiated by the Traffic Department in 2013 and to be completed by the end of August 2014; however, the capacity of Caigang Street cannot be improved with the original plan, as it is the wading pavement, across the section and nearby Bian'an Street.

48. Therefore, in accordance with the requirements of Jimunai Urban Master Plan (2013-2030) updated in 2013, Jimunai PMO plans to cancel the road works covering Guanghui Road, Xingfu Street and Caigang Street(west to the flood control channel); after project alteration, the heating component: 7 newly built heat exchangers, with total length of heating network of  $2 \times 5947.1\text{m}$ . After the alteration of road component, consideration the development of Jimunai County Border cooperation zone, expansion of Guanghui Road (as the funding is appropriate).

49. Due to the cancel of Guanghui Rd.(West section, which is existing road), Xingfu Street, and Caigang Street(west to the flood control channel), the HD area reduce for  $1267.01\text{m}^2$ , (14HHs, with 45persons), LA reduce for  $31.22\text{mu}$  (3HHs, with 14persons), meanwhile reduce the shops for 5, (HD area of  $743.99\text{m}^2$ ), and 1 enterprise.(HD enclosing wall for 151m).

50. Table 1-3 sums up the land acquisition and house demolition impacts of the Project before and after optimization.

Table 1-4 Measures to reduce resettlement impacts

Item		Unit	Original RP	Update RP	Difference
Land acquisition	Collective land	Mu	358.92	404.7	45.78
	State-owned land	Mu	89.56	77.52	-12.04
	Subtotal	Mu	448.48	482.22	33.74
House demolition	Rural residents	$\text{m}^2$	2454.05	480	-1974.05
	Urban residents	$\text{m}^2$	1267.01	0	-1267.01
	Enterprise / institution	$\text{m}^2$	1080	0	-1080
	Commercial store	$\text{m}^2$	743.99	0	-743.99
	Subtotal	$\text{m}^2$	4465.05	480	-3985.05
Land acquisition	Affected population	/	20	6	-14
House / building demolition	Rural residents	Household	13	6	-7
	Urban residents	Household	14	0	-14
	Commercial store	/	5	0	-4
	Enterprise / institution	/	1	0	-13
	Subtotal	/	33	6	-27



## **2 Impacts of the Project**

### **2.1 Types of impact**

51. Based on the physical indicator surveys, the main types of impact of the Project include:

- (1) Land acquisition/occupation;
  - (2) Demolition of residential houses and attachments;
  - (3) Demolition of non0residential houses (enterprises, institutions and commercial stores);
- and
- (4) Demolition of ground attachments and infrastructure

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

52. 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 Jimunai County as required by ADB.

53. During June 15-19, 2009, a field investigation of the Project was conducted.

54. On August 7, 2009, a training meeting of the staff involved in the Ethnic Minority Development Plan (EMDP) and the RP was held at JCCB, 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, woodland and special facilities, etc. in the affected areas, and a survey agenda was determined.

55. During August 8-15, 2009, a FGD was held at JCCB 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, pasture land, woodland and special facilities, as well as the affected residents and rural collective economic organizations.

56. From May to July 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, pasture land, woodland and special facilities, as well as the affected residents and rural collective economic organizations, and interview and case study of affected residents, enterprises, institutions and commercial stores.

57. In August 2011, the project executive office and house demolition management office and the evaluation agency investigated the influence of waste treatment engineering began in 2011 within the scope of the population, housing, land, pasture, special facilities and so on.

58. In Nov. 2014, based on Jimunai County Urban Master Plan (2013-2030), discussing the related issues on alteration of road component and heating component with Jimunai PMO, and

plan to submit the alteration proposal to DRC of Xinjiang Uygur Autonomous Region.

59. On Dec.15, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township held a negotiation on LA of extension construction Guanghui road.

60. On Dec.29, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township Government signed the agreement on LA of extension construction Guanghui road.

61. 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 3 years. Officials of the affected town government and villager teams participated in the physical indicator surveys of the Project.

62. To learn the impacts of the Project, the County PMO and design agency conducted a comprehensive survey of the physical indicators of the affected population, houses, land and special facilities within the affected areas in August 2009 as required by ADB, acquiring detailed information on project impacts. During May-July 2010, under the direction of the ADB TA experts, the County PMO and design agency conducted a supplementary survey of the affected households and rural collective economic organizations.

63. The physical indicator surveys of the Project included the land acquisition survey, affected population survey, house and attachment demolition survey, scattered tree survey, rural productive and living facility survey, and special facility survey, etc.

64. 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.

65. Affected population survey: A sampling survey of affected population, including ethnic group, age, educational level and employment status, etc.

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

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

68. 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

69. At the present stage, the impacts of land acquisition and house demolition of the Project are determined based on the recommended option selected at the FS stage. The impacts of the components are shown in Table 2-1.

### 1. Road construction

70. Jimunai road project (ADB loan) had planned to expand 5 roads totaling 10968.57m: 3 main roads (6961.56m), 2 secondary roads (4007.01m) along with road lighting, greening, traffic signs and maintenance facilities. In accordance with Urban Master Plan of Jimunai (2013 - 2030) issued by Altay District Administrative Bureau in July 2013, Xinfu Road will be merged into Jimunai square for united construction. As the connection of Provincial highway S229 and S319, Bian'an Street has been incorporated into upgrading works from S319 Jimunai to Jimunai Kou'an Highway, which was initiated by the Traffic Department in 2013 and to be completed by the end of August 2014; however, the capacity of Caigang Street cannot be improved with the original plan, as it is the wading pavement, across the section and nearby Bian'an Street.

71. Therefore, in accordance with the requirements of Jimunai Urban Master Plan (2013-2030) updated in 2013, Jimunai PMO plans to cancel the road works covering Guanghui Road, Xingfu Street and Caigang Street (west to the flood control channel) but remain Tuanjie Road, Caigang Street (east to the flood control channel) and north extension of Guanghui Road (as the funding is appropriate). In April 2015, the alteration proposal was submitted to DRC of Xinjiang Uygur Autonomous Region and got approved on May 20th 2015.

72. As surveyed, North extension of Guanghui Road will occupy 9.69 ha (145.35mu) land including state-owned unutilized land (natural grassland) of 5.168 ha (77.52mu), (owned by Tuoputiereke Township), construction land 4.522 ha. (67.83mu) (current highways). In addition, there are no buildings or structures or affected persons within the construction red line of North extension of Guanghui Road.

### 73. 2. Water supply

74. The laying of the water supply network of Jimunai County will involve temporary occupation of 52.82 mu of land only, where state-owned urban roads will be excavated.

75. The Jimunai County Waterworks is located about 3km to the south of the county town, with a ground level of 1,090m. The water source is groundwater. The capacity of the waterworks is 8,000m<sup>3</sup>/d for the present stage, and land for long-term development has been reserved. This waterworks was built in 2009 on state-owned land, involving no land acquisition and house demolition. No one's livelihood will be affected due to water source conservation.

### 76. 3. Sewage discharge

77. The construction of sewage treatment plant will occupy 78.3mu of collective land (the level is class 3, grade 8), no affected population, but for the need of long-term construction of wastewater treatment plant, after consultation with the affected persons, jimunai County PMO set aside landfill 48.3 mu grassland (class 3, grade 8) for long-term construction, Waste

treatment project long-term total expropriation of the 127 mu of grassland (class 3, grade 8), this project only occupied for 78.3mu, no affected population.

78. The laying of the sewer network involves temporary occupation of 40.5 mu of land only, where state-owned urban roads will be excavated. Since the routes of the water supply, sewer and heating networks are the same, the temporarily occupied areas are not calculated repeatedly.

#### 79. 4. Refuse disposal

80. The refuse disposal plant and its access road will occupy 277.7 mu of collective pasture land (Class 3, Grade 7), 262.05 mu for the refuse disposal plant and 15.75 mu for the access road, affecting 1 household with 6 persons, all being minority persons (all of them are Kazak). The winter shelter (temporary housing) of 180m<sup>2</sup> and sheepfolds of 300m<sup>2</sup> of this household will be demolished.

#### 81. 5. Central heating

82. According to the requirement of Jimunai County Urban Master Plan (2013-2030), heat points distance Jimunai County integrated district, and residents area and square regional distance insufficient hundred meters, according to preliminary design programme to construct, which will effect County City grade upgrade and landscape, and caused around environment serious pollution, has been constructed by County. In order to avoid duplication modification request has been reported to Xinjiang Uyghur autonomous region, national development and Reform Commission in April 2015, and on May 20, 2015, approved by Xinjiang Uygur Autonomous Region, the national development and Reform Commission. New construction of heat exchangers for 7, with a heating network of 2×5947.1m.

83. For new heat station, 3 of which are building on State-owned land in the new path, without affected population, covers an area of 0.68 mu; 4 building on State-owned land within the urban area, without affected population, covers an area of 0.9 mu. The due diligence report was prepared for construction of boiler houses details see annex due diligence report.

84. The laying of the heating network involves temporary occupation of 15.93 mu of land only, where state-owned urban roads and green belts will be excavated. Since the routes of the water supply, sewer and heating networks are the same, the temporarily occupied areas are not calculated repeatedly.

85. In areas not covered by central heating, households heat by burning coal in a stove in winter, and there is no community or central heating. After the new boiler house is put into operation, the former one will be closed down, but the workforce will be employed in the new boiler house. Therefore, after the service range of central heating is expanded, no one will be unemployed.

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

Component	Permanent land acquisition									Temporary occupation		House demolition												
	Collective land						State-owned land			State-owned land		Residential house demolition					Relocation of commercial stores			Demolition of enterprises and institutions				
	Pasture land	Woodland	Affected households	Affected population	Minority households	Minority population	Housing land (mu)	Commercial land (mu)	Construction land(mu)	State-owned Unused land (mu)	Unused land	Road (mu)	Demolition area (m²)	Affected house- holds	Affected population	Minority house- holds	Minority population		Number affected	Persons affected		Number affected	Persons affected	
Road construction									77.52															
Water supply											52.82													
Sewage discharge	127										40.5													
Refuse disposal	277.7		1	6									480	1	6	1	6							
Central heating									1.58		15.93													

## 2.4 Impacts of permanent land acquisition

### 2.4.1 Permanent acquisition of rural collective land and impact analysis

(1) **Permanent acquisition of collective land.** Permanent acquisition of collective land is caused by the refuse disposal components and sewage treatment, and will affect 1 households with 6 persons. 404.7 mu of collective land in total. The construction of sewage treatment plant will occupy 78.3mu of collective land (the level is class 3, grade 8), no affected population, but for the need of long-term construction of wastewater treatment plant, after consultation with the affected persons, jimunai County PMO set aside landfill 48.3 mu grassland (class 3, grade 8)for long-term construction, Waste treatment project long-term total expropriation of the 127 mu of grassland (class 3, grade8), this project only occupies 78.3mu, no affected population. The refuse disposal plant and its access road will occupy 277.7 mu of collective pasture land (Class 3, Grade 7), 262.05 mu for the refuse disposal plant and 15.75 mu for the access road, affecting 1 household with 6 persons, all being minority persons.

86.

87. (2) **Impact analysis.** Land acquisition is caused by the refuse disposal components and sewage treatment , affecting two villages (Wulaste and Halahaile). 404.7 mu of collective land will be acquired, including 277.7mu for refuse disposal components and 127 mu for sewage treatment . See Table 2-2.

Table 2-2 Statistics of collective land permanently acquired by the Project

No.	Component	Village/ community	Acquired collective land (mu)				Affected households	Affected population
			Total	Farmland	Pasture land	Woodland		
1	Sewage treatment	Wulaste	127	—	127	*		
2	Refuse disposal	Halahaile Village	277.7	—	277.7	—	1	6
Total			404.7	—	404.7		1	6

88. 277.7 mu of grassland will be occupied by refuse disposal components in Mr. Yeershi, before the LA, Mr. Yeershi owned grassland for 7810 mu, the loss rate for 3.56%, which has little impact to his family.

89. The construction of sewage treatment plant will occupy 78.3mu of collective land (the level is class 3, grade 8), no affected population, but for the need of long-term construction of wastewater treatment plant, after consultation with the affected persons, jimunai County PMO set aside landfill 48.3 mu grassland (class 3, grade 8)for long-term construction, Waste treatment project long-term total expropriation of the 127 mu of grassland (class 3, grade 8), this project only occupied for 78.3mu, no affected population.

90. The one household affected by refuse disposal owns 7,810 mu of pasture land, of which

277.7 mu will be acquired, with a loss rate of 3.56%. Land acquisition will have little impact on this household.

#### 2.4.2 Permanent occupation of state-owned land

91. Permanent occupation of the state - owned land is mainly caused by the jimunai heating project, the project will permanently occupy the state - owned unused land for 50.7 mu, without affected population. The LA mainly caused by road component, sewage treatment and heating component and the project will occupy the total area of permanently occupied state-owned land for 89.56 mu (8.56 mu of housing land, 1.12 mu of commercial land, 78.3 mu of wasteland and 1.58 mu of unused land). According to the requirement of Jimunai County Urban Master Plan (2013-2030), Jimunai County ADB project management office plans to cancel the construction of Guanghui Rd, Xingfu Street, and Caigang Street(west section of flood control Canal), the construction of Tuanjie Rd and Caigang Street (east section of flood control Canal) will be retained, and according to amount of funds to extend Guanghui Rd; due to ADB loan project design of heat points distance jimunai County integrated district, and residents area and square regional distance insufficient hundred meters, according to preliminary design programme to construct, which will effect County City grade upgrade and landscape, and caused around environment serious pollution, has been constructed by County. In order to avoid duplication modification request has been reported to Xinjiang Uyghur autonomous region, national development and Reform Commission in April 2015, and on May 20, 2015, approved by Xinjiang Uygur Autonomous Region, the national development and Reform Commission; project change will not involve LA and HD, expand of Guanghui Rd. will occupy the land for 145.35mu, including state-owned unused land for 77.52mu, state-owned construction land for 67.83mu, which is existing road, within both sides of road has no buildings and facilities, new construction of heating station for 7, with a heating network of  $2 \times 5947.1\text{m}$ , the construction of heating station will occupy state-owned vacant land for 1.58mu, without Aps.

Table 2-3 Statistics of State-owned land permanently occupied by project

Items	Affected village/community	Land nature	Area of occupied state-owned land(mu)
Road Component	Tuoputiereke township	State-owned unused land	77.52
	North expand of Guanghui Rd.	State-owned construction land(existing road )	67.83
Heating Component	State-owned unused land		1.58
Total			146.93

## 2.5 Temporary land occupation

92. The laying of the water supply, sewer and heating networks will involve excavation of state-owned roads, and temporary occupation of 109.25 mu of land, including 52.82 mu for the water supply network, 40.5 mu for the sewer network and 15.93 mu for the heating network.

## 2.6 House demolition

93. The Project involves HD for 1 households with 6 persons, with a total demolition area of 480 m<sup>2</sup>, including 180m<sup>2</sup> in earth timber structure (37.5%) and sheepfolds of 300m<sup>2</sup>(62.5%). See Table 2-4.

Table 2-3 Residential houses to be demolished

Component	Village /community	Total households	Total population	Demolition area (m <sup>2</sup> )					Total
				Masonry concrete	Masonry timber	Earth timber	Misc.	sheepfolds	
Refuse disposal	Halahaile Village	1	6			180		300	480

## 2.7 Affected ethnic minorities

94. The Project will affect 1 minority household with 6 persons. The main affected ethnic minority is Kazakh. 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 believes. See Table 2-11

Table 2-4 Statistics of affected minority population

Component	Village/ community	Total		Ethnic minorities		Kazakh		Other		Proportion to total population (%)
		Households	Population	Households	Population	Households	Population	Households	Population	
Refuse disposal	Halahaile Village	1	6	1	6	1	6	—	—	100%

## 2.8 Affected attachments and infrastructure

95. Due to the modification of road construction and heating component, there is no effect to the appendages and infrastructure.

### 3 Socioeconomic Profile of the Affected Areas

#### 3.1 Socioeconomic background of the affected areas

96. Jimunai County governs 5 Xiangs, 2 towns and 41 administrative villages, with a total population of 39,100 (including Regiment 186), including an urban population of 10,420, a rural population of 28,636 and a floating population of 50; ethnic minorities account for 65.4% of its total population. The county's poor population is 15,864, all in rural areas. In 2008, the county's GDP was 300 million yuan, up 9.5% year on year (based on current prices). The GDP of primary industries was 113 million yuan, that of secondary industries 60.86 million yuan and that of tertiary industries 126.99 million yuan. The local investment in fixed assets was 238 million yuan, up 60.7% year on year, and local fiscal revenue 15.02 million yuan, up 17.4% year on year. The per capita income of farmers and herdsman was 2,816 yuan, up 15 yuan year on year. The frontier mutual trade market of the Jimunai Port was open to Kazakh citizens for 321 days, with 9,389 visitors and a trading volume of 40.48 million yuan. The import and export trade volume of 2008 was 1.268 billion yuan, up 396% year on year.

#### 3.2 Socioeconomic profile of affected sub-districts/townships

97. The Project will affect one Xiang (Tuoputiereke) of Jimunai County. See Table 3-1 for the socioeconomic profile of the affected Xiang.

Table 3-1 Information on Tuoputiereke Xiang

Indicator	Unit	Figure
Households	/	3193
Population	/	9630
Han	/	3940
Uygur	/	43
Kazakh	/	4976
Hui	/	271
Other ethnic minorities	/	95
Arable area	Mu	60000
Per capita net income of farmers	yuan/person	2892

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

98. The Project will affect one community and 3 villages, which are Tuanjie Road Community, and Qikuorjia, Halahaile and Borktale Villages, Tuoputiereke Xiang.

99. Tuanjie Road Community, founded in July 1999, has a jurisdiction of 2.2km<sup>2</sup>. It governs 35 administrative, business and institutional entities, and is divided into 5 areas and 12 safety and civilization responsibility zones. The community has 811 households with 2,529 persons, including 1,270 men (696 non-farming households with 21,83 ?persons and 115 farming households) (1,458 Han people and 1,069 minority people). The residents are composed of Han, Kazakh, Hui, Uygur, Manchu and Mongolian, etc.

100. Qikuorjia Village is an agricultural village, located west of the county town and 0.5km away from the county town. It has 215 households with 1,086 persons, in which Han people account for 48%, Kazakhs account for 50% and other ethnic groups account for 2%. Total arable area is 6,710 mu, pasture land area 29,800 mu, and the highest amount of livestock 2,578 heads. The village plants wheat mainly. In 2009, its per capita income was 3,200 yuan, and the income of the village collective 180,000 yuan.

101. Borktale Village is located in the northwest of Tuoputiereke Xiang and north of Kou'an Road, 1.5km away from the county town. The village has 129 households with 525 persons, including 462 Han people, 47 Kazakhs, 11 Hui people and 5 Tujia people. This is an agricultural village, where arable land is composed mainly of fertile chestnut soil, used mainly to grow wheat, oil sunflower, watermelon and forage maize, etc. In 2010, the village's sown area was 3,802 mu, including 2737.5 mu for wheat, 284.5 mu for oil sunflower, 663.5 mu for watermelon, 28.5 mu for inter-planted alfalfa, 30 mu for mulched maize, 56 mu for crustless pumpkin and 2 mu for medicinal materials. In 2009, the village's per capita income was 3,500 yuan, and the income of the village collective 101,800 yuan. In 2010, 374 villagers have participated in the new rural cooperative medical care system and critical illness insurance, and 169 persons in 90 households receive subsidies from the civil affairs authority. Farmers' burden has been relieved.

102. Halahaile Village is a stockbreeding village with a population of 643 and a livestock amount of 19,457 heads. The villagers are composed of Kazakh, Hui and Kyrgyz, in which Kazakhs account for 95%. Its poor population is 205 persons in 81 households.

### **3.4 Socioeconomic survey of affected people**

103. 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 people whose land or properties may be lost due to project construction; (2) collecting the affected people's opinions about the Project; and (3) determining concerns of the affected people about land acquisition, resettlement and income restoration measures.

104. In July 2011, PMO, streets official, village official review the affected people and physical quantity, confirmed the compensation agreement which includes influence of the final amount of land acquisition and house demolition.

105. In the socioeconomic survey, basic data on the families, income, population, land and losses of the people affected by road construction, water supply, sewage discharge, central heating and refuse disposal was collected mainly. Two methods were used: (1) interview of village and community officials in the form of FGD; and (2) questionnaire survey of the affected people (the questionnaire is provided by the ADB consultants).

106. The socioeconomic survey covered all the 14 households with 45 persons affected by house demolition in Tuanjie Road Community, 12 households with 48 persons affected by house demolition in Qikuorjia Village, 3 households with 14 persons affected by house demolition Borktale Village, one household with 6 persons affected by both land acquisition and house demolition in Halahaile Village, 5 stores with 11 persons affected by house demolition on

Bian'an Street (Borktale Village), and one enterprise/institution with one person (Tuopuretieke Xiang Veterinary Station) affected by house demolition on Caigang Street.

### 3.4.1 Profile of affected population

107. The demographic profile of the affected people is shown in Table 3-2, including age, population composition, education and occupation of both genders.

Table 3-2 Demographic profile of surveyed households

Type	Men		Women		Total	
	Qty.	%	Qty.	%	Qty.	%
<b>Households</b>					30	
<b>Average population</b>					3.77	
<b>Age</b>						
≤6 years	6	5.31%	2	1.77%	8	7.08%
7-19 years	9	7.96%	9	7.96%	18	15.92%
20-35 years	16	14.16%	16	14.16%	32	28.32%
36-50 years	14	12.39%	15	13.27%	29	25.66%
51-60 years	6	5.31%	8	7.08%	14	12.39%
61-70 years	5	4.43%	2	1.77%	7	6.20%
≥71 years	2	1.77%	3	2.66%	5	4.43%
<b>Total</b>	58	51.33%	55	48.67%	113	100.00%
<b>Ethnic group</b>						
Han	15	13.27%	18	15.93%	33	29.20%
Uygur	0	0.00%	0	0.00%	0	0.00%
Kazakh	41	36.29%	35	30.97%	76	67.26%
Hui	2	1.77%	2	1.77%	4	3.54%
<b>Total</b>	58	51.33%	55	48.67%	113	100.00%
<b>Educational level</b>						
Illiterate or semiliterate	1	0.89%	2	1.77%	3	2.66%
Preschool	6	5.31%	2	1.77%	8	7.08%
Primary school	11	9.73%	12	10.62%	23	20.35%
Junior high school	20	17.70%	15	13.27%	35	30.97%
Senior high school or technical secondary school	14	12.39%	16	14.16%	30	26.55%
Junior college or above	6	5.31%	8	7.08%	14	12.39%
<b>Total</b>	58	51.33%	55	48.67%	113	100.00%
<b>Marital status</b>						
Unmarried	24	21.24%	19	16.82%	43	38.06%
Married	33	29.20%	33	29.20%	66	58.40%
Divorced	0	0.00%	0	0.00%	0	0.00%

Type	Men		Women		Total	
	Qty.	%	Qty.	%	Qty.	%
Bereaved of spouse	1	0.89%	3	2.65%	4	3.54%
<b>Total</b>	58	51.33%	55	48.67%	113	100.00%
<b>Occupation</b>						
Farming	10	8.86%	8	7.09%	18	15.95%
Stockbreeding	1	0.88%	1	0.88%	2	1.76%
Commerce	0	0.00%	1	0.88%	1	0.88%
Official	7	6.20%	9	7.97%	16	14.17%
Student	13	11.50%	12	10.62%	25	22.12%
Retired	3	2.65%	2	1.77%	5	4.42%
Unemployed	12	10.62%	11	9.73%	23	20.35%
Other	12	10.62%	11	9.73%	23	20.35%
<b>Total</b>	58	51.33%	55	48.67%	113	100.00%

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 2011 under the RP

### 3.4.1.1 Age

108. The age distribution reveals that the population is largely in a normal distribution. Most of the population is between 20-50 years, constituting the main part of labor and accounting for 53.98% of the sample size. The surveyed population is divided into different age groups. For example, students account for 22.12%, and those aged 7-19 years account for 15.92%. 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 61.95% of the sample size, as shown in Figure 3-1.

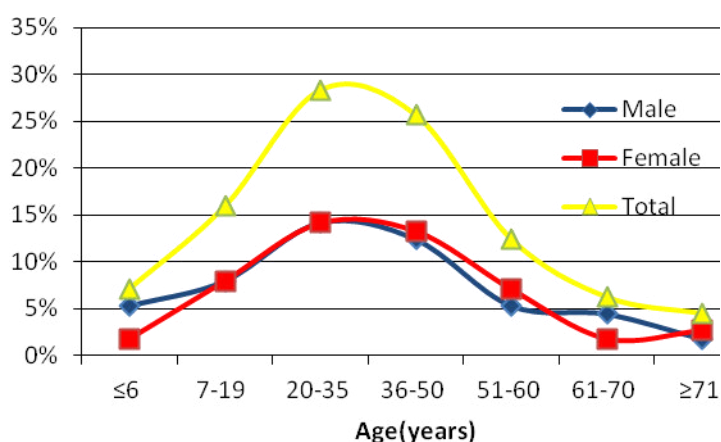


Figure 3-1 Age distribution of affected population



### 3.4.1.2 Education

109. 30.97% of the affected people have received junior high school education, followed by primary school education, accounting for 26.55%. 38.94% of the respondents have completed or are receiving senior high school or higher education, and two of the 3 illiterate respondents are aged over 60, showing a higher overall educational level of the affected people. It can be seen that the educational level of the affected people is largely in a normal distribution, with medium education accounting for a majority, and lower and higher education levels accounting for a small proportion.

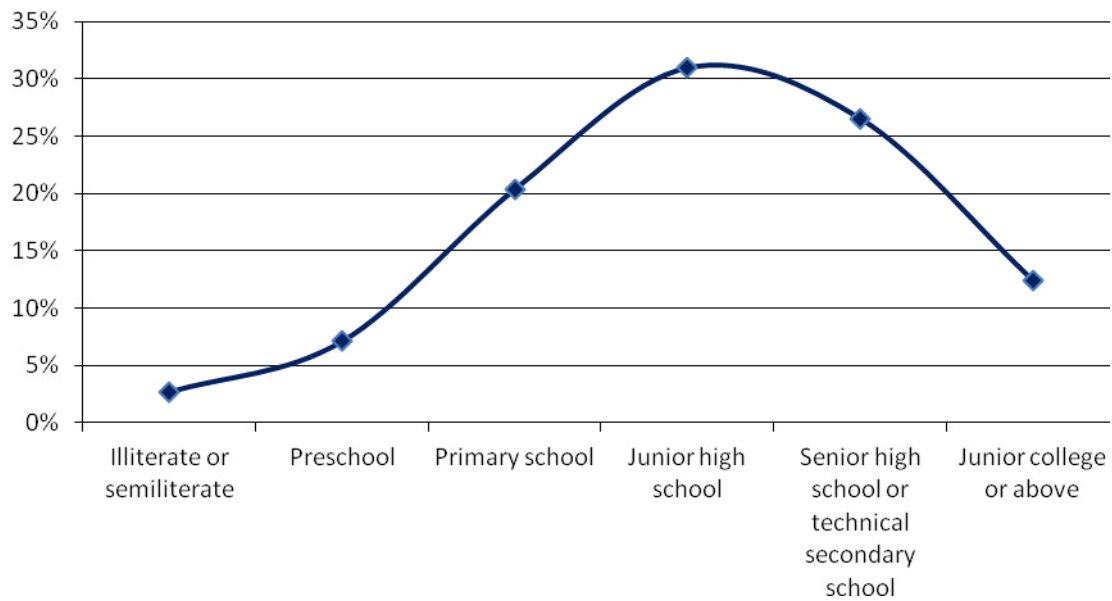


Figure 3-2 Educational level distribution of affected population

### 3.4.1.3 Occupation

110. Occupation distribution is largely as follows: 15.95% of the affected people deal with agriculture, 1.76% deal with stockbreeding, 0.9% do business, 14.17% do administrative work (officials), retirees account for 4.42%, students account for 22.12%, and other occupations account for 20.35%, as shown in Figure 3-3.

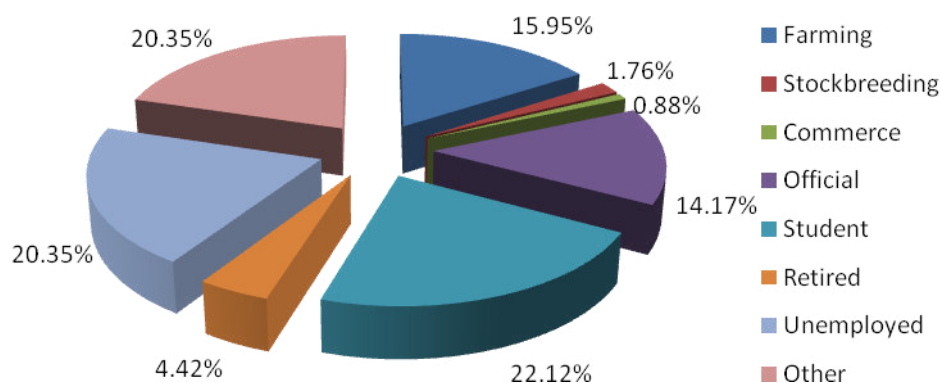


Figure 3-3 Occupation distribution of affected population

#### 3.4.1.4 Ethnic minorities

Table 3-3 Demographic profile of minority population in surveyed households

Item	Indicator	Kazakh					
		Men	Percent	Women	Percent	Total	Percent
Educational level	Illiterate or semiliterate	0	0.00%	0	0.00%	0	0.00%
	Preschool	5	6.58%	2	2.63%	7	9.21%
	Primary school	10	13.16%	8	10.53%	18	23.68%
	Junior high school	11	14.47%	8	10.53%	19	25.00%
	Senior high school or technical secondary school	11	14.47%	9	11.84%	20	26.32%
	Junior college or above	4	5.26%	8	10.53%	12	15.79%
	Total	41	53.95%	35	46.05%	76	100.00%
Occupation	Farming	7	9.21%	4	5.26%	11	14.47%
	Stockbreeding	1	1.32%	1	1.32%	2	2.63%
	Official	6	7.89%	8	10.53%	14	18.42%
	Student	12	15.79%	8	10.53%	20	26.32%
	Unemployed	8	10.53%	6	7.89%	14	18.42%
	Other	7	9.21%	8	10.53%	15	19.74%
Total		41	53.95%	35	46.05%	76	100.00%

Note: This table does not include the affected commercial stores and enterprise/institution. Since only one

Hui household is involved, it is not included.

111. It can be seen that 25% of the Kazakh family members have received junior high school education and 23.68% have received primary school education. 42.11% of the respondents have completed or are receiving senior high school or higher education.

112. The occupation distribution is largely as follows: 14.47% of the Kazakh respondents specialize in farming, 2.63% deal with stockbreeding and 18.42% do administrative work (officials) and students account for 26.32%.

113. Generally, compared to the other households affected by land acquisition and house demolition, the Kazakh households do not exhibit any special socioeconomic profile except that they are entitled to the birth policy for ethnic minorities.

### 3.4.2 Housing conditions

114. Housing conditions were also assessed in the socioeconomic survey. Table 3-5 shows that the average living space of these households is 157.93m<sup>2</sup>, up to 289.75m<sup>2</sup>. Demolition of residential houses will affect 27 households (only 26 are included in Table 3-4) with 97 persons.

Table 3-4 Living conditions of surveyed households

Item	Surveyed households	Min.	Max.	Ave.	Std. deviation
House area (m <sup>2</sup> )	26	102	289.75	157.93	44.3

Note: Yersen's family affected by the refuse disposal component is not included.

115. The Project involves displacement of 27 households with 99 persons, with a total demolition area of 3,721.06 m<sup>2</sup>, including 1,072.88 m<sup>2</sup> in masonry concrete structure (28.83%), 1,435.2m<sup>2</sup> in masonry timber structure (38.57%), 756.98m<sup>2</sup> in earth timber structure (20.34%), miscellaneous houses of 156m<sup>2</sup> (4.2%) and sheepfolds of 300m<sup>2</sup>(8.06%)..

### 3.4.3 Ownership of land resources

116. Of the 4 households affected by land acquisition, the 3 households affected by road construction in Qikuorjia Village have 22.67 mu of farmland on average, and the household affected by refuse disposal in Halahaile Village has 7,810 mu of pasture land.

Table 3-5 Land statistics of surveyed households

Unit: mu/household						
Component	Item	Surveyed households	Min.	Max.	Ave.	Std. deviation
Road construction	Farmland	3	18	30	22.67	6.43
Refuse disposal	Pasture land	1	7810	7810	7810	0

### 3.4.4 Household electric appliances and other assets

117. In the socioeconomic survey, the ownership of household electric appliances was surveyed and analyzed. It can be seen that the ownership rate of television sets is 100%, and that of

motorcycles 53.33%. It can also be seen that the ownership rate of PCs is 23.23% (those doing administrative work or business account for 15.31% of the affected people, and mostly have a PC for work or business purposes), and that of cars 6.67%. See Table 3-6.

Table 3-6 household electric appliances and other assets owned by affected households

Item	Ownership rate	Number per household	Number per capita
Bicycle	60.00%	0.83	0.23
Motorcycle	53.33%	0.6	0.16
Television set	100%	1.13	0.31
Washing machine	63.33%	0.63	0.17
Refrigerator	76.67%	0.8	0.22
PC	23.23%	0.27	0.07
Car	6.67%	0.1	0.03
Fixed telephone	76.67%	0.77	0.21
Mobile phone	80.00%	1.67	0.45
DVD/VCD	56.67%	0.6	0.16
Induction cooker	6.67%	0.07	0.02
Electric oven	23.33%	0.23	0.06
Radio	16.67%	0.17	0.05
Electric fan	16.67%	0.17	0.05

### 3.4.5 Income and expenditure

118. The surveyed households are divided into 3 groups by income structure: farming, non-farming and stockbreeding households. Those with agricultural income are defined as farming households, those without agricultural income and whose main source of income is not stockbreeding as non-farming households, and those whose main source of income is stockbreeding as stockbreeding households. The economic indicators of the these 3 types of households are shown in Table 3-7.

Table 3-7 Per capita economic indicators of surveyed households in 2010

Unit: yuan/year/person

	Households surveyed	Item	Min.	Max.	Ave.
Farming households	10	Per capita income	1150	18450	7121.8
		Per capita expenditure	3956	13990	6044
		Per capita deposits	-7290	6310	1077.8
Non-farming households	19	Per capita income	1440	20500	9769.97
		Per capita expenditure	3665	11835.5	6952.49
		Per capita deposits	-7968.5	14999	2817.18
Stockbreeding households	1	Per capita income	10000	10000	10000
		Per capita expenditure	9700	9700	9700
		Per capita deposits	300	300	300

Source: Socioeconomic survey 2011 under the RP

119. It can be seen from Table 3-8 that averagely, the income of non-farming households is higher than that of farming households, as with per capita deposits. It can be seen from Table 3-9 that this is because non-farming households usually have higher wage income, while the main source of income of farming households is farming (accounting for 65.64% of their total income). The overall per capita expenditure of farming households is slightly higher than that of non-farming households, mainly because farming households have higher agricultural expenses.

120. Table 3-9 shows that for farming households, agricultural income accounts for 65.64% of total income, wage income accounts for 18.62% (indicating the complexity of the outskirts) and employment income accounts for 5.13%; for non-farming households, wage income accounts for 68.80% of total income, employment income accounts for 21.28% and business income accounts for 6%. Table 3-10 shows that educational expenses of farming and non-farming households account for 16.74% and 15.79% of their total expenditure respectively, ranking 3<sup>rd</sup> and 2<sup>nd</sup> respectively, and living expenses account for 30.26% and 35.32% respectively, both ranking first.

Table 3-8 Income sources of surveyed households in 2010

Item	Agriculture	Stockbreeding	Outside employment	Doing business	House leasing	Wages	MLS	Other	Total
Farming households	191800	14000	15000	—	—	54400	5040	12000	292200
Proportion	65.64%	4.79%	5.13%	—	—	18.62%	1.72%	4.10%	100.00%
Non-farming households	—	—	124200	35000	8600	401560	9270	5000	583600
Proportion	—	—	21.28%	6.00%	1.47%	68.80%	1.59%	0.86%	100.00%
Stockbreeding households	-	60000	-	-	-	-	-	-	60000
Proportion	-	100%	-	-	-	-	-	-	100%

Source: Socioeconomic survey 2011 under the RP

Table 3-9 Expenditure of surveyed households in 2010 Unit: %

Item	Water	Electricity	Heating	Refuse	Living	Clothing	Agriculture	Educational	Medical	Traffic	Communication	Other	Total
Farming households	0.16	1.62	7.52	0.11	30.26	5.18	25.73	16.74	7.99	1.77	2.92	—	100
Non-farming households	0.64	2.75	11.18	0.51	35.32	7.4	—	15.79	14.12	2.93	6.91	2.45	100
Stockbreeding households	-	2.07	6.87	-	6.87	9.83	34.36	25.77	6.87	10.32	6.87	—	100

Source: Socioeconomic survey 2011 under the RP

### 3.5 Gender analysis

121. 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 Gender differences in education

122. Table 3-4 shows clearly that in the affected areas, women's overall educational level is basically same as men's. It can be seen in the left that the proportions of men having received primary school, middle school and senior high school are higher than those of women, and the proportion of women having received college or above education is higher than that of men. This reveals that there is no sex-based discrimination in terms of education in the affected areas.

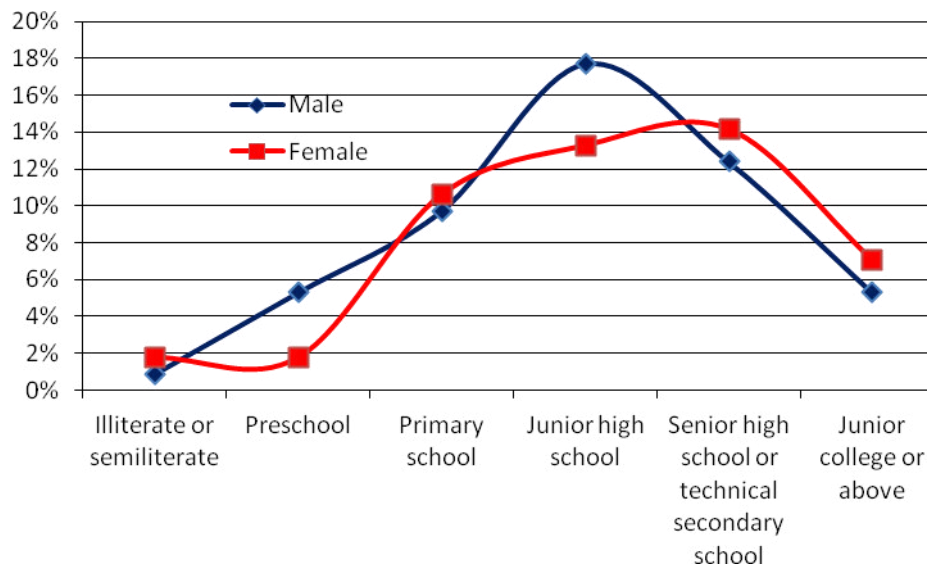


Figure 3-4 Gender difference in educational level

#### 3.5.2 Gender differences in occupation and income

123. Similar to and associated with the educational background of the male and female groups. Slightly more women do administrative work than men. Slightly more men deal with the other occupations than women without significant difference.

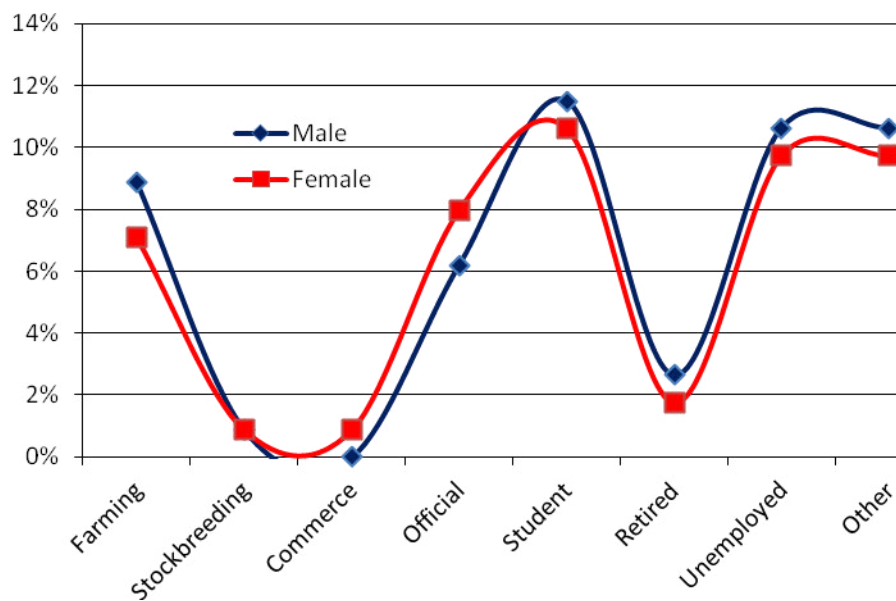


Figure 3-5 Gender difference in occupation

#### Gender Difference in Income

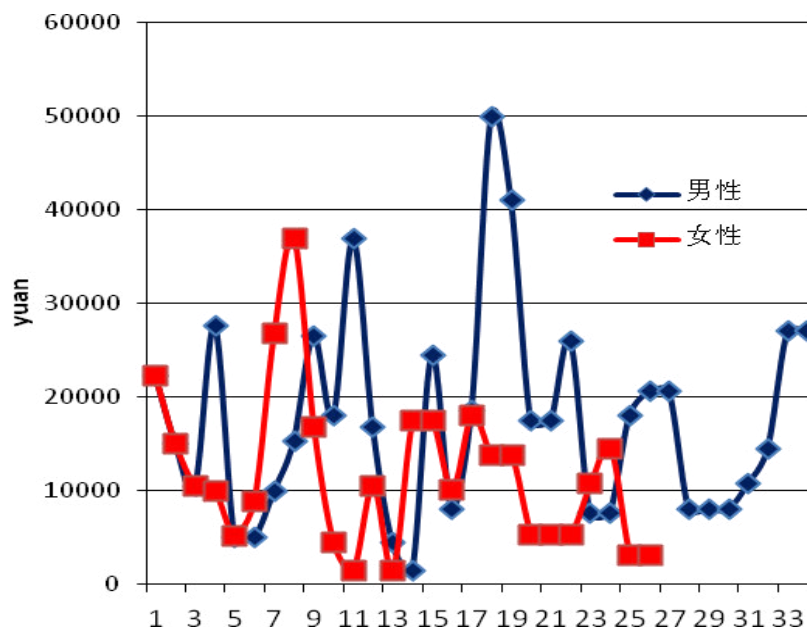


Figure 3-6 income difference

124. In consideration of the gender differences in educational and occupational background of the potentially affected people, the proportion of women's income in household income has been analyzed (as in Figure 3-6 and Table 3-10). The results show that the (1) among the labor force, more men have income; (2) men have more income than women; (3) income of the 34 women laborers accounts for 30.83% of household income on average, ranging from 0% to 100%. The socioeconomic status of women is to be improved. Women's rights and interests should be protected during project implementation, because the prejudice thereto will affect a family's quality of life directly.

Table 3-10 **Share of women in household income in 2010**

Item	Persons surveyed	Min.	Max.	Ave.	Std. deviation
Proportion of women's income	34	0%	100%	30.83%	0.25

Source: Socioeconomic survey 2011 under the RP

### **3.5.3 Analysis of affected women**

125. According to the survey, 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.

126. In addition, women have proposed special suggestions on resettlement: (a) Women doing farm work expect that resettlement housing is not storied building, otherwise agricultural means of production cannot be stored easily; and (b) Urban women expect that resettlement housing offers several modes of heating, because stoves used for heating in winter are maintained by women.



## **4 Legal Framework and Policies**

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

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

#### **ADB policies**

➤ ADB Safeguard Policy Statement (2009), Safeguard Policy 2: Involuntary Resettlement

➤ 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.*

➤ ADB Policy on Public Participation

➤ Gender and Resettlement Analysis

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

➤ Land Administration Law of the PRC (effective from January 1, 1999, amended on August 28, 2004)

➤ Regulation on the Dismantlement of Urban Houses of the PRC (Decree No.305 of the State Council, effective from November 1, 2001)

➤ Decision of the State Council on Deepening the Reform and Rigidly Enforcing Land Administration (Guo Fa [2004]28) (effective from October 21, 2004)

➤ Guidelines on Improving Compensation and Resettlement Systems for Land Acquisition (MLR Fa [2004] No.238) (effective from November 3, 2004)

➤ Property Right Law of the PRC (Decree No.62 of the PRC, effective from October 1, 2007)

➤ Forest Law of the PRC (effective from January 1, 1985, amended on April 29, 1998)

➤ Grassland Law of the PRC (effective from October 1, 1985, amended on December 28, 2002)

➤ 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

➤ 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

➤ Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor (order of the state council of the People's Republic of 590), effective from January 21, 2011

➤ Notice of Assessment Methods for the Expropriation of House on State-owned Land, House [2011] no. 77

#### **128.Applicable policies of XUAR**

➤ 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)

- 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)
- 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)
- XUAR Development Planning Commission, Document DOF [XJJF (2001) No.500]
- Detailed Rules of XUAR for the Implementation of the Grassland Law of the PRC (effective from September 1, 1989, amended on December 11, 1997)
- Regulations on the Expropriation and Compensation Appraisal of Houses on State-owned Land of Xinjiang Uygur Autonomous Region Implemented by Xinjiang Uygur Autonomous Region
- Measures of XUAR for the Implementation of the Forest Law of the PRC (effective from October 1, 2001)
- Circulation on Adjusting Standards of Grassland Compensation Fee & Resettlement Subsidy Fee by Xinjiang Uygur Autonomous Region, New Deal letter [2010] , No. 91
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#### **129. Applicable policies of Jimunai County**

- Implementing Regulations for Administration of Low-rent Housing for Urban Minimum-income Families in Jimunai County

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**

130. The Land Administration Law of the PRC is the main policy foundation of land acquisition under the Project. In addition, in order to further define the principles of compensation and resettlement for land acquisition, land acquisition procedures and supervisory mechanism, the State Council promulgated the Decision of the State Council on Deepening the Reform and Rigidly Enforcing Land Administration (Guo Fa [2004]28) in October 2004. Correspondingly, the Ministry of Land and Resources promulgated the Guidelines on Improving Compensation and Resettlement Systems for Land Acquisition (MLR Fa [2004] No.238) in November 2004, as set out in Section 4.1 above. These policy documents provide important guidelines for the resettlement work of the Project.

131. The main policy applicable to house demolition on state-owned land in the urban planning area is Regulation on the Dismantlement of Urban Houses is f Houses on state-owned land tax and compensation ordinance (order of the state council of the People's Republic of 590), effective from January 21, 2011 and Notice of Houses on state-owned land tax assessment method, House [2011] no. 77; correspondingly, the XUAR and Jimunai County governments have formulated relevant policies.

#### **4.3 Differences between ADB and PRC policies**

132. In the comparison of the differences between ADB and PRC policies, Table 4-1 indicates the greatest difference is the lack of information disclosure or the delay in consultation timing. For some small-sized projects funded by the central government, the only budget available is for engineering, while resettlement costs are left to county or town governments. Fortunately, this

situation is changing. In the Project, since Jimunai County has prepared adequate measures for land acquisition and resettlement, there is no radical difference between ADB and PRC policies.

Table 4-1 **Comparison between ADB and PRC policies**

No.	Key ADB policy principles	Comparison	Remarks
1	Involuntary resettlement should be avoided where feasible.	No difference	
2	Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.	No difference See Article 18 of Document No.28	
3	Replacing what is lost	No difference Compensation and subsidization	
4	Each involuntary resettlement is conceived and executed as part of a development project or program.	Little difference See Article 10	Already consistent with the ADB procedures to be implemented
5	The affected people are to be fully informed and closely consulted.	Difference Understanding and negotiation Usually no consultation is performed; information disclosure after approval by the PRC government	ADB procedures already / to be implemented
6	Social and cultural institutions.	No difference China is experienced in this respect through comprehensive analysis	
7	No formal title.	No difference Consultation on approved compensation rates in China	
8	Identification	No difference	
9	The poorest	No difference, assistance provided	
10	The full resettlement costs are to be included in the presentation of project costs and benefits.	Little difference. See Article 12 of Document No.28. all land acquisition costs for key national development projects	ADB procedures already / to be implemented

133. Although there are little differences in the provisions, the greatest differences lie in the procedures. ADB requires that resettlement planning is made at the time of project preparation,

but not until the land approval stage without detailed socioeconomic survey or consultation with affected persons. During project preparation, no person is responsible specifically for the RP. It is impossible to implement resettlement work successfully without a proper RP. In sum, resettlement implementation requires strong enforcement of the modified regulations and policies. Such differences are addressed by training and guiding the County PMO staff. The senior resettlement experts and preparatory TA consultants from ADB have managed to make the County PMO fully understand ADB's requirements and the PRC's policies on involuntary resettlement. This is just the beginning. Further measures will be taken during preparatory TA and before RP implementation.

#### **4.4 Principles of and entitlement to compensation of the Project**

##### **4.4.1 Principles of compensation**

134. 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 4-2.

Table 4-2 **Resettlement principles**

Principles	
1	Involuntary resettlement should be avoided where feasible.
2	The affected people are granted compensation and rights that can at least maintain or even improve their livelihoods in the absence of the project.
3	The affected people 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 people 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 people 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 people 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.

##### **4.4.2 Eligibility for compensation and beneficiaries**

135. The cut-off date for definition of the eligibility for compensation is the date on which JCG confirms the RP. Affected people 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.

## 4.5 Compensation rates

### 4.5.1 Compensation rates for collective land

136. **Grassland** As for grassland compensation standard, Xinjiang Uygur Autonomous Region Development and Reform Commission, Ministry of Finance issued [2010] 2679 document Notice on Adjusting Charge Standard of Compensation and Resettlement Fees in Grassland, a new charge standard will be implemented based on it. Compensation standard in grassland shall be 6-10 times of average annual output value of three years of the grassland prior to the requisition; as for resettlement subsidy standard, similarly, shall be 4-6 times of average annual output value of three years of the grassland prior to the requisition, and shall not exceed 15 times of that to the maximum. Abovementioned grassland compensation fee and resettlement fees shall not exceed 30 times of the average annual output value three years of the grassland prior to the requisition.

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

138. Requisition standard of all the grassland in this project will be in accordance with [2010] 2679 document Notice on Adjusting Charge Standard of Compensation and Resettlement Fees in Grassland. Jimunai County Grassland Supervision Office assessed the value of the grassland affected by the waste disposal project,, and confirmed it is Third Class Seven Level grassland, according to regulations in Article 39 of Grassland Law of P. R. China, Article 9, Article 10 and Article 11 of Management Measures on Examination and Approval of Grassland Requisition by Ministry of Agriculture, [2010] 2679 document by Xinjiang Uygur Autonomous Region Development and Reform Commission and Ministry of Finance, affected person Mr. Yersen shall be compensated with grassland compensation fees and grassland resettlement fees. The grassland average annual production of three years prior to the acquisition was assessed as 69 Yuan / mu( i.e. compensation base is 69 Yuan / mu ), grassland compensation standard shall be 10 times of average annual output value of three years of the grassland prior to the requisition; resettlement subsidy standard shall be 6 times of average annual output value of three years of the grassland prior to the requisition.

Table 4-3 Compensation rates for Grassland

	Base(yuan/mu)	Compensation fee for grassland (multiple)	Resettlement subsidy(multiple)	Standard(yuan/mu)
Class 3 grade 8	50	10	15	1250
Class 3 grade 7	69	10	6	1104

139. The grassland occupied by sewage treatment which was assessed to class three, grade eight by Jimunai Grassland Supervision Station, after assessment of the grass before first three years average annual output value for 50 Yuan/mu (compensation base for 50 Yuan/mu), grassland compensation according to the first three-year average annual output value of 10 times; resettlement subsidy based on first three average annual output value of 15 times multiplier.

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

140. 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 Jimunai 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 Jimunai County is 7 yuan/m<sup>2</sup>.

#### 4.5.3 Compensation rates for house demolition

141. The compensation rates for house demolition have been fixed by reference to the replacement costs of similar local housing in 2010 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.

##### 4.5.3.1 Residential houses

142. The compensation rates for urban house structures are the same as those for rural ones, and the compensation for urban house demolition includes the compensation for rights to use state-owned land. The compensation rates for rural house structures are the same as those for urban ones. If any rural house has a land use permit, the compensation for house demolition will include the compensation for state-owned land. Since rural house demolition is caused by the central heating component and occurs in Qikuorjia Village, which is at the edge of the Jimunai County town, where the displaced residents have a certificate of title, the compensation for house demolition will include the compensation for state-owned land. Therefore, the compensation rates for rural and urban house demolition are the same, as shown in Table 4-9.

143. Resettlement housing compensation will base on the 2010 reset other local housing prices to determine; the final compensation price will be determined by on-site assessment by appraisal company, the demolisher and dismantled make consultation at basis for this price .

Table 4-4 Compensation rates for urban residential houses

Category	Item	Unit	Rate	Remarks
Residential house	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	740	

Category	Item	Unit	Rate	Remarks
	Masonry timber	yuan/m <sup>2</sup>	660	
	Earth timber	yuan/m <sup>2</sup>	530	
	Simple structure	yuan/m <sup>2</sup>	300	
	Land compensation	yuan/m <sup>2</sup>	81	Tier-2 areas
The following subsidies are provided for the affected households all of whose houses are demolished:				
Other compensation	Moving subsidy	yuan/household	800	
	Transition subsidy	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	

#### 4.5.4 Other costs and taxes

144. The rates of other costs of land acquisition and house demolition are shown in Table 4-12.

Table 4-5 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

#### 4.6 Entitlement matrix

145. The entitlement matrix has been prepared in accordance with the relevant policies in this chapter. See Table 4-13.

Table 4-6 Entitlement matrix

Type of impact	Degree of impact	Affected people	Rights	Compensation policies and rates
Permanent acquisition of collective land	Acquisition of 404.7 mu of collective land, including 277.7mu grassland (class 3, grade 7)for refuse disposal, affected 1HH with 6 persons; 127mu collective grassland(class 3, grade 8) for sewage treatment. involving 2 villages	Village collective and land users (1households with 6 persons)	(1) Receiving grassland compensation fees and resettlement subsidy; (2) Getting more training opportunities.	Grassland monitor institution provide the grassland production value assessment, and determine the prairie compensation base, The grassland compensation is 6 to 10 times its average annual output value of in the last three years and Resettlement fees is 4 to 6 times its average annual output value of in the last three years. Above the prairie compensation and resettlement fees for concerned shall not exceed 30 times its average annual output value of in the last three years.
Demolition of rural residential houses	Demolition of winter shelter of 180m <sup>2</sup> and sheepfolds of 300m <sup>2</sup> of one stockbreeding household; and houses of 1,974.05m <sup>2</sup> of 12 households with 48 persons in Qikuorjia Village	House owners	(1) Receiving house compensation at replacement cost; (2) removers build the same framework as the relocation household (only for the temporary housing of herdsmen) (3) Being granted transition and moving subsidies, etc.	Compensation rates for rural houses: Masonry concrete structure: 740 yuan/m <sup>2</sup> Masonry timber structure: 660 yuan/m <sup>2</sup> ; Earth timber structure: 530 yuan/m <sup>2</sup> ; Based on the demolition structure and area to rebuild the same house and sheepcote(shed) by PMO.
Ethnic minorities	one household with 6 persons will be affected by both land acquisition and house demolition: A winter shelter of 277.7 mu will be demolished, including housing of 180m <sup>2</sup> and sheepfolds of	1 minority households with 6 persons,	(1) in accordance with the compensation standard (2) Priority in employment; (3) If the displaced households plan to deal with stockbreeding, they may apply for expansion of housing sites.	The compensation rates for land acquisition and house demolition are the same as above.



Type of impact	Degree of impact	Affected people	Rights	Compensation policies and rates
	300m <sup>2</sup> ;			
Women	one by both house demolition and land acquisition	1 women	(1) Having priority in receiving unskilled job opportunities arising from the Project (2) Giving priority to female labor in labor training, 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.

## **5 Resettlement Measures**

### **5.1 Objectives of resettlement**

146. The objectives of resettlement have been determined as follows based on the actual standard of living of the displaced persons in 2010, and the 11<sup>th</sup> five-year national economic and social development plan and 2015 long-term goals of Jimunai County:

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

147. 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:

- (1) Since the Project is constructed in a linear form, the design route may be modified appropriately to minimize the affected areas and resettlement;
- (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;
- (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;
- (4) The affected people shall be fully consulted for resettlement options;
- (5) The planning layout shall be determined on the principle of "facilitating production and life"; and
- (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 restoration options for affected villages**

148. Affected by the waste disposal project, 277.7 mu of pasture of Yersen family in Halahaile village will be requisitioned, Yersen family had 7810 mu of pasture before requisition, so grassland loss rate will be 3.56%, a small impact to the family. Jimunai County Grassland Supervision Office assessed the value of affected grassland, and confirmed it is Third Class

Seven Level grassland, according to regulations in Article 39 of Grassland Law of P. R. China, Article 9, Article 10 and Article 11 of Management Measures on Examination and Approval of Grassland Requisition by Ministry of Agriculture, [2010] 2679 document by Xinjiang Uygur Autonomous Region Development and Reform Commission and Ministry of Finance, affected person Yersen shall be compensated with grassland compensation fees and grassland resettlement fees. The grassland average annual production of three years prior to the acquisition was assessed as 69 Yuan / mu( i.e. compensation base is 69 Yuan / mu ), grassland compensation standard shall be 10 times of average annual output value of three years of the grassland prior to the requisition; resettlement subsidy standard shall be 6 times of average annual output value of three years of the grassland prior to the requisition. In the light of this calculation method, Yersen shall be paid 191,600 Yuan grassland compensation fee and 115,000 Yuan grassland resettlement subsidy fee.

149. Through negotiation, Mr. Yersen has signed Grassland Compensation Requisition Agreement with Project Office. Yersen actively supported the Project for the simple reason he think the construction of garbage dump improve sanitation environment. Besides, Xinjiang Uygur Autonomous Region Development and Reform Commission, Ministry of Finance issued [2010] 2679 document, compensation standards in this new document are higher than that in previous document. He believes compensation is reasonable. He also hopes the Project could be completed in the earliest time so as to change the Jimunai County sanitation Environment.

150. Construction life sewage treatment factory by occupied of Mr. Yeershi's grassland (Halahaile Village) (class three, grade eight level), according to national pasture compensation standard for compensation, according to modified price "2010" No. 2679, file provides, pasture compensation fee of 63,500 Yuan, resettlement subsidies of 95,300 yuan, LA work carried out in March 2013, and a total compensation fee 157,800 Yuan had been paid in May 2013 (127 mu land of full compensation), all compensation had been paid to village collective.

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

- a) Making job opportunities available first to the affected persons to generate cash income;
- b) During production restoration, it will give technical training on cash crop cultivation and stockbreeding, etc. to the affected people, and invite technicians of the agriculture, 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 people's income, and restore their livelihoods.

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

### **5.4.1.1 Resettlement options**

152. The winter shelter of one stockbreeding household will be demolished in the project.

153. As for house removal resulted from waste disposal project, 180 m<sup>2</sup> temporary house and 300m<sup>2</sup> fold will be removed. Jimunai County Construction Bureau signed compensation agreement with affected person Yersen after negotiation that, Jimunai County Construction Bureau shall rebuild a house and a fold in Yersen's own grassland with same size and same structure compared to old ones. What is more, a big

well or an artificial pond will be dug to improve his drinking water situation. Yersen wish his house and fold could be completed before October 2012 as the house, which shall be removed, is actually the house used for flock to give birth to lamb in summer. New house is expected to be done before lamb production season in summer, for this requirement Jimunai county Construction Bureau has committed to complete the said house before October 2012 so that Yersen could use it.



**Figure 5-1 Attached house to be demolished  
sheepfold to be demolished**



**Figure 5-2 Simple masonry-timber**



**Figure 5-3 the Resettlement House of the herdsmen**

154. New houses and sheepcotes has been built by Jimunai County Construction Bureau in June 2012, and the structure is much better than before, and help the affected people dug a big water well and a reservoir, condition of drinking water in winter get improved.

## **5.5 Ethnic minority development**

155. The affected local ethnic minorities enjoy the same social and economic status as the Han people, and have maintained their own ethnic living and religious characteristics.

156. 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.

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

157. 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**

158. In August and September 2009, the RP preparation agency and County PMO organized staff to conduct a preliminary housing and socioeconomic survey within the range of land acquisition and house demolition. During May 14-15, 2010, the RP preparation agency, resettlement TA experts 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 at least 35% being women). Heads and displaced person representatives of the one Xiang, 3 villages and one community of Jimunai 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.

159. In July 2011, PMO, streets official, village official review the affected people and physical quantity, confirmed the compensation agreement which includes influence of the final amount of land acquisition and house demolition.

160. In Nov. 2014, based on Jimunai County Urban Master Plan (2013-2030), discussing the relative issues on alteration of road component and heating component with Jimunai PMO, and plan to submit the alteration proposal to DRC of Xinjiang Uygur Autonomous Region.

161. On Dec.15, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township held a negotiation on LA of extension construction Guanghui road.

162. On Dec.29, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township Government signed the agreement on LA of extension construction Guanghui road.

163. Representatives of the affected people 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.

164. 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). 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;
- (2). In collective land acquisition, since the acquired land is pasture land and woodland, the affected households are concerned about the compensation rates mainly.
- (3). In the demolition of commercial stores, the affected households are concerned first about the compensation rates, and then about the mode of resettlement during the transition period.

165. 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.

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 FS design agency RP preparation agency	May-Jun. 2009	Affected people, village officials, engineering technicians	100	Project resettlement, field investigation, preliminary project impact survey	<ul style="list-style-type: none"> <li>● Introducing the background and purpose of the Project</li> <li>● Minimizing farmland occupation</li> </ul>
Task force of County PMO	Aug.-Sep. 2009	Tuanjie Road Community, Qikuorjia Village, Halahaile Village, Borktale Village	80	RP preparation, socioeconomic survey	<ul style="list-style-type: none"> <li>● Assisting in the project impact survey</li> <li>● Villagers expressed strong support for the Project</li> <li>● Socioeconomic survey and displaced household survey</li> </ul>
TA consultants, County PMO, RP preparation agency	May 16-20, 2010	Tuanjie Road Community, Qikuorjia Village, Halahaile Village, Borktale Village	60	Preparing an income restoration plan	<ul style="list-style-type: none"> <li>● The households affected by woodland acquisition expected cash compensation</li> <li>● The displaced households accepted market appraisal</li> </ul>
County PMO	Jul. 2010	Displaced households	30	Further defining the compensation rates and scope of the RP	<ul style="list-style-type: none"> <li>● The affected households largely accepted the RP</li> <li>● The affected households suggested that extensive consultation be conducted at the implementation stage</li> </ul>
County PMO	Jul. 2011	Displaced households caused by refuse disposal	6	consulting compensation plan and compensation standards	<ul style="list-style-type: none"> <li>● Affected people wish his winter shelter rebuild at an early date.</li> <li>● Accept the new grass compensation standards</li> </ul>
County PMO	Nov. 2014	Planning Department, the Land Department	12	Discuss on project changes of road component and heating componnet	<ul style="list-style-type: none"> <li>● cancel the construction of Guanghui Rd, Xingfu Street, and Caigang Street(west section of flood control Canal), the construction of Tuanjie Rd</li> </ul>

Organizer	Date	Participant	Number of persons	Purpose	Key opinions/details
					<p>and Caigang Street (east section of flood control Canal) will be retained, and according to amount of funds to extend Guanghui Rd</p> <ul style="list-style-type: none"> <li>● Cancel the construction of boiler room</li> </ul>
County PMO	Dec. 2014	Jimunai Construction Bureau, Tuoputiereke township, Land Department, Planning Department	14	Negotiation of the issues on Guanghui road expand	<ul style="list-style-type: none"> <li>● To ensure the land type and ownership</li> <li>● Assist and participate by Tuoputiereke township</li> </ul>
County PMO	Dec 29, 2014	Tuoputiereke township, Land Department, Planning Department	11	Negotiation of the matters on land	<ul style="list-style-type: none"> <li>● Tuoputiereke township provided land free of charge to the county PMO</li> <li>● Signed the agreement on the expand of Guanghui road.</li> </ul>



### **6.1.2 Completed public opinion survey**

166. In 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.

167. In July 2011, PMO, streets official, village official review the affected people and physical quantity, confirmed the compensation agreement which includes influence of the final amount of land acquisition and house demolition.

168. In Nov. 2014, based on Jimunai County Urban Master Plan (2013-2030), discussing the relative issues on alteration of road component and heating component with Jimunai PMO, and plan to submit the alteration proposal to DRC of Xinjiang Uygur Autonomous Region.

169. On Dec.15, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township held a negotiation on LA of extension construction Guanghui road.

170. On Dec.29, 2014, Jimunai County urban construction Bureau, the border economic cooperation zone and tuoputiereke Township Government signed the agreement on LA of extension construction Guanghui road.

171. The respondents include 14 persons in 3 households affected by land acquisition, 93 persons in 26 households affected by house demolition, 6 persons in one household affected by both land acquisition and house demolition, and the heads of the 5 commercial stores and the one enterprise/institution. These surveys were designed to make the implementing and design agencies clear about the local conditions and the concerns of the affected people. The survey results reveal that of the 124 respondents, 90.53% know that the Project is about to be constructed, and 9.47% are not quite clear or don't know; 89.2% approve of the Project, and 7.2% don't care; 48.5% think unsound infrastructure makes their work and life inconvenient, 31.3% think this affects quality of life, 15.2% think this affects investment environment and 5% think this affects urban image; 82.79% think unsound infrastructure affects life and work seriously, and 11.26% don't think so; 19.27% think the Project will improve their living environment, 18.63% think it will improve their working environment, 59.41% think it will increase job opportunities, and 4.63% think it will promote physical and mental health; 48.44% know or partly know the policies for land acquisition, house demolition compensation and resettlement, and 85.26% 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 questionnaire

No.	Question	Answer 1		Answer 2		Answer 3		Answer 4		Answer 5	
		Answer 1	Result (%)	Answer 2	Result (%)	Answer 3	Result (%)	Answer 4	Result (%)	Answer 5	Result (%)
1	Are you clear that the Project will be built?	Yes	90.53	Not clear	6.65	No	2.82	—	—	—	—
2	Do you approve of the construction of the Project?	Yes	89.2	No	3.6	Don't care	7.2	—	—	—	—
3	Your expected possible impact of unsound infrastructure	Inconvenience of life and work	48.5	Reducing quality of life	31.3	Affecting investment environment	15.2	Affecting urban image	5	—	—
4	To what extent unsound infrastructure will affect your life and work?	No	5.95	Slight	11.26	Serious	80.56	Very serious	2.23	—	—
5	Possible benefits of the Project for you	Improving living environment	19.27	Improving working environment	18.69	Increasing job opportunities	59.41	Promoting physical and mental health	4.63	—	—
6	Adverse impacts of the Project on you	No adverse impact	5.26	Affecting traffic	21.39	House demolition may cause economic losses.	40.68	Land acquisition may reduce income.	31.94	Other	0.73
7	Do you know the compensation and resettlement policies for land acquisition and house demolition?	Yes	23.12	Somewhat	25.32	No	51.56	—	—	—	—
8	Do you know the means of appeal when your lawful rights and interests are infringed on during land acquisition and house demolition?	Yes	85.26	No	14.74	—	—	—	—	—	—
9	Do you know that the Project will cause temporary land occupation?	Yes	29.36	Not clear	35.64	Not clear	35	—	—	—	—
10	Will temporary land occupation have any adverse impact on your life and production?	Yes	32.63	No	32.15	Not clear	35.22	—	—	—	—

## 6.2 Public participation and consultation plan

172. With the progress of project preparation and implementation, the County PMO, communities, breeding farm and village collectives will conduct further public participation, including discussion of resettlement housing construction, area and layout; scope of training for the affected people; issues arising from construction and solutions; listening to the affected people'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 people. 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 people	Publication of compensation rates and means of appeal
Disclosure of the RP	ADB website	Oct. 2010			
Land acquisition announcement	Bulletin board of villages, meetings of villagers	Mar. 2011	County PMO	All affected people	Disclosure of land acquisition area, compensation rates and resettlement modes, etc.
Announcement of compensation and resettlement option for land acquisition	Bulletin board of villages, meetings of villagers	Mar.-Oct. 2011	County PMO, sub-district offices, village officials	All affected people	Compensation fees and mode of payment
Recheck the DMS	Field survey	2011.6-2014.12	County PMO, sub-district offices, village officials	All affected people	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 people	Discussing the final income restoration plan and the plan for use of compensation fees
Disclosure of compensation fees and date of payment	Villager meeting	Dec. 2014	County PMO, sub-district offices, village	All affected people	Disclosure of compensation fees and date of

Purpose	Mode	Time	Agency	Participant	Topic
			officials		payment
Monitoring of the affected people	Door-to-door interview	Oct. 2011	County PMO, sub-district offices, village officials, residents, workers of enterprises and institutions	Random sampling	Understanding the implementation of the RP and the livelihood restoration of the affected people

### 6.3 Appeal procedures

173. 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:

174. 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;

175. 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;

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

177. 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.

178. 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.

179. All agencies will accept grievances and appeals from the affected people 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 people can use them to address relevant issues.

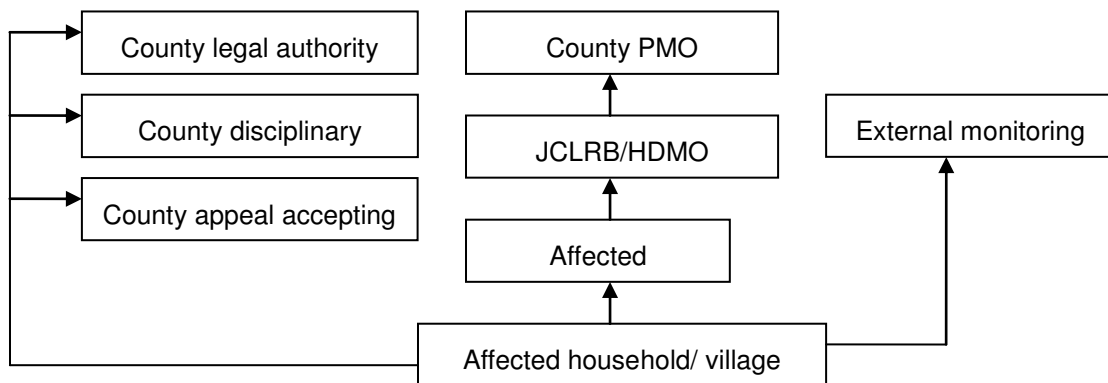


Figure 6-1 Appeal procedures

#### 6.4 Appeal contact information

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

Head of Tuanjie Road Community Committee: Zhang Xiyue	Tel: 6183904
Head of Qikuorjia Village Committee: Liu Yuhe	Tel: 6184020
Head of Borktale Village Committee: Cheng Xunwu	Tel: 6185123
Head of Halahaile Village Committee: Azhati	Tel: 13899411893
Head of affected sub-district office: Wang Cui'e	Tel: 6182225
Head of Tuoputiereke Xiang: Song Dongchang	Tel: 6185836
Head of JCLRB: Zhu Jun	Tel: 6184989
Head of JCCB: Bai Yanlin	Tel: 6917188
Head of HDMO: Yerkenbiek	Tel: 6184386
Head of County PMO: Liu Xin, Zhou Yuanliang	Tel: 6184386
Head of county appeal authority: Yi Zan	Tel: 6185809
Head of county disciplinary inspection authority: Chen Yongquan	Tel: 6185720
Head of county legal affairs authority: Dong Hongxu	Tel: 6182917

## **7 Resettlement Budget**

### **7.1 Resettlement budget**

181. 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. The total resettlement costs of Project are 3.4203millionyuan as shown in table 7-1.

Table 7-1 **Resettlement investment budget**

No.	Item	Unit	Compensation rate(yuan/unit)	Qty.	Cost (10,000 yuan)	Proportion	Remarks
<b>1</b>	<b>Acquisition of collective land(grassland)</b>	<b>mu</b>		<b>404.7</b>	<b>46.53</b>	<b>13.60%</b>	
	Grassland compensation fees	mu	690	277.7	19.16		3class 7grade
	Resettlement subsidy	mu	414		11.5		
	Grassland compensation fees	mu	500	127	6.35		3class 8grade
	Resettlement subsidy	mu	750		9.53		
<b>2</b>	Temporary houses and attachments of herdsmen				<b>20.66</b>	<b>6.04%</b>	
	Masonry timber	m <sup>2</sup>	660	180	11.88		
	Sheepfold (simple masonry timber)	m <sup>2</sup>	280	300	8.4		
	Temporary	HH/month	500	1	0.3		6 months

	transition subsidy						
	Moving subsidy	HH	800	1	0.08		
3	<b>Sub-total 1~2</b>				<b>67.19</b>	<b>19.64%</b>	
4	<b>Other costs</b>				<b>84.11</b>	<b>24.59%</b>	
	Survey, design and scientific research fees	A percentage of land acquisition and resettlement compensation fees			25.00		
	Implementation management fees	A percentage of land acquisition and resettlement compensation fees	3		20.16		
	Supervision and M&E fees	A percentage of land acquisition and resettlement compensation fees	5.5		36.95		
	Contingencies	A percentage of land acquisition and resettlement compensation fees			2.00		
5	<b>Stipulated fees of</b>				<b>190.73</b>	<b>55.76%</b>	



	<b>land acquisition</b>						
	Leasing fees of new land for construction	yuan/m2	7	269800	188.86		
	Land acquisition management fees	4% of land acquisition and resettlement compensation fees	4%	46.53	1.87		
Total					<b>342.03</b>	<b>100.00%</b>	

## 7.2 Investment plan by year

182. 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 livelihoods of the affected households, as shown in Table 7-2.

Table 7-2 **Resettlement investment plan**

Year	2011	2012	2013	2014	2015
Investment (million yuan)	0.342	1.0261	1.0261	0.6840	0.342
Proportion (%)	10%	30%	30%	20%	10%

## 7.3 Disbursement flow and plan of resettlement funds

### 7.3.1 Fund flow

183. 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.

184. The fund flow is as shown below:

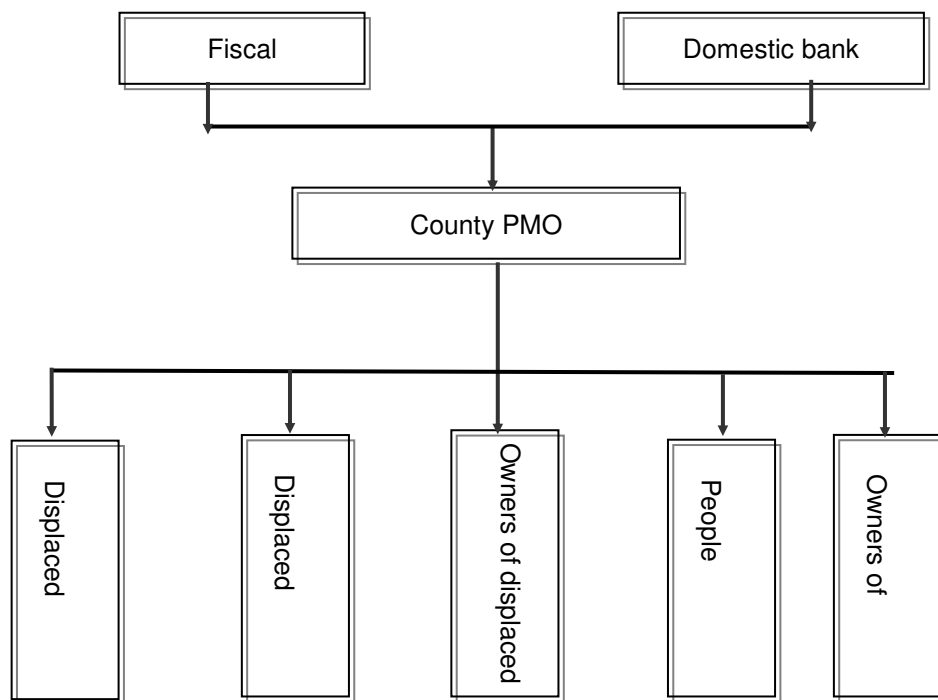


Figure 7-1 **Flowchart of resettlement funds**

### 7.3.2 Disbursement plan

185. Land compensation fees ,resettlement subsidy and young crop compensation fees will be paid directly to the affected people; house demolition compensation fees, and compensation fees for infrastructure and attachments will be paid to the affected entities and individuals.

186. 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 people 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.

187. 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

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

- Jimunai County Leading Group (County Leading Group for short)
- Jimunai County ADB-financed Project Management Office (executing agency, County PMO for short)
  - JCCB (implementing agency)
  - JCLRB
  - HDMO
  - Jimunai County Forestry Bureau
  - Jimunai County GMSS
  - Tuoputiereke Xiang
  - Tuanjie Road Community Committee, Qikuorjia Village Committee, Halahaile Village Committee and Borktale Village Committee
- Design institute

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

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

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

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

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

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

Jimunai County GMSS: going through, examining and approving grassland acquisition formalities, and carrying out coordination, determining the level of the grassland, management, supervision and arbitration

Tuoputiereke Xiang: assisting in the County PMO's survey, entering into a land acquisition and house demolition agreement with JCLRB, and assisting JCLRB in implementing land acquisition, house demolition and resettlement

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

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

## 8.2 Organizational chart

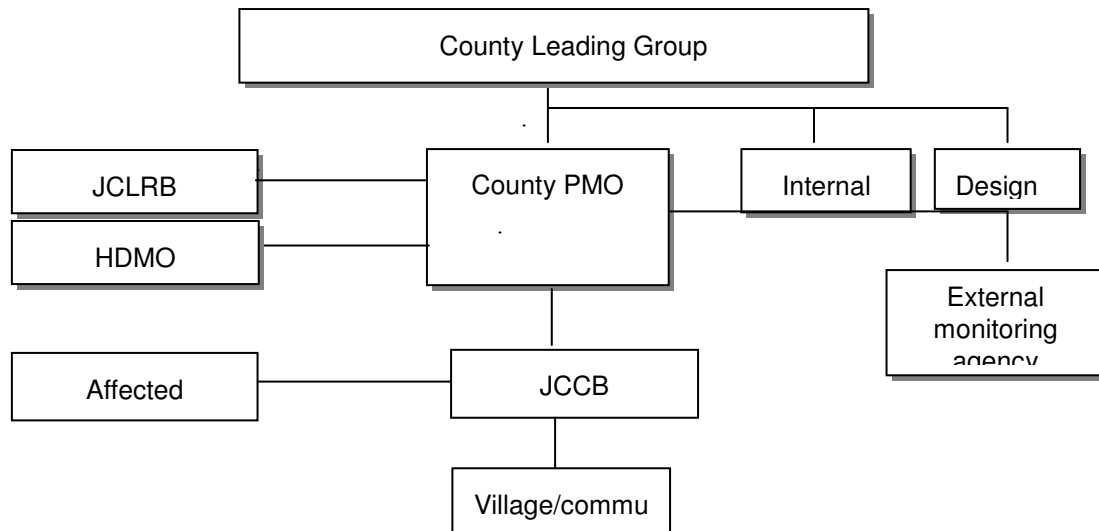


Figure 8-1 Resettlement organizational chart

## 8.3 Organizational qualifications and staffing

189. The staff of the Leading Group is from different functional departments of JCG, 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. The Leading Group has 17 members, including 3 females (17.65%). The members are directors-general or deputy directors-general of relevant bureaus and offices.

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

Leader: Liu Shikun, Deputy Secretary of the county CPC committee, Secretary of the disciplinary inspection committee, Secretary of the politics and law committee

Deputy leaders: Ma Haifeng, member of the standing county CPC committee, executive deputy county head

Qi Junjie, deputy county head

Members:

Xing Aijun, Director-general, JCCB

Ren Guangyuan, Director, County Development and Reform Commission

Luo Yan, Director-general, County Finance Bureau

Liu Jineng, Secretary, CPC Group, County Development and Reform Commission

Gao Aiguo, Director-general, County Environmental Protection Bureau

Yang Jun, Director-general, County Communications Bureau  
 Zhang Xinghua, Director-general, County Water Resources Bureau  
 Wei Xiaolong, Director-general, County Agriculture Bureau  
 Wang Jianxin, Director-general, JCLRB  
 Shi Hongcheng, Director-general, County Forestry Bureau  
 Wang Guifen, Director-general, County Audit Bureau  
 Ma Wenbao, Secretary, CPC Committee of Tuoputiereke Town  
 Wu Jianhua, Director, PMO, County Development and Reform Commission  
 Chen Yanfen, Deputy Director-general, County Finance Bureau

## **8.4 Division of labor**

### **8.4.1 County Leading Group**

➤ 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 JCCB**

➤ 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 JCLRB  
 ➤ 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 townships**

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 JCLRB and HDMO;
- Coordinating and handling issues arising in their work

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

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**

191. 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**

192. 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**

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

194.(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.;

195.(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;

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

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

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

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



## **9 Resettlement Implementation Plan**

200. According to the project implementation schedule, the Project will be constructed from 2011 to 2017, and have a preparation period of 2 years, in which the preparatory work will be completed; the implementation period will be 5 years (2011-2017). The land acquisition, house demolition and resettlement schedule links up the construction schedules of the components, and will span from July 2011 to December 2014. 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 people 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

201. 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 defined range.

- Investigating the range of land acquisition and house demolition

202. The County PMO will organize relevant staff of the sub-district offices, HDMO, JCLRB 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

203. 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 JCCB for approval.

- Contract signing

204. Under the coordination and direction of the County PMO, JCCB will enter into land acquisition and house demolition agreements with JCLRB and HDMO, and pay the contract price.

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

## **9.2 Implementation work**

### **➤ Disbursement of compensation**

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

### **➤ Permit to use land**

207. 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**

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

### **➤ Resettlement**

209. 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**

210. 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 people 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**

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

212. 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 people	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	Jul. 2011
4. Disclosing the compensation rates	Jul. 2011
5. Disclosing measurement results and notifying affected residents	Jul. 2011
6. Fixing compensation amount through consultation	Jul. 2011
7. Paying land compensation fees	Dec. 2015
8. Going through land acquisition and registration formalities	Mar.-. 2011—Dec. 2014
9. Training	Apr. 2011-Sep. 2014
<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	Jul. 2011
4. Disclosing the compensation rates	Jul. 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. 2012
8. Obtaining resettlement housing	Nov. 2012
9. Paying compensation fees	Mar.-Oct. 2011
10. Land leveling	May 2012
11. Building new housing	Jun. 2012—Oct.2012
12. Moving into new housing	Jan. 2013
13. Demolishing old housing	2011- 2012
<b>D. Restoration of special facilities</b>	
1. Detailed measurement	Jul. 2011
2. Consultation with owners	Jul.2011-Oct.2012
3. Payment of compensation fees	Sep. 2011—Dec. 2014
<b>E. M&amp;E</b>	
Baseline survey	Jul. 2011
Establishment of internal monitoring	Jan. 2011
Appointment of external monitoring agency	May. 2011

Internal monitoring reporting	2011-2014
External monitoring reporting	2011-2017
Final reporting	Dec. 2017



## 10 Monitoring and Evaluation

213. 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

214. 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

215. The internal resettlement monitoring agencies of the Project are the XUAR PMO, County PMO and other relevant authorities (e.g., JCLRB). 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

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

- (1) Relocation of displaced persons, allocation of housing sites and housing rebuilding, etc.;
- (2) Payment, use and availability of compensation fees for land acquisition, and implementation progress and quality of production and development options of displaced persons;
- (3) Investigation, coordination of and suggestion on key issues of the resettlement and implementing agencies during land acquisition, house demolition and resettlement;
- (4) Restoration of the household income of displaced persons;
- (5) Restoration of vulnerable groups;
- (6) Payment, use and availability of compensation fees for resettlement;
- (7) Level of public participation and consultation during land acquisition, house demolition and resettlement;
- (8) Resettlement training and its effectiveness; and
- (9) Working mechanism, training, working hours and efficiency of local resettlement offices

#### 10.1.4 Reporting of internal monitoring

217. 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>1</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

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

219. 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>1</sup> Fill in labor training, employment, vulnerable group subsidy, etc. in "Description".

### **10.2.1 Scope and methodology of external monitoring**

#### **220. (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.

#### **221. (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 people;
  - 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
- an assessment of the DPs' socio-economic situation after RP implementation and qualitative feedback from the DPs on the process of RP planning and implementation.

#### **222. (3) Public consultation**

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

#### **223. (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**

224. The external monitoring agency will submit a monitoring or evaluation report to ADB and



the XUAR PMO semiannually.

Table 10-3 **Resettlement M&E agenda**

	Resettlement report	Date	
1	Socioeconomic Baseline Survey	Jul. 2012	
2	Monitoring Report No.1	Dec. 2012	
3	Monitoring Report No.2	Jun. 2013	
4	Monitoring Report No.3	Dec. 2014	
5	Evaluation Report No.4	Jun. 2015	
6	Evaluation Report No.5	Dec. 2016	
7	Final Report	Sep. 2017	

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

225. 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 10 In lands collectively owned by peasants those have been allocated to villagers for collective ownership according to law shall be operated and managed by village collective economic organizations or villagers' committee and those have allocated to two or more peasants collective economic organizations of a village, shall be operated and managed jointly by the collective economic organizations of the village or villagers' groups; and those have allocated to township (town) peasant collectives shall be operated and managed by the rural collective economic organizations of the township (town).

Article 11 People's government at the county level shall register and put on record lands collectively owned by peasants and issue certificates to certify the ownership concerned.

People's government at the county level shall register and put on record the use of land collectively owned by peasants for non-agricultural construction and issue certificates to certify the right to use the land for construction purposes.

People's government at the country level shall register and put on record uses of land owned by the State by units or individuals and issue certificates to certify the right of use. The State Council shall designate specific units to register and put on record State-owned land used by central government organs.

Certifications of ownership or use right of wooded land and grassland and the uses or of water surface and beachland for breeding purpose shall be managed according to related provisions of the "Forest Law of the People's Republic of China", the "Grassland law of the People's Republic of China" and the "Fisheries Law of the People's Republic of China".

Article 12 Changes of owners and usages of land, should go through the land alteration registration procedures.

Article 13 The ownership and use right of land registered according to law shall be protected by law and no unit or individual is eligible to infringe upon it.

Article 14 Land collectively owned by peasant shall be contracted out to members of the collective economic organizations for use in crop farming, forestry, animal husbandry and fisheries production under a term of 30 years. The contractees should sign a contract with the correspondents contractor to define each other's rights and obligations. Peasants who have contracted land for operation are obliged to use the land rationally according to the purposes agreed upon in the contracts. The right of operation of land contracted by peasants shall be protected by law.

Within the validity term of a contract, the adjustment of land contracted by individual contractors should get the consent from over two-thirds majority vote of the villagers' congress or over two-thirds of villagers' representatives and then be submitted to land administrative departments of the township (town) people's government and county level people's government for approval.

#### **General plans for the utilization of land**

Article 19 General plans for land use should be mapped out according to the following

principles:

1. Strictly protect the basic farmland and control the occupation of agricultural land for nonagricultural purposes.
2. Raise the utilization rate of land.
3. Make an overall plan and arrangements about the use of land in various kinds and various areas.
4. Protect and improve the ecological environment to ensure a sustainable use of land.
5. Keep a balance between cultivated land occupied and cultivated land developed and reclaimed.

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 unconformable 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.

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

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

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

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

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

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

Article 12 Prior to making decisions on house expropriation, city and county people's governments shall make an assessment of social stability risk in accordance with relevant

provisions. Any decision on house expropriation that involves a relatively large number of Persons Whose Houses Are to Be Expropriated shall be discussed and made by the executive meeting of the government.

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

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

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

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

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

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

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

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

#### Compensation

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

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

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

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

formulated by the authorities of provinces, autonomous regions and municipalities directly under the central government.

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

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

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

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

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

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

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

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

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

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

Article 24 City and county people's governments and their relevant departments shall strengthen the supervision and management of construction activities according to law, and shall

deal with any construction in violation of urban and rural planning according to law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The real estate appraisal agencies are not allowed to contract house expropriation assessment business by such undue means as catering for improper request of the interested party, false promotion or malicious low charge etc.

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

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

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

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

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

1. Basic information of the client and the real estate appraisal agency;
2. The registered real estate assessor with responsibility for the assessment project;
3. The basic items of assessment such as assessment purpose, assessment object, and assessment time point etc.;
4. Data necessary for the assessment that shall be provided by the client;
5. Rights and obligations of two parties during the assessment;
6. Assessment fee and collecting mode;
7. Time and mode for delivering the appraisal report;

8. Liabilities for breach of contract;
9. Methods for settlement of dispute;
10. Other items that shall be explained.

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

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

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

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

Article 9 Prior to the house expropriation assessment, House Expropriation Departments shall organize the relevant units to survey the houses to be expropriated, and define assessment object. The assessment object shall be complete and objective without any omission or invention.

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

For the kind, purpose and building area of the registered houses, the building property title certificate and the house registry usually prevail; for any discrepancy between the building property title certificate and the house registry, the house registry shall prevail unless there

does is any evidence proving any mistake in the house registry. For the non-registered buildings, the assessment shall be performed according to the cognizance and treatment result of city- or county-level people's government.

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

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

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

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

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

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

House Expropriation Departments, the Persons Whose Houses Are to Be Expropriated and the registered real estate assessor shall sign or seal on the field reconnaissance record for acknowledgement. For the Persons Whose Houses Are to Be Expropriated who refuse to sign or seal on the field reconnaissance record, House Expropriation Departments, the registered



real estate assessor and the third part without interest shall witness, and the relevant conditions shall be explained in the appraisal report.

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 20 If the Persons Whose Houses Are to Be Expropriated or House Expropriation Departments have any objection to the assessment result, they shall apply for reassessment to the real estate appraisal agencies within 10 days at receipt of the appraisal reports.

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

Article 21 The original real estate appraisal agencies shall review the assessment result within 10 days at the receipt of the written application for reassessment. For the original

assessment result shall be revised after the review, an appraisal report shall be issued again; for no change to the assessment result, the applicant for reassessment shall be informed of that in written.

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

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

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

Article 24 The appraisal expert committee shall assign its members to be an expert team for appraisal of the review result. The members of the expert team shall be an odd number more than 3 persons, and the number of real estate assessors shall be half at least.

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

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

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

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

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

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

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

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

Article 31 The house expropriation assessment and appraisal costs shall be born by the client. If the original assessment result is altered with the appraisal, however, the appraisal cost shall be born by the original real estate appraisal agencies. The reassessment cost shall be born by the original real estate appraisal agencies. The house expropriation assessment and appraisal

cost shall be collected in accordance with the charging standards stated by the competent department of the government for price issues.

Article 32 Among the house expropriation assessment activities, for any violation of law or regulation of the real estate appraisal agencies and real estate assessor, the entity shall be punished in accordance with Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor, Administration Methods of Real Estate Appraisal Agencies, and Administration Methods of Registered Real Estate Assessors. For any charge violating any regulation, the competent department of the government for price issues shall punish such entities in accordance with Price Law of the People's Republic of China.

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

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

**1 General Provisions**

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

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

The expropriation appraisal of the houses on collectively owned land and demolition land and their accessories shall not be applicable to these Rules, unless otherwise the houses in rural and urban fringe zone and “urban village” without readjusting collective land for construction or homestead.

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

## 2 Term of Expropriation Appraisal

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

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

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

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

Article 8 Current value of the houses to be expropriated refers to the carrying value achieved through appraisal of material substance of the houses to be expropriated by calculating based on replacement price of building, deducting depreciation and surveying the house's actual situation.

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

### 3 Principles of Expropriation Appraisal

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

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

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

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

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

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

- (1) Temporary settlement allowance;
- (2) Moving expenses;

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

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

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

Article 15 Material substance situation and rights and interests situation of expropriation appraisal object shall be subject to the record of house ownership register; where material substance situation and rights and interests situation of expropriation appraisal object have changed and house ownership registration has not been settled before expropriation announcement is issued, the appraisal object should be appraised according to the investigation, identification and disposal results of relevant departments organized by municipal and county-level people's governments, and revised.

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

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



## 4 Appraisal Approaches

### 4.1 Application of expropriation appraisal approaches

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

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

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

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

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

### 4.2 Market comparison approach

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

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

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

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

#### 4.3 Income approach

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

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

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

#### 4.4 Cost Approach

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

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

Article 30 Where appraisal object is non-residential house, newness rate can be determined according to the specifications of straight line approach and newness discount approach of Code for Appraisal 5.4.9. Evaluation report should be attached with calculation

process. Where appraisal object is residential house, the difference in price revised according to service life will not be deducted.

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

## 5 Results and Report of Expropriation Appraisal

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

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

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

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

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

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

Where expropriation parties have doubts about appraisal report, they can consult the appraisal institution. The appraisal institution should explain the basis, principle, program, method and parameter selection of demolition appraisal as well as generation process of appraisal results to the expropriation parties.

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

## 6 Re-appraisal and Identification Program

Article 37 Where expropriated people have doubts on the appraisal report and apply the original appraisal institution for appraisal review, the appraisal institution should make review conclusion within 5 days upon receiving the application of written appraisal review; issue new

appraisal report in case of variation of appraisal results; and issue written notification in case of no change of appraisal results.

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

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

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

## 7 Code of Appraisal Conduct

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

### **Circulation on Adjusting Standards of Grassland Compensation Fee & Resettlement Subsidy Fee by Xinjiang Uygur Autonomous Region**

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

1. Adjust standard of grassland compensation fee and resettlement subsidy fee. Compensation standard in grassland shall be 6-10 times of average annual output value of three years of the grassland prior to the requisition; as for resettlement subsidy standard,

similarly, shall be 4-6 times of average annual output value of three years of the grassland prior to the requisition, and each hectare shall not exceed 15 times of that to the maximum. Abovementioned grassland compensation fee and resettlement fees shall not exceed 30 times of the average annual output value three years of the grassland prior to the requisition.

2. In case of the need for temporary use of grasslands, including dredging, mining, earth, gold mining, geology (oil) exploration, road construction, erection (laying) pipeline, construction of tourist spots, etc., the fee of temporary use grasslands should be paid in line with grassland compensation base. In the event of units and individuals purchase or excavate medicinal plants or economic plants on grassland, they need pay grassland medicinal (economic) plant resources compensation fee, that is 5-10% of purchase price of on that same year.

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

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

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

**Applicable provisions of the Regulations of XUAR for the Implementation of the Land Administration Law of the PRC**

**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 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 or 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.

#### **Applicable provisions of the 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**

#### **Chapter 1 General Provisions**

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 4 The forests are divided into the following five categories:

(1) Protection forests: forests, trees and bushes mainly aimed at protection, inclusive of water source storage forests, forests for water and soil conservation, wind protection and sand bind forests, forests for farmland and grassland protection, river bank protective belts and road protection belts;

(2) Timber stands: forests and trees mainly at timber production, inclusive of bamboo groves mainly aimed at bamboo production;

(3) Economic forests: trees mainly aimed at the production of fruits; edible oils, soft drinks and ingredients; industrial raw materials; and medicinal materials;

(4) Firewood forests: trees mainly aimed at the production of fuels;

(5) Forests for special uses: forests and trees mainly aimed at national defense, environmental protection and scientific experiments, inclusive of national defense forests, experimental forests, parent stands, environmental protection forests, scenic beauty forests, trees for sites of historical interests and the forests of natural protection areas.

Article 5 Construction of forestry shall be guided by the approach of forest ranging as the basis, universal forest protection, great forestation efforts, combination of cutting and planting, and sustainable utilization.

Article 6 The State encourages research of the forestry science, popularizes advanced forestry technology and raises the level of forestry science and technology.

Article 7 The State protects the legitimate rights and interests of forest growers, alleviates their burdens according to the law, forbids law-breaking imposition of levies and fines on them, and forbids the imposition of contributions and mandatory fund-raising on them.

The State protects the legitimate rights and interests of the collectives and private individuals who have contracted for forestation; no organization and private individual shall encroach upon the ownership of trees and other legitimate rights and interests entitled according to the law to the collectives and private individuals who have contracted for forestation.

Article 8 The State adopts the following protective measures on the forest resources:

1) To impose a quota on forest cutting and encourage forest planting in order to expand the area of forest coverage;

2) To offer economic support or long-term loans to the collectives and private individuals who plant and cultivate forests according to relevant stipulations of the central and local people's governments;

3) To advocate comprehensive utilization and saving on the use of timber and encourage the development and utilization of timber substitutes;

4) To collect forest cultivate levies which shall be used exclusively for forest planning and cultivation purposes;

5) To make sure that coal and paper sectors shall apportion out of their output of coal, pulp and paper a certain amount of funds which shall be used exclusively for the nurturing of mine timber and timber for paper making; and

6) To establish the forestry fund system.

The State shall establish the forestry ecological efficiency compensation fund, which shall be used for the building, cultivation and management of protection forests with ecological efficiency and the forest resources and trees with special uses. The forestry ecological efficiency compensation fund shall be used exclusively for its designated purpose and shall not be used for any other purpose. The specific methods shall be formulated by the State Council.

Article 9 In terms of the forestry production and construction in ethnic minority autonomous areas, in line with the stipulations of the state in regard to the autonomous right of ethnic minority autonomous areas, the State and the people's government at the provincial or autonomous region level will offer more autonomy and economic benefits than ordinary areas in connection with forestry development, timber distribution and forestry fund utilization.

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 11 Tree planting and forest protection shall be the duties performed by every and each citizen. The people's government at various levels shall organize all the citizens to plant trees as an obligatory duty and conduct forestation activities.

Article 12 The people's government at various levels shall award organizations or private individuals who have made outstanding achievements in connection with forestation, forest protection, forest management and forestry-related scientific research.

## **Chapter 2 Operation and Administration of Forests**

Article 13 The competent forestry authorities at various levels shall, according to the stipulations of this law, exercise administration and supervision over the protection, utilization and renewal of forests.

Article 14 The competent forestry authorities at various levels shall be responsible for sorting out forest resources, establish the resources archives system and take hold of the situation in terms of resources changes.

Article 15 The use right for the following forests, trees and woodlands can be transferred according to the law. It can also, according to the law, be priced and converted into shares or used as conditions for equity or cooperative joint ventures for forestation and operation of trees. However, woodlands shall not be converted into non-woodlands.

- 1) Timber stands, economic forests and firewood forests;
- 2) The woodland use right for timber stands, economic forests and firewood forests;
- 3) The woodland use right for the cutting blanks and the burns of timber stands, economic forests and firewood forests;
- 4) The use right for other forests, trees and other woodlands stipulated by the State Council.

In case of transfer, conversion into shares after pricing, or being used as conditions for equity or cooperative joint ventures for forestation and operation of trees in line with the previous paragraph, the forest tree cutting license already obtained may be concurrently transferred; at the same time, the two sides of the transfer shall observe the stipulations of this law with regard to forest and forest tree cutting and reforestation.

With the exception of the circumstances specified in Paragraph One of this article, the use right for other forests, trees and other woodlands cannot be transferred. The specific methods shall be formulated by the State Council.

Article 16 The people's government at various levels shall formulate long-term forestry plans. State-owned forestry enterprises, institutions and natural protection zones shall, according to the long-term forestry plans, formulate their forestry operation programs, which shall be implemented after submission to and approval of the competent authorities at a higher level.

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

Article 1 These Regulations have been formulated in accordance with the Forest Law of the People's Republic of China, the Regulations for the Implementation of the Forest Law of the PRC, and other applicable laws and regulations, and based on the practical conditions of our region.

Article 2 Anyone who deals with forest cultivation, felling, utilization, and forest and woodland management must comply with these Regulations.

Article 3 Forests within the administrative jurisdiction of our region include mountain

forests, plain natural forests and plain artificial forests.

Woodlands shall include arbor woodlands, shrub lands, open forest lands, cutting blanks, burnt over lands, underage forests and nursery lands with a canopy density of over 0.2, plain natural glades suitable for forestation as identified by the governments at or above the county level, and mountain forests and glades of not more than 20 hectares, and other suitable land for forest planned by the governments at or above the county level.

Article 4 Governments at all levels shall increase the investment in forestry development, strengthen scientific research in forestry, improve the technology level of forestry, enhance forest conservation and management, and ensure the stable growth of forest resources in light of the need for ecological building and sustainable national economic development, and based on annual economic growth.

Article 5 A tenure-based target responsibility system for the conservation and development of forest resources by governments at all levels shall be practiced in our region.

Governments at all levels shall develop annual and tenure-based responsibility targets for the conservation and development of forest resources. Governments at higher levels shall supervise and inspect the fulfillment of the targets of those at lower levels, and give reward or punishment accordingly.

Targets for the conservation and development of forest resources shall be so developed and implemented that the forest coverage in the administrative area is raised year by year, forest area is not reduced, and the stock of forest standing tree increases year by year.

Forestation and enclosed tree planting plans and programs of the state-owned forest farms under our region and prefectures (cities) shall be included in the tree planting and forestation plans and programs of the local governments.

Article 6 The competent departments for forestry of the governments at or above the county level shall be responsible for forestry work within their respective administrative areas.

The township governments shall be responsible for forestry work within their respective administrative areas. Township forestry agencies shall direct rural collectives and individuals to develop forestry production and provide public forestry services in accordance with the applicable provisions of the state, and conduct forestry administration as entrusted by the competent departments for forestry.

Article 7 The forest resources supervisory agencies assigned by the regional competent department for forestry to state-owned forest zones shall perform independent and strict law enforcement, and strengthen the conservation, development, management, supervision and inspection of local forest resources.

State-owned forestry enterprises under our region and prefectures (cities) shall report information on forest conservation, development, production and construction to the local county (municipal) governments periodically, and submit forestation, enclosed tree planting and other production plans to the local county (municipal) governments for reference and supervision.

Article 8 The Xinjiang Production and Construction Corps (the “Corps”) shall be responsible for forestry management within the land delegated specifically to the Corps in accordance with the laws and regulations on forest, and these Regulations under the unified leadership of the regional government. Its forestry administrative department shall report to the competent department for forestry of the regional government.

Article 9 The governments at or above the county level identify the title to or right to use forests and woodlands, register forests and woodland, and issue certificates of forest tenure.

Article 10 Public welfare forests and commercial forests shall be managed separately. Public welfare forests shall include shelter forests and special-purpose forests; commercial forests shall include timber forests, economic forests and firewood forests.

Public welfare forests and commercial forests shall be identified by the governments at or above the county level.

Article 11 Public welfare forests shall be funded by governments at all levels mainly. Organizations and individuals are encouraged to invest in and develop such forests. A ecological benefit compensation system shall be practiced for forests in accordance with the regulations developed by the regional government under state provisions.

Commercial forests shall be funded by operators mainly, and governments at all levels shall provide assistance and guidance in finance, technology and information.

Article 12 Shrub forests with a coverage of 30% or more shall be managed by competent departments for forestry; those with a coverage of less than 30% that are formerly used for forestry operation shall still be used for forestry operation, and those that are formerly used for stockbreeding shall still be used for stockbreeding.

Shrub coverage shall be calculated in strict accordance with the technical standards and scope stipulated by the state.

Article 13 For woodlands that are allowed for herding as stipulated by our region, the governments at or above the county level shall issue a herding permit. Except for forestation and enclosed tree planting, etc., no organization or individual shall prohibit herdsmen from entering woodlands allowed for herding or impose any charge on herdsmen.

Anyone who herds on woodlands must comply with the Forest Law of the PRC and other applicable laws and regulations. If any competent department for forestry needs to carry out forestation according to its plan, the local county government shall reallocate pasture lands to the herdsmen herding thereon through unified arrangement.

Article 14 If any dispute over woodland ownership or pasture land use due to the overlapping issue of a grassland permit and a certificate of forest tenure, the local county (municipal) government shall settle such dispute; if such dispute arises from the overlapping issue by a lower-level government and a higher-level one, the latter shall settle such dispute.

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 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.

Article 18 Governments at all levels shall develop plans to enclose regenerated woodlands, young woodlands, experimental woodlands, plain natural woodlands and other mountain lands and deserts that can be enclosed for forestation, fix and publish an enclosure area and period.

Herding, firewood felling, medicinal material digging, weeding with a machine that is likely to damage seedlings, and other activities that are adverse to natural forest restoration shall be prohibited during the enclosure period. Enclosure shall be released publicly upon expiry of the enclosure period.

Article 19 Governments at all levels shall determine a conserve for plain natural forests for key protection, which shall be prohibited from felling except for fostering or regenerative felling.

Governments at all levels shall arrange plain natural forests and water supply for artificial forests when making watershed planning, integrated water resources development and utilization plans, integrated agricultural division and carrying out water resources construction to ensure the growth and restoration of forests.

Article 20 Governments at all levels shall strengthen forest fire protection, and establish a sound forest fire protection organization in accordance with the provisions of the state and our region on forest fire protection, fix responsibilities for forest fire protection, and prevent and extinguish forest fires properly.

In areas where there are more forest resources, governments at or above the county level shall establish a fire monitoring and pre-warning system using high technology, fix the local forest fire protection period and strict fire control area based on the fire risk division, and release fire risk forecasts periodically.

Article 21 The competent departments for forestry of the governments at or above the county level shall strengthen the prediction, forecast and plant quarantine. When a forest insect pest spreads, the local government shall take emergency measures to control and eliminate it. With the approval of the regional government, a forest plant quarantine station may be set up in areas affected by forest insect pests to block and control the epidemic.

Article 22 Where forest resources are used to carry out tourist activities or build a forest park, the conditions stipulated by the state shall be complied with, and an application shall be filed to the competent department for forestry of the government at or above the county level for



approval.

If a forest tourist project is to be developed or a forest park is to be built, a feasibility study report and a master plan must be prepared, an environmental impact assessment conducted, and environmental protection measures implemented. Forest resources and landscape shall not be damaged.

Article 23 Slopes with a gradient of 25 degrees or above shall be used to grow trees and grasses, and shall not be reclaimed. Reclaimed slopes with a gradient of 25 degrees or above shall be reused to grow trees and grasses by local governments according to law. Farmland and pasture lands affected by wind erosion, desertification and water and soil erosion shall be returned from farming to forestry, pasturage or herding gradually according to local government plans.

In areas where farmland is returned to forestry, pasturage or herding governments at all levels shall provide support according to state provisions, and arrange people's livelihoods and production properly.

Farmland returned to ecological forests shall be exempt from land leasing fees, and be entitled to the preferential policies of the state and our region in agricultural specialty tax, term of land use (contracting), water and power consumption.

Article 24 Governments at all levels shall develop forestation plans according to local conditions. Plain artificial forests shall attain 30% or more of local farmland area gradually, the proportion of farmland shelter forests to irrigated land shall attain 6% or more, and farmland shelter forests shall account for 10% or more for newly developed land.

Forestation shall be conducted in accordance with the technical specifications, and suitable tree species and advanced technologies extended to increase the survival rate of forests. The county-level governments shall organize inspection and acceptance of forestation annually. If the survival rate of any forest does not meet the national standard, such forest shall not be included in the completed forestation area of that year.

Article 25 Governments at all levels shall encourage citizens, legal persons and other organizations to grow trees on state-owned and collective suitable land for forest. Any forest so developed shall be owned by the developer. Using foreign and social capital for forestation is encouraged.

Article 26 Rural residents are encouraged to grow trees around their houses, and such trees shall be owned by rural residents. No approval formalities shall be gone through for the felling, transport and marketing of such trees.

Article 27 Any citizen, legal person or other organization that plants trees on any barren mountain, wasteland, barren slope or barren waste according to law shall be exempt from local taxes. Land use rights that are acquired by transfer shall be exempt from land transfer fees. Land use rights that are acquired by transfer under contracting shall remain unchanged for 50 years, and may be inherited, transferred in a compensated manner or used as shares according to law. A land user may apply for extension of the term of its land use right upon expiry. A certain proportion of the area may be dedicated to other operations provided the ecological environment is not damaged, but not more than 30%.

If any land whose right to use is acquired as above has not been used to grow trees for 2 consecutive years, the property owner of this woodland or the administrative authority shall withdraw the land use right according to law.

Article 28 Anyone who deals with or processes timber in a forest zone shall obtain the approval of the competent department for forestry of government at or above the county level,

receive a permit for timber operation or processing, and apply for a business license with the administrative authority for industry and commerce.

Organizations and individuals that deal with or process timber shall not purchase timber without a lawful certificate of origin.

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

Article 6 In case of cash subsidization, the amount of the subsidy shall be determined based on the difference between the present housing area of an urban low-income household with housing difficulty and the security area, and the subsidy rate per square meter, which shall be fixed by the county government according to the economic level of the county, market average rental rate and affordability of urban low-income households with housing difficulty. For households receiving minimum living security and with housing difficulty, the full amount of the subsidy shall be provided by the government. The proportion of subsidization for the house rent of low-income households shall not be less than 65% of the market average rental rate. The rental rate of low-rent housing shall be fixed based on repair costs and management fees. The market average rental rate shall be fixed reasonably by the county government and published.

Article 7 In case of housing supply, the building area per unit of housing shall not exceed 50 square meters.

In case of housing supply, the rental rate shall be fixed by the government.

Article 12 New low-rent housing shall be constructed on conjunction with affordable housing or ordinary commercial housing, or constructed in a relatively centralized manner.

For new low-rent housing, the building area per unit shall not exceed 50 square meters, and the layout mix shall be determined rationally based on the housing needs of urban low-income households with housing difficulty.

In any affordable housing or ordinary commercial housing project with which low-rent housing is constructed together, the total building area, number of units of layouts of the low-rent housing, and matters on handover or repurchase after completion shall be specified in the land use plan, decision on the allocation of state-owned land or transfer contract of right to use state-owned land.

#### **Chapter 4 Application and Approval**

Article 14 An eligible applicant for low-rent housing shall also provide the following materials:

- (1) A certificate of household income;
- (2) A certificate of household housing conditions;
- (3) Original and duplicate the ID cards of the family members and household register (anyone who is eligible for low-rent housing shall have resident household registration in Jimunai County); and
- (4) Other evidence stipulated by the county government.

Article 15 The applicant for low-rent housing shall go through the following procedures:

- (1) The applicant shall file a written application with the community committee or town government;
- (2) The community committee or Tuoputiereke Town Government shall examine the applicant's household income and housing conditions against the specified criteria within 30 days of acceptance, give a preliminary opinion and publish it, and submit its opinion and the application materials to the competent county authority for housing and security;

(3) The competent county authority for housing and security shall give an opinion on whether the household housing conditions of the applicant meet the specified criteria within 15 days of receipt of the application materials, and submit the application materials of the eligible applicant to the civil affairs authority of the same level;

(4) The civil affairs authority shall give an opinion on whether the household income of the applicant meets the specified criteria within 15 days of receipt of the application materials, and report to the competent authority for housing and security of the same level;

(5) If the applicant's household income and housing conditions meet the specified criteria, the competent authority for housing and security shall disclose the applicant's information for 15 days. If there is no objection or any objection is untenable during the disclosure period, the applicant shall be registered as a subject of low-rent housing and notified in writing, and the registration disclosed to the public.

If the applicant is found not to conform to the specified criteria, the competent county authority for housing and security shall give a written notice to the applicant to explain the reason. If the applicant has any objection to the examination result, it may file an appeal with the competent authority for housing and security.

Article 17 The competent county authority for housing and security shall determine a mode of security and sequence of rotation by giving comprehensive consideration to the income level, level of housing difficulty, sequence of application and expected modes of security of registered urban low-income households with housing difficulty, and disclose them to the public.

Any urban household receiving minimum living security that has been registered as a subject of low-rent housing, and applies for a cash housing subsidy shall be subsidized with priority.

In case of housing supply, priority shall be given to households with special difficulties, such as widow, old age, illness and disability, that have been registered as subjects of low-rent housing, urban households receiving minimum living security, and other households in urgent need of assistance.

Article 18 For any urban low-income household with housing difficulty that gets its turn, the competent county authority for housing and security shall enter into a housing rental subsidy agreement or low-rent housing lease contract, grant a housing rental subsidy or supply low-rent housing with it according to the determined mode of security.

Housing rental subsidies disbursed and low-rent housing supplied shall be disclosed.

**Table Notes to Document [XJJF (2001) No.500] of the XUAR Development Planning Commission and Department of Finance**

**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
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 investigation		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 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, JCG (executing agency) plans to use part of an ADB loan to implement a municipal infrastructure and environmental improvement project in Jimunai 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. Introduction to the Project

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

**1. Road construction:** 5 roads will be reconstructed or expanded in the county town, with a total length of 10,968.57m, including 3 primary roads of 6,961.56m and 2 secondary roads of 4,007.01m, together with lighting, landscaping and traffic marking facilities, an integrated pipe trench of 2,746.72m on Tuanjie Road, and maintenance equipment.

**2. Water supply:** A water supply network of 29,880m will be built, in which DN150 is 390m long, DN200 4,830m long, DN300 17,093m long and DN400 7,567m long.

**3. Sewage discharge:** A sewer network of 21,756m will be built, in which DN300 is 6,790m long, DN400 3,313m long, DN500 2,127m long and DN600 9,526m long, together with 487 drainage manholes and a 5000m<sup>3</sup>/d sewage treatment plant.

**4. Refuse disposal:** A 50t/d refuse disposal plant and its operating system, 60 refuse collection points and 450 ashbins will be built, together with a 10KV power line of 3.5km and an access road of 1,500m.

**5. Central heating:** A 3×14MW boiler house and its auxiliary facilities and structures, 8 heating stations and a primary heating network of 4,247m will be built, in which DN200 is 1,325m long, DN250 1,607m long, DN300 702m long and DN450 613m long.

### II. Impacts of the Project

The Project will affect one community and 3 villages, which are Tuanjie Road Community, and Qikuorjia, Halahaile and Borktale Villages, Tuoputiereke Xiang. Land acquisition and house demolition will affect 30 households with 113 persons, including 80 minority persons. The total area of permanently occupied state-owned land is 89.56 mu (8.56 mu of housing land, 1.12 mu of commercial land, 78.3 mu of wasteland and 1.58 mu of unused land); 358.92mu of collective land will be acquired, including 327.7 mu of pasture land and 31.22 mu of woodland. Residential houses of 3721.06 m<sup>2</sup> will be demolished, including rural residential houses of 2454.05m<sup>2</sup>. 5 commercial stores with 11 persons will be affected, with a demolition area of 743.99m<sup>2</sup>; one enterprise/institution will be affected, whose enclosing wall of 151m will be demolished only.

The laying of the water supply network involves temporary occupation of 52.82 mu of land only, where state-owned urban roads will be excavated. The laying of the sewer network involves temporary occupation of 40.5 mu of land only, where state-owned urban roads will be excavated. The laying of the heating network involves temporary occupation of 15.93 mu of land only, where state-owned urban roads and green belts will be excavated.

Since the routes of the water supply, sewer and heating networks are the same, the temporarily occupied areas are not calculated repeatedly.

### III. Compensation rates

#### Pasture

As for grassland compensation standard, Xinjiang Uygur Autonomous Region Development and Reform Commission, Ministry of Finance issued [2010] 2679 document Notice on Adjusting Charge Standard of Compensation and Resettlement Fees in Grassland, a new charge standard will be implemented based on it. Compensation standard in grassland shall be 6-10 times of average annual output value of three years of the grassland prior to the requisition; as for resettlement subsidy standard, similarly, shall be 4-6 times of average annual output value of three years of the grassland prior to the requisition, and shall not exceed 15 times of that to the maximum. Abovementioned grassland compensation fee and resettlement fees shall not exceed 30 times of the average annual output value three years of the grassland prior to the requisition.

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

Requisition standard of all the grassland in this project will be in accordance with [2010] 2679 document Notice on Adjusting Charge Standard of Compensation and Resettlement Fees in Grassland.

#### Woodland

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, the compensation rates for woodland are as shown in Tables 2-1 to 2-4.

**Table 2-1 Compensation rates for forests**

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

**Table 2-2 Compensation rates for woodland**

Forest type	Base amount (yuan)	Multiple	Compensation rate (yuan)
Forestland	1200	6	7200



**Table 2-3 Resettlement subsidy for woodland**

Forest type	Base amount (yuan)	Multiple	Compensation rate (yuan)
Forestland	1200	4	4800

**Table 2-4 Forest vegetation restoration fees**

Type	Restoration cost per unit area (yuan/m <sup>2</sup> )
Timber forest, commercial forest	6

The compensation rates for urban house structures are the same as those for rural ones, and the compensation for urban house demolition includes the compensation for rights to use state-owned land. See Table 2-5.

**Table 2-5 Compensation rates for urban residential houses**

Category	Item	Unit	Rate	Remarks
Residential house	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	740	
	Masonry timber	yuan/m <sup>2</sup>	660	
	Earth timber	yuan/m <sup>2</sup>	530	
	Simple structure	yuan/m <sup>2</sup>	300	
	Land compensation	yuan/m <sup>2</sup>	81	Tier-2 areas
The following subsidies are provided for the affected households all of whose houses are demolished:				
Other compensation	Moving subsidy	yuan/ household	800	
	Transition subsidy	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	

The compensation rates for rural house structures are the same as those for urban ones. If any rural house has a land use permit, the compensation for house demolition will include the compensation for state-owned land. Since rural house demolition is caused by the central heating component and occurs in Qikuorjia Village, which is at the edge of the Jimunai County town, where the displaced residents have a certificate of title, the compensation for house demolition will include the compensation for state-owned land. Therefore, the compensation rates for rural and urban house demolition are the same, as shown in Table 2-6.

**Table 2-6 Compensation rates for rural residential houses**

Category	Item	Unit	Rate	Remarks
Residential	House compensation			

Category	Item	Unit	Rate	Remarks
house	Masonry concrete	yuan/m <sup>2</sup>	740	
	Masonry timber	yuan/m <sup>2</sup>	660	
	Earth timber	yuan/m <sup>2</sup>	530	
	Simple structure	yuan/m <sup>2</sup>	300	
	Land compensation			
	Leasing fees of state-owned land	yuan/m <sup>2</sup>	15	Tier-1 areas: 174 yuan/m <sup>2</sup> Tier-2 areas: 81 yuan/m <sup>2</sup> Tier-3 areas: 44 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	
	Transition subsidy	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	

**Table 2-7 Compensation rates for houses of herdsmen**

Category	Item	Unit	Rate	Remarks
Temporary houses and Attached houses	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	770	
	Masonry timber (winter shelter)	yuan/m <sup>2</sup>	660	
	Earth timber	yuan/m <sup>2</sup>	530	
	Attached houses (sheepfold)			
	Sheepfold (simple masonry timber)	yuan/m <sup>2</sup>	400	
	Sheepfold (simple earth timber)	yuan/m <sup>2</sup>	280	
The following subsidies are provided for the affected households all of whose houses are demolished:				
Other compensation	Moving subsidy	yuan/household	800	
	Transition subsidy	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.

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 2-8.

**Table 2-8 Compensation rates for demolition of premises of commercial stores**

Category	Item	Unit	Rate	Remarks
House	House compensation			
	Masonry concrete	yuan/m <sup>2</sup>	870	
	Masonry timber	yuan/m <sup>2</sup>	780	
	Earth timber	yuan/m <sup>2</sup>	650	
	Attached houses	yuan/m <sup>2</sup>	400	
	Land compensation			
	Leasing fees of state-owned land	yuan/m <sup>2</sup>	15	Tier-1 areas: 268 yuan/m <sup>2</sup> Tier-2 areas: 173 yuan/m <sup>2</sup> Tier-3 areas: 97 yuan/m <sup>2</sup>
Other compensation	Moving subsidy	yuan/household	1000	
	Transition subsidy	yuan/household/month	800	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	

Due to the road construction component, an enclosing wall of 151m of the Tuopuretieke Xiang Veterinary Station will be demolished, and compensated for at the corresponding rate. The PMO has learned through consultation that the leaders of the station will rebuild the enclosing wall backward. This will have little impact on the station. See Table 2-9.

**Table 2-9 Compensation rates for affected attachments and special facilities**

Item	Unit	Qty.	Rate
Big tree (non-fruit)	/	1322	80
Small tree (non-fruit)	/	2383	35
Fruit tree (usable as timber)	/	11	120
Fruit tree (small sapling)	/	35	40
Pressure well	/	18	480
Telegraph pole	/	20	1200
Toilet	/	212	800
Enclosing wall	M <sup>2</sup>	151.00	80.00

## **IV. Resettlement**

### **1. Land acquisition**

The forests on the collective woodland to be acquired are owned by the Jimunai County Forestry Bureau. The County PMO will reallocate other land as nursery land of the forestry bureau in consultation with the forestry bureau and Wulaste Village Committee. The County PMO will transplant the seedlings onto the new land, so that forestry bureau will suffer no loss. The collective woodland and pasture land to be acquired in Qikuorjia Village will be compensated for at the corresponding rates, and the compensation fees will be paid directly to the village collective.

Affected by the waste disposal project, 277.7 mu of pasture of Yersen family in Halahaile village will be requisitioned, Yersen family had 7810 mu of pasture before requisition, so grassland loss rate will be 3.56%, a small impact to the family. Through negotiation, Yersen has signed Grassland Compensation Requisition Agreement with Project Office. Yersen actively supported the Project for the simple reason he think the construction of garbage dump improve sanitation environment. Besides, Xinjiang Uygur Autonomous Region Development and Reform Commission, Ministry of Finance issued [2010] 2679 document, compensation standards in this new document are higher than that in previous document. He believes compensation is reasonable. He also hopes the Project could be completed in the earliest time so as to change the Jimunai County sanitation Environment.

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 people, and invite technicians of the agriculture, 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 people's income, and restore their livelihoods.

### **2. Resettlement**

The households affected partially by house demolition will be compensated in cash. The demolished houses are attached houses, such as kitchen and store room, other than main rooms. After demolition, the demolished houses and attachments will be appraised and compensated for, the housing land will be compensated for., and a subsidy provided for relocation or rebuilding. Therefore, the lost houses and housing land resulting from the Project will not affect the production and livelihoods of these households.

The households affected wholly by house demolition include rural and urban ones. The resettlement modes for rural house demolition are cash compensation and house rebuilding on a planned housing site. The planned housing site is in Dongshanliang Community, less than 2km away from the demolished houses, so there is no risk of living inconvenience for the affected households. The resettlement modes for urban house demolition include cash compensation, house rebuilding on a planned housing site, purchase of commercial housing and provision of low-rent housing to low-income households. The replacement costs for house structures are the same for urban and rural houses. For the displaced rural residents who will continue with farming or stockbreeding, a storied building is unsuitable for them, so they may build houses on the planned hosing site using the cash compensation.

As for house removal resulted from waste disposal project, 180 m<sup>2</sup> temporary house and 300m<sup>2</sup> fold will be removed. Jimunai County Construction Bureau signed compensation agreement with affected person Yersen after negotiation, Jimunai County Construction Bureau shall rebuild a house and a fold in Yersen's own grassland with same size and same structure compared to old ones. What is more, a big well or an artificial pond will be dug to improve his drinking water situation.

## **V. Rights and obligations of the affected people**

### **(1) Rights of the affected people**

You will receive compensation according to the above compensation rates. The 2 HHs who need to be relocated can get 2000 yuan additional subsidy for re-construct the houses; the 2 HHs who are partially affected can get 500 yuan additional subsidy. 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 Jimunai County:

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


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

Head of Tuanjie Road Community Committee: Zhang Xiyue	Tel: 6183904
Head of Qikuorjia Village Committee: Liu Yuhe	Tel: 6184020
Head of Borktale Village Committee: Cheng Xunwu	Tel: 6185123
Head of Halahaile Village Committee: Azhati	Tel: 13899411893
Head of affected sub-district office: Wang Cui'e	Tel: 6182225
Head of Tuoputiereke Xiang: Song Dongchang	Tel: 6185836
Head of JCLRB: Zhu Jun	Tel: 6184989
Head of JCCB: Bai Yanlin	Tel: 6917188
Head of HDMO: Yerkenbiek	Tel: 6184386
Head of County PMO: Liu Xin, Zhou Yuanliang	Tel: 6184386
Head of county appeal authority: Yi Zan	Tel: 6185809
Head of county disciplinary inspection authority: Chen Yongquan	Tel: 6185720
Head of county legal affairs authority: Dong Hongxu	Tel: 6182917


### **(2) Obligations of the affected people:**

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	2010-5-14
Venue	JCCB
Attendees	JCCB, HDMO, JCLRB ADB resettlement TA experts RP preparation agency
Key points	<p>The purpose of the meeting is to introduce the Project and its possible resettlement impacts, as well as compensation and resettlement measures. The key points are as follows:</p> <ol style="list-style-type: none"> <li>(1) The County PMO introduced the proposed sites of the components, which roads were to be built, expanded or rebuilt, and suggestions for improvement;</li> <li>(2) HDMO introduced the house demolition work in recent years, and discussed the compensation rates for house demolition;</li> <li>(3) Measures to avoid the possible resettlement impacts were discussed;</li> <li>(4) PPTA explained the importance of the RP in an ADB-financed project, and analyzed its differences from a domestic resettlement plan;</li> <li>(5) The compensation modes for resettlement of Jimunai County were discussed, and cash compensation was recommended;</li> <li>(6) Guidelines were given on compensation for land acquisition and house demolition, including backward rebuilding or single compensation;</li> <li>(7) JCLRB introduced the land compensation rates of Jimunai County, time and procedures of land approval, and held a detailed discussion on land policies with PPTA.</li> </ol>
Photos	

Interview Record 1	
Time	2010-5-16
Venue	Qikuorjia Village, Tuoputiereke Xiang
Attendees	JCCB: Zhou Yuanliang Householder of displaced household: Hajmlat (Kazakh) RP preparation agency
Key points	<ol style="list-style-type: none"> <li>1. The householder Hajmlat, 35 years, Kazakh, primary school education, deals mainly with farming; his wife, 39 years, Kazakh, primary school education, deals mainly with farming, too. He lives in a 5-member family. His mother is 73 years and his farther is dead. His elder son is attending junior high school, and his younger son is attending primary school. Annual educational</li> </ol>

	<p>expenses are over 3,000 yuan. The old person is not healthy, and often has to take medication, so he is under great economic pressure.</p> <p>2. The main source of income is farming. The family has 30 mu of farmland, used to grow wheat, with a yield of 350 kg/mu and annual income of about 21,000 yuan; the family also has 20 mu of alfalfa land, used to raise cattle (2) and sheep (12). Cow milk is consumed by the family mainly, and several heads of sheep would be sold to cover living expenses. The householder would also work outside in the slack season, and earns about 10,000 yuan per annum.</p> <p>3. The family will be affected by house demolition with a demolition area of 139m<sup>2</sup>. All houses will be demolished.</p> <p>4. The householder expects cash compensation for house demolition.</p>
Photos	

Interview Record 2	
Time	2010-5-16
Venue	Bian'an Street, Jimunai County
Attendees	<p>JCCB</p> <p>Owner of commercial store to be relocated: Chen Jianjun</p> <p>RP preparation agency</p>
Key points	<p>1. There are 5 members in the family, including one old person and two children (one attending school and one in military service).</p> <p>2. The family has a truck, used by the male householder to deal with freight transport and carry goods for his store, earning about 50,000 yuan per annum; his wife runs the store, takes care of the old person and does housework. The annual revenue of the store is up to 100,000 yuan. The family also has 10 mu of farmland, which is contracted to others at 240 yuan/mu-year.</p> <p>3. He supports road construction, because improved traffic can promote local economic development and make the store's business better.</p> <p>4. After the store is demolished, he expects to receive cash compensation or rebuild the store locally (over a distance toward the roadside).</p> <p>5. He expects the government to offer some preferential policies (tax reduction and exemption, etc.).</p> <p>6. He supports road construction very much. Since he runs freight transport, his truck is likely to depreciate and be damaged on some out-of-repair roads. In addition, bad road conditions also affect traffic safety. After the road is completed, his business will be better.</p>



Interview Record 3	
Time	2010-5-16
Venue	Bian'an Street, Jimunai County
Attendees	JCCB: Zhou Yuanliang Owner of commercial store to be relocated: Wang Kai RP preparation agency
Key points	<ol style="list-style-type: none"> <li>1. There are 7 members in the family, including two old persons and a child attending junior high school.</li> <li>2. The family has 48 mu of land, used to grow wheat, with a yield of 350 kg/mu and annual income of about 33,600 yuan; in the slack season, the 3 middle-aged persons would work outside, earning about 7,000 yuan/person-year; in addition, 8 rooms are rented at 900 yuan/month; the two old persons run the store mainly, and the annual revenue of the store is about 40,000 yuan.</li> <li>3. If the store is demolished, he expects reasonable and timely cash compensation; he will rebuild the store backward, and apply for a certificate of title to house property and land use permit for the new store.</li> <li>4. After the road is completed, there will be higher pedestrian and vehicle flows, and the store's business will be better. For the safety hazard arising from the increased vehicle flow, the householder thinks that sidewalks should be built and visible signs set up to facilitate traffic.</li> <li>6. He expects the Project to be implemented soon so as to restore his business.</li> </ol>
Photos	

Interview Record 4	
Time	2010-5-16
Venue	Halahaile Village, Tuoputiereke Xiang, Jimunai County
Attendees	JCCB



	Household affected by both land acquisition and house demolition: Yersen (Kazakh) RP preparation agency
Key points	<p>1. The householder Yersen, 51 years, Kazakh, junior high school education, deals mainly with stockbreeding. He lives in a 6-member family. His wife Gulinar is 43 years, junior high school education. His two daughters are attending school.</p> <p>2. The family earns a living from farming mainly, and its annual income is about 60,000 yuan.</p> <p>3. Due to the refuse disposal component, 277.7 mu of winter pasture will be acquired, and its winter shelter will be demolished only, with a demolition area of 370.6m<sup>2</sup>, including earth timber housing of 180m<sup>2</sup>, a masonry timber sheepfold of 300m<sup>2</sup>. It has been learned that the family owns 7,810 mu of pasture land, of which 277.7 mu will be acquired, with a loss rate of 3.56%. Land acquisition will have little impact on this household.</p> <p>4. He expects timely cash compensation, and will use the compensation to buy young sheep to expand stockbreeding. He also wishes to do unskilled jobs during project construction to increase his income.</p> <p>5. The whole family supports the Project, because the refuse disposal plant will improve environmental quality and provide a better living environment to herdsmen.</p>

Interview Record 5	
Time	2010-5-16
Venue	Xingfu Street, Jimunai County
Attendees	JCCB Representatives of vulnerable groups affected by house demolition: (Tashen, Gao Jiayi) RP preparation agency
Key points	<p>Tashen, 35 years, Kazakh, junior high school education, deals with planting, living in a 4-member family. His wife Hafla, 36 years, is disabled and receives MLS benefit. His daughter Wakqi, 12 years, is attending primary school; his son, 4 years, is under school age. The sources of family income are farming and MLS benefit (3,600 yuan/year). The family lives mainly on the female householder's income, and leads a hard life. Due to central heating, the family's demolition area will be 131.1m<sup>2</sup>. It has learned through interview that they support such a public benefit project. Since demolition will affect their daily life, they expect reasonable resettlement and timely compensation. Tashen also said that since he lacked other skills, he had to deal with planting, so he expected to be trained on other skills after demolition in order to do other jobs.</p> <p>Gao Jiayi, 43 years, Han, junior high school education, is working outside, living in a 3-member family. His wife is Mo Baoying, 44 years, junior high school education, receiving MLS benefit; their daughter, 12 years, is attending school. The family lives mainly on employment income (about 8,000 yuan/year) and MLS benefit (1,440 yuan/year). Due to road construction, side rooms of 76.8m<sup>2</sup> will be demolished. Since the main rooms will not be demolished, the family will not be displaced. The householder said if he could find a job under the Project, he would use the money earned and the compensation for house demolition to do small business or retailing in order to improve the family's standard of living. Since her daughter is attending school, he hopes that his daughter could receive better education.</p>

## **Appendix 4: 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 people, 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 people, including: standards of living before and after resettlement;

- Employment before and after resettlement

Compensation for, restoration and rebuilding of public facilities

The affected people'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 6.1 M&E agenda**

	Resettlement report	Date
1	Socioeconomic Baseline Survey	Jul. 2012
2	Monitoring Report No.1	Dec. 2012
3	Monitoring Report No.2	Jun. 2013
4	Monitoring Report No.3	Dec. 2014
5	Evaluation Report No.4	Jun. 2015
6	Evaluation Report No.5	Dec. 2016
7	Final Report	Sep. 2017

## **Appendix 5: Jimunai Border Economic Cooperation Zone Heating Supply Project Stage 1 Statement of Land acquisition and demolition Due Diligence Report (DDR)**

### **1. Background**

According to the Jimunai County Urban Master Plan (2013-2030) issued by Altay District Administrative Bureau and the high speed development of Xinjiang, the proposed heating supply capability for Jimunai in 2009 is no longer meets the requirement. When the project was designed, it was projected to increase the heating supply service area in Jimunai from 0.27 million m<sup>2</sup> in 2009 to 0.611 million m<sup>2</sup> in 2015. However, up to the end of 2013, the service area already reached 0.7 million m<sup>2</sup>, it was predicted that by 2015 the area will be 85 million m<sup>2</sup>. Based on the master plan, by year of 2020, the population of Jimunai is projected to be 25000, the total indoor building area is 1.3 million m<sup>2</sup>, with 87 MW load; by year of 2030, the population is projected to be 42000, the total indoor building area is 2.14 million, with 120 MW load. Therefore, the previous prosed ADB project doesn't meet the demand of heat supply in Jimunai.

According to the Master Plan, the original site for boiler plant will be less than 100 m away from the administrative area, residential area and the square. The original design will have significant impact for on the environment and aesthetic of the urban area. Therefore, the Jimunai PMO issued an alteration proposal to Xinjian DRC in April 2015 to alter the site of the heat source, and get approved on May 20, 2015.

### **2. Project Impact**

The proposed project occupies 3.3803 ha land from Tuoputiereke administrative area. The land is all un-utilized national owned land. There is no existing building or facility within the area that have boundary. There is no dispute about the area occupied. Through investigation, there is no collective land ownership or national/collective land usership issued on this land, and there is no affected population. There is no land acquisition issue for the heat pipeline placement, all the pipelines follow the roads need to be newly constructed or existing green belt and pedestrian. The construction follows the rules: place pipelines before road construction. The construction agency will restore

the existing green belt and pedestrian if it is needed to excavate.

### **3. Land Approval**

The proposed project got the constructed land use approval from the County Land Resources Bureau in May 2014, got the construction plan permit in Aug 2014, and Land use Permit in Sept. 2014.

### **4. Conclusion**

By the request of the resettlement consultant, the Jimunai Land Resources Bureau provided a statement on the land ownership and usership to clarify that there is no potential argument of the land.

It was found that the proposed project occupies 3.3803 ha land that is all un-utilized national owned land. There is no existing building or any potential land problem.

Jimunai County Housing and Urban&Rural Construction Bureau

Jul 31, 2015

5. Approval of Project Alteration from Xinjiang Uygur Autonomous Region DRC

# 新疆维吾尔自治区 发展和改革委员会文件

新发改项目〔2015〕962号

## 自治区发展改革委关于亚行贷款新疆阿勒泰 地区边境县及口岸镇基础设施与生态 环境改善项目吉木乃县子项目 设计变更的批复

阿勒泰地区发展改革委：

你委《关于亚行贷款阿勒泰地区边境县及口岸镇基础设施与生态环境改善项目—吉木乃县子项目初步设计变更的请示》（阿地发改外资〔2014〕4号）收悉。2011年我委以新发改项目〔2011〕2621号批复亚行贷款阿勒泰地区边境县及口岸镇基础设施与生

- 1 -

态环境改善项目—吉木乃县子项目初步设计,其中道路工程改扩建道路 5 条,总长 10.97 公里,总概算 9866.86 万元;供热工程新建 3×14 兆瓦锅炉房一座,换热站 8 座,热力管网 2×4057 米,实现供热面积 61.1 万平方米,总概算 3758.24 万元。由于阿勒泰地区行署于 2013 年 7 月批复了《吉木乃县城市总体规划 2013-2030》,道路工程和供热工程部分内容发生变更。现根据《自治区发展改革委关于亚行贷款新疆阿勒泰地区边境县及口岸镇基础设施建设与生态环境改善项目吉木乃县子项目可行性研究报告变更的批复》(新发改外资〔2015〕361 号)要求,对该项目初步设计内容变更如下:

#### 一、道路工程

(一)根据新修编的城市总体规划,幸福街将纳入县城综合广场建设规划范围进行统一建设;边岸街属于省道 S229 和 S319 连接线,纳入 S319 线吉木乃—吉木乃口岸公路升级改造工程建设范围,已由自治区交通厅组织实施完成。上述道路从本项目中核减。

(二)变更后,改扩建道路 3 条,总长 10.14 公里。其中:团结路 2.75 公里,广汇路 6.46 公里,彩钢街 0.93 公里。

(三)道路等级为城市次干路,断面宽度 30 米,双向 4 车道,设计车速 40 公里/小时。

(四)路面结构由上至下依次为:4 厘米细粒式沥青混凝土

#### 1. Road Project Alteration

- (1) According to the revised City Master Plan, Xingfu St. will be included in the city comprehensive square planning. The Bianan St. is the connection road of the S 229 and S319 provincial road; it was implemented by the Xinjiang Department of Transportation. Therefore it gets deducted from the proposed ADB project.
- (2) After the alteration. There are 3 proposed construction/ reconstruction roads with total length of 10.14 km: Tuanjian Rd. of 2.75 km, Guanghui Rd. of 6.46 km, and Caigang St. of 0.93 km.

上面层、6 厘米中粒式沥青混凝土下面层、25 厘米水泥稳定砂砾基层、35 厘米级配砂砾垫层。

(五) 工程总概算调整为 8106.89 万元, 核减投资 1759.97 万元。

## 二、供热工程

(一) 本工程将吉木乃县国家级边境经济合作区(简称边合区)纳入集中供热范围, 最终供热面积调整为 150 万平方米。

(二) 按照近期规划, 吉木乃县边合区正在建设一座 2×58 兆瓦锅炉房, 预计 2015 年年底投入使用。为避免重复建设, 同意取消原批初步设计中 3×14 兆瓦锅炉房建设内容。

(三) 变更后, 设换热站 7 座, 各站配备换热器、循环水泵、补水定压泵、软化水装置、除污器、水箱等设施。

(四) 热力管网总长 2×5947.1 米。其中: 管径 700 毫米管道 2050 米, 管径 500 毫米管道 660 米, 管径 450 毫米管道 480 米, 管径 400 毫米管道 610 米, 管径 300 毫米管道 1600 米, 管径 250 毫米管道 547.1 米。管径 300 毫米以上管道选用双面螺旋缝埋弧焊钢管, 管径 250 毫米管道为无缝钢管。

(五) 工程总概算调整为 4020.84 万元, 增加 262.6 万元。

三、请你委加强项目监管, 督促建设单位要按照批准的建设规模、内容、标准进行建设, 严格执行项目法人责任制、招标投标制、工程监理制等项目管理制度, 确保工程质量。

## 2. Heat Supply Project Alteration.

- (1) The project proposes to include the National Border economic cooperation zone as the heat supply service area; the altered area will be 1.5 million square meters.
- (2) By the short-term planning, Jimunai is constructing a 2\*58 MW boiler with put in use in later 2015. To avoid repeated construction, it is agreed to cancel the 3\*14 MW boiler in the ADB project.
- (3) After alteration, 7 heat-exchange sub-stations will be added, as well as the associated facilities.
- (4) The total length of heat supply pipeline will be 2\*5947.1 m. (Detailed omitted)
- (5) The adjusted total project cost is 40,208,400 CNY, with additional 2.626 million compared to the original cost.



附件：1.亚行贷款阿勒泰地区边境县及口岸镇基础设施与生态环境改善项目吉木乃县子项目道路工程调整概算表

2.亚行贷款阿勒泰地区边境县及口岸镇基础设施与生态环境改善项目吉木乃县子项目供热工程调整概算表

自治区发展和改革委员会  
2015年5月20日

Xinjiang Uygur Autonomous Region DRC  
Issued on May 20, 2015

抄送：自治区住房和城乡建设厅。

自治区发展改革委办公室

2015年5月20日印发

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**6. The pre-approval of the constructed landuse by the Jimunai County Land Resources Bureau.**

شىنجاڭ جەمئىي اۆتاندق مەملىكەت جارىيەتلىرى مەككەسى

## 吉木乃县国土资源局

吉国土资预审字[2014]15号

### 关于吉木乃边境经济合作区供热一期工程 建设用地预审的意见

吉木乃县吉运市政工程有限公司:

你单位《关于吉木乃边境经济合作区供热一期工程用地预审的申请》已收悉,依照《中华人民共和国土地管理法》第五十二条和国土资源部《建设项目用地预审管理办法》的规定,经我局局务会研究,提出如下用地预审意见:

一、项目总投资 8650 万元,主要建设内容为: 2\*58MW 锅炉及锅炉房建设,锅炉主辅机及电器购置安装。

二、项目拟用地位于吉木乃边境经济合作区,拟用地面积 3.3802 公顷。项目符合吉木乃县土地利用总体规划,符合国家有关供地政策,原则上同意该项目通过用地预审。

三、在规划设计阶段,要优化设计方案,从严控制建设用地规模,节约和集约用地。

四、按照《中华人民共和国土地管理法》和有关规定,请你单位持本预审意见尽快依法办理审批手续,待建设用地报批手续完备后,方可开工建设。

本预审意见有效期至 2016 年 5 月 12 日。

吉木乃县国土资源局  
二〇一四年五月十三日

Jimunai Land Resources  
Bureau  
May 13, 2014

The County Land Resources Bu.  
gives following pre-approval opinion:

1. The total project cost is estimated to be 86.5 million. The main contents are: 2\*58MW boiler and associated facilities.

4. According to the National Land Resources Regulation, the project can commence only after all approval procedures for the Constructed Land is finished.

This pre-approval statement will  
expire on May 12 2016

7. Permits of the Construction Plan

جۇڭخۇا خەلق جۇمھۇرىيىتىنىڭ

中华人民共和国

قۇرۇلۇش پىلانلاش مىجەز تەنھەممىسى

建设工程规划许可证

قۇرۇلۇش - نومۇرلۇق

建字第 2014 (07060) 号

«جۇڭخۇا خەلق جۇمھۇرىيىتىنىڭ شەھەر - يېزا پىلانلاش قانۇنى» نىڭ 40-ماددىسىدىكى بەلگىلىمىگە ئاساسەن، بۇلۇڭلۇشنىڭ شەھەر-يېزا يىرىك پىلانلىق تەلپىگە مۇۋاپىقلىق تەكشۈرۈلۈپ، بۇ مىجەز تەنھەممىسى بېرىلدى.

根据《中华人民共和国城乡规划法》第四十条规定，经审核，本建设工程符合城乡规划要求，颁发此证。

تەييارلىغان ئورگان

发证机关

日期

2014 年 8 月 28 日

قۇرۇلۇش ئىشلىرىنى ئۆز ئىچىگە ئالىدىغان (شەخس)	吉木乃县吉运市政工程有限公司
建设单位 (个人)	
قۇرۇلۇش ئورنى نامى	吉木乃边境经济合作区供热一期工程
建设项目名称	
قۇرۇلۇش مىقياسى	边合区
建设位置	
قۇرۇلۇش تۈزۈمى	2*58MW 锅炉及锅炉房建设，锅炉主机及电器购置安装。
建设规模	
附图及附件名称	قۇرۇلۇش جەدۋىلى ۋە مۇجەز تەنھەممىسى نامى
附图：建筑红线图	

رەق ۋە قىلىنغان كىملىك

1. بۇ مىجەز تەنھەممىسى شەھەر - يېزا پىلانلىق تەنھەممىسىنىڭ تەكشۈرۈلۈش قانۇنى بويىچە تەييارلىنىپ، قۇرۇلۇش شەھەر - يېزا بىرەك پىلانلىق تەنھەممىسىنىڭ قانۇنىي كىملىكىگە ئىگە.

2. بۇ مىجەز تەنھەممىسى قانۇنىي پىلانلىق تەنھەممىسىنىڭ بەلگىلىمىسىگە ئاساسەن، بېرىلغان قۇرۇلۇش رەق ۋە مۇجەز تەنھەممىسىگە ئىگە.

3. مىجەز تەنھەممىسىنىڭ قۇرۇلۇش رەق ۋە مۇجەز تەنھەممىسىنىڭ قانۇنىي كىملىكىگە ئىگە.

4. شەھەر - يېزا پىلانلىق تەنھەممىسىنىڭ تەكشۈرۈلۈش قانۇنى بويىچە مىجەز تەنھەممىسىنىڭ تەكشۈرۈلۈش قانۇنى بويىچە قۇرۇلۇش قانۇنى (شەخس) نىڭ تەكشۈرۈلۈش قانۇنى بويىچە.

5. بۇ مىجەز تەنھەممىسىنىڭ قۇرۇلۇش جەدۋىلى ۋە مۇجەز تەنھەممىسىنىڭ قانۇنىي كىملىكىگە ئىگە.

遵守事项

一、本证是城乡规划主管部门依法审核，建设工程符合城乡规划要求的法律凭证。

二、未取得本证或不按本证规定进行建设的，均属违法行为。

三、未经发证机关许可，本证的各项规定不得擅自变更。

四、城乡规划主管部门依法有权查验本证，建设单位 (个人) 有义务接受查验。

五、本证所需附图与附件由发证机关依法确定，对本证具有同等法律效力。

Construction Agency:  
Jimunai County Jiyun  
Municipal Engineering  
Ltd.

Project Scale:  
2\*58MW boiler and  
associated facilities.

## 8. Permits of Land Usership

Land type: Industrial Use.

Authorized Area:  
33801.8 m<sup>2</sup>

吉 木 乃 县 国 用 (2014) 第 000 号	
土地使用者	吉木乃县边境经济合作区供热一期工程
坐落	吉木乃县边境经济合作区
地 号	图 号
地类(用途)	工业用地
使用期限	2014.9.26-2054.9.26
使用面积	33801.8 M <sup>2</sup>
分摊面积	33801.8 M <sup>2</sup>

根据《中华人民共和国宪法》、《中华人民共和国土地管理法》和《中华人民共和国城市房地产管理法》等法律法规，为保护土地使用者合法权益，对土地使用者申请登记的本证所列土地权利，经审查核实，准予登记，颁发此证。

吉木乃县 人民政府 (章)

2014 年 09 月 26 日

吉木乃县国土资源局 (章)

2014 年 09 月 26 日

## 9. Land Ownership Statement

### 吉木乃县边境经济合作区供热一期工程锅炉房 建设项目土地权属地类情况说

吉木乃县实施国家级边境合作区规划 2014 年第三批建设用地占用吉木乃县托普铁热克乡行政区域土地 3.3803 公顷，全部为国有未利用地，无任何建筑物以及设施。拟占用土地四至界限清晰、面积准确、权属无争议。

经核查该批次用地，未发放过集体土地所有权证及国有或集体土地使用证。

吉木乃县国土资源局  
二〇一五年七月二十七日

### Land Ownership Statement of Jimunai Border Economic Cooperation Zone Heating Supply Project Stage 1

Jimunai County occupies 3.3803 ha land from Tuoputiereke Township administrative area while implementing Border economic cooperation zone. The land is all un-utilized state-owned land. There is no existing building or facility within the area with the clear boundary. There is no dispute about the area occupied.

Through investigation, there is no collective land ownership or State/collective-owned land usership issued on this land.

Jimunai Land Resources Bureau  
July 27, 2015

## **Appendix 6: North Extension of Guanghui Road Due Diligence Report (DDR)**

### **1. Background**

Jimunai road project (ADB loan) had planned to expand 5 roads totaling 10968.57m: 3 main roads (6961.56m), 2 secondary roads (4007.01m) along with road lighting, greening, traffic signs and maintenance facilities. In accordance with *Urban Master Plan of Jimunai* (2013 - 2030) issued by Altay District Administrative Bureau in July 2013, Xinfu Road will be merged into Jimunai square for united construction. As the connection of Provincial highway S229 and S319, Bian'an Street has been incorporated into upgrading works from S319 Jimunai to Jimunai Kou'an Highway, which was initiated by the Traffic Department in 2013 and to be completed by the end of August 2014; however, the capacity of Caigang Street cannot be improved with the original plan, as it is the wading pavement, across the section and nearby Bian'an Street.

Therefore, in accordance with the requirements of *Jimunai Urban Master Plan* (2013-2030) updated in 2013, Jimunai PMO plans to cancel the road works covering Guanghui Road, Xingfu Street and Caigang Street (west to the flood control channel) but remain Tuanjie Road, Caigang Street (east to the flood control channel) and expansion of Guanghui Road (as the funding is appropriate). In April 2015, the alteration proposal was submitted to DRC of Xinjiang Uygur Autonomous Region and got approved on May 20<sup>th</sup> 2015.

### **2. Project Impact**

6.46km long and 15m wide, North extension of Guanghui Road will occupy 9.69 ha land. Including state-owned unutilized land (natural grassland) 5.168 ha (owned by Tuoputiereke Township), construction land 4.522 ha. (67.83mu) (current highways). In addition, there are no buildings or structures or affected persons within the red line of North extension of Guanghui Road.

### **3. Negotiations**

As part of the ownership of the occupied land belongs to Tuoputiereke Township,

Jimunai PMO and Tuoputiereke Township government had a meeting on land use of North extension of Guanghui Road on December 15 2014. The officials from Jimunai Housing and Urban & rural Construction department, Border economic cooperation zone and Tuoputiereke Township hold a meeting to discuss about the land occupation of North extension of Guanghui Road section (minutes of the meeting); As per discussed, Tuoputiereke Township decided to provide the land for free use, as it is the unused state-owned land of Tuoputiereke Township; For the mutual benefits and in order to accelerate the project progress, both parties signed on a written agreement on December 29<sup>th</sup> 2014 that Tuoputiereke Township will supply 5.168 ha. land for North extension of Guanghui Road and assist PMO with relevant procedures during construction stage. The agreement was signed to avoid any disputes in terms of land use which may occur in the later stage.



Photo 1 Meeting between PMO and representatives from Tuoputiereke Township

#### **4. Conclusions**

During the implementation stage, Jimunai Land Resources Bureau confirmed the ownership and land type of North extension of Guanghui Road to the resettlement consultant.

As surveyed, North extension of Guanghui Road will occupy 9.69 ha land including

state-owned unutilized land (natural grassland) of 5.168 ha, (owned by Tuoputiereke Township), construction land 4.522 ha. (67.83mu) (current highways); In addition, there are no buildings or structures or affected persons within the construction red line of North extension of Guanghui Road.

Jimunai County Housing and Urban&Rural Construction Bureau

July 31 2015.

## **5. Minutes of the meeting**

December 15th 2014.

Location: Jimunai Construction Bu. Meeting Room

Participants (mainly):

Ma Wenbao, Deputy Director of Border Economic Cooperation Zone Admin Office

Pan Zhirong, Mayor of Tuopuretieke Township Government

Zhu Jun, Deputy Director of Jimunai Land Resources Bureau

Wang Biao, Director of the Jimunai Construction Bureau. With, Nie Guohua, Chief Engineer and other staff

Jimunai PMO Director, Zhou Yuanliang

Agenda (with main points of view):

1. Firstly, the head of housing and Urban&rural Construction Bureau, Mr Wang Biao briefed the project: funded by ADB, contribute to social development; we will take every effort to kick-off the project.

2. Secondly, the director of Border economic cooperation zones, Mr Ma Wenbao briefed the situation of land use of north extension section. Construct the road to 15m long and 15m wide.

3. director deputy of Land Resources Bureau, Mr Zhu Jun introduced the land occupation of north extension section: belong to Tuoputiereke Township, unused state-owned land.

4. Head of Tuoputiereke Township, Mr Biekezhati expressed his strong support to the project and supplied the land for free use.

5. Mr Wang Biao appreciated the good will of Tuoputiereke Township, and proposed to sign on an agreement in case of any disputes that may occur in the later stage.

6. Head of Tuoputiereke Township, Mr Biekezhati agreed with Mr Wang Biao and Mr Ma Wenbao.

(Original notes see below.)



## 关于广江路北延线土地事宜的会议

时间：2014年12月15日。

主持人：王标

地点：东桥县住房和城乡规划建设局四楼会议室

参会人员：东桥县边境经济合作区副主任 王文宝

托普铁热克乡政府乡长 别克扎提、政府副乡长 潘志荣

东桥县国土资源局副局长 朱军

东桥县住房和城乡规划建设局局长王标、总工程师聂国华、规划办主任殷永超、项目管理办公室主任周元亮、项目管理办公室干部符开

议题：1、东桥县住房和城乡规划建设局局长王标介绍项目情况：东桥县正在贷款项目均为基础设施建设的民生工程，项目的建设对我县经济社会发展会起到很好的作用，项目建设任务重、可利用工期短，我们要尽快做好各项工作，争取项目尽早开工建设。

2、东桥县边境经济合作区副主任王文宝针对广江路北延线的土地情况进行介绍：广江路北延线道路总长0.46公里，道路宽按15米，本次项目建设只修15米车行道，现有道路宽为7米，在原来道路基础上扩宽8米，两侧各扩宽4米。总占地9.69公顷，现有道路占地4.522公顷，新增占地5.168公顷。

3、国土资源局副局长朱军对广江路北延线的土地进行了介绍：广江路北延线道路建设所占的土地为托普铁热克乡区域内的土地，在建设的区域内没有建筑物，道路两

侧的土地为国有未利用地。

4. 托普铁热克乡政府刘克扎提：修建广汇路北延段是吉木县的民生工程，将会带动县域的经济发展，我们支持项目的建设，我们将积极配合项目的建设，为了不影响项目的建设以及吉木县的发展，对于占用的土地为国有未利用地，我们将无偿提供给项目进行建设，无需任何补偿，因为本来就是国有未利用土地，且没有任何建筑物，因此广汇路北延段占用的所有属于托普铁热克乡的国有未利用地都无偿的提供给项目，用于项目建设。

5. 住房和城乡建设局局长刘子表示非常感谢，但是为了双方的利益，以免后期发生土地纠纷，建议双方签订一个书面合同，合同由双方共同协商起草。

6. 托普铁热克乡刘克扎提，表示同意吉木乃边境经济合作区马文宝副主任和住房和城乡建设局王标局长的意见。



6. Land use Agreement for north extension of Guanghui Road

<p>广汇路北延段土地协议</p> <p>为了支持吉木乃县的经济发展，广汇路北延段顺利的实施，因此对于广汇路北延段的土地事宜，托普铁热克乡人民政府和吉木乃边境经济合作区管理委员会以及吉木乃县住房和城乡建设局进行了充分的协商，秉着诚实、自愿的原则，订立了本协议：</p>	
<p>（甲方）： <u>托普铁热克乡人民政府</u></p>	<p><b>Party A:</b> Tuopuretieke Township Government</p>
<p>（乙方）： <u>吉木乃边境经济合作区管理委员会</u> <u>吉木乃县住房和城乡建设局</u></p>	<p><b>Party B:</b> Jimunai Border Economic Cooperation Zone Administration Office &amp; Jimunai County Housing and Urban-rural Construction Bureau</p>
<p>一、土地面积和范围</p> <p>甲方无偿提供给乙方的土地位于 <u>广汇路北延段两侧的土地用于道路建设</u> ，面积 <u>5.168</u> 公顷。土地类型： <u>国有未用地（天然牧草地）</u>。</p>	
<p>二、使用方式</p> <p>甲方承诺以无偿使用的方式，向乙方提供上述土地的使用权。乙方无需向甲方支付土地使用的任何费用，但只限于道路修建范围内的土地。</p>	
<p>三、土地用途</p> <p>乙方承诺在上述土地上从事 <u>广汇路北延段道路修建</u> 项目。</p>	
<p>四、甲方权利义务</p> <p>1、甲方保证本协议的签订合法性，承诺对上述土地无偿提供给乙方，若因土地权属纠纷对乙方造成的损失由甲方承担。</p>	
<p><b>1. Landuse Scope</b> <b>Party A provides 5.168 ha land for construction of Guanghui Rd north extension section. Land Type: State-owned Unutilized Land (natural grassland)</b></p>	

- 2、项目建设期间内甲方必须协助乙方处理好周边关系，做好各项服务，协助乙方在建设施工过程中相关手续的办理。
- 3、甲方的人事等相关变动不得影响此协议的执行。

#### 五、乙方的权利义务

- 1、对甲方提供上述土地进行道路基础设施建设。
- 2、乙方在项目实施期间，应合理保护使用范围内环境。

六、本协议一式六份，甲方执两份、乙方执肆份（吉木乃边境经济合作区执两份、吉木乃县住房和城乡建设局执两份）。

甲方：托普铁热克乡人民政府

乙方：吉木乃边境经济合作区

法人代表（委托代理人）：

潘智荣

法人代表（委托代理人）：

马文宾

Stamp: Tuopuretieke Township Government  
Signature (legal Person): Pan, Zhirong

吉木乃县住房和城乡建设局

法人代表（委托代理人）：

Stamp: Jimunai County Housing and Urban-rural Construction Bureau  
Signature (legal Person): Wang, Biao

2014年12月29日

2014年12月29日

Date: Dec 29, 2014

## 7. Ownership Statement of north extension of Guanghui Road

### 广汇路北延段占地土地权属和地类情况说明

吉木乃县实施国家级边境区规划 2015 年第四批建设地( 广汇路北延段 )拟占吉木乃县托普铁热克乡行政区域土地 9.69 公顷,其中: 国有未利用地( 天然牧草地 ) 5.168 公顷,建设用地 4.522 公顷( 现状公路用地 )。

按权属和地类分: 托普铁热克乡国有未利用地( 天然牧草地 ) 05.168 公顷,建设用地( 公路用地 ) 4.522 公顷。拟占用地四至界线清晰、面积准确、权属无争议。

经核查该批次用地,未发放过集体土地所有权证及国有或集体土地使用证。

吉木乃县国土资源局  
二〇一五年七月八日

### Ownership Statement of Guanghui Road

#### north extension section

In accordance with the *National Border Master Plan*, Jimunai planned to occupy 9.69 ha in Tuoputiereke Township as the 4<sup>th</sup> batch of construction land in 2015(north extension section of Guanghui Road), including state-owned unused land (natural grassland) 5.168 ha., construction land 4.522 ha. (Current highways);

Classified by ownership and Category: Tuoputiereke Township state-owned unused land (natural grassland) 5.168 ha, construction land (highways) 4.522 ha.; Precise and clear, there are no dispute on ownership.

As verified, no certificate of collective land ownership, state-owned land ownership, or collective land use permit has been issued.

Jimunai land and resources bureau

July 8<sup>th</sup> 2015