Public Transport Sub-project of Urban Comprehensive Transport Improvement Project in Xi’an the south of urban bus hub terminal

Resettlement Plan

Authorized by: Xi’an Development and Reform Committee

Shaanxi Academy of Social Science

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1. Introduction

Xi’an is the important supporting point of Large-scale Development in Western China strategy. In recent years, by right of the region superiority of its unique history, economy, civilization, and the industry advantage of education, scientific research, equipment manufacturing, high-tech, the social economy development in Xi’an was strong, and it has become the most important key city in northwest area. At present, under the instruction of urban development idea as "the internationalization, the market, the humanities, and the ecology", the city skeleton further enlarges, the city and countryside integration advancement further speeds up, the city function consummates day by day. Xi’an is being a harmony, stable, fast development.

Until 2004, the average quantity of daily trip reached 7.3 million; the quantity of car holds achieved 333,700, daily new vehicles reached 200-400, the demand of trips increased violently. At the same time, the investment of Xi’an municipal transportation infrastructure construction was huge, municipal transportation backwardness was improved. The vehicle which unceasingly grows occupies the newly built urban road rapidly and the new transportation congestion also appears successively. The present development method possibly causes the transportation fall into the vicious circle of building roads temporarily alleviates congestion - more traffic volume - congestion again - the road is restricted to the limit of land use. Therefore, only by changing transportation development pattern, enhancing the road usage efficiency, can realize Xi’an transportation sustainable development.

Until 2004 year’s end, there were 186 public transit routes, more than 4,000 public transit vehicles, the ridership of public transit was nearly 2.5million people in Xi’an; and there were 10,463 taxis, the ridership of taxi daily was more than 600,000 people. The two modes undertook 30% of the whole city trips. Xi’an basically has formed a city mass transit system that taking the public transit as a main body; whereas taking taxi as a supplement. The public transportation investment and the operation all have a quicker growth, but the transportation congestions cause the public transportation service level to drop. Premier Jiabao Wen, Vice-Premier Peiyan Zeng made the written comment to the public transportation priority policy,
the Construction Department sent opinions about giving priority to the development of city mass transit [38th article]. In September, 2005, the State Council office forwarded the notice on Opinions about Giving Priority to City Mass Transit Development (the state council send [2005] 46th article) to the Ministry of Construction. The public transit priority strategy policy obtained the country’s high concern.

Based on the above reasons, Xi’an municipal government thought the Xi’an mass transit development met an unprecedented good opportunity and planned to via the World Bank loan project. The research mainly focus on the BRT demonstration line, the bus priority lane system and transit depot which are included in public transportation sub-project of the World Bank project.

Most improvements of Urban Comprehensive Transport Improvement Project in Xi’an will carry on the transformation on the original path foundation, basically rebuilds and lays down the road surface along the old route, although the estimated entire influence of removing is limited, it is necessary to establish an overall policy frame to instruct the essential political opponent and the immigrant resettlement work. Resettlement Overall Policy Frame of Public Transport Sub-project of Urban Comprehensive Transport Improvement Project in Xi’an is compiled according to the relevant national, provincial laws and regulations, especially World Bank non-voluntary immigration service policy and World Bank procedure OP/BP4.12. Its goal lays in placing the project construction influenced population properly, letting them to benefit from the construction, enhancing or at least recovering their living standard before affecting it.
2. General Information of the Project

According to Regulation for the Design of Urban Public Transport Station, Workshop and Plant (June, 1988) by the Ministry of Construction, Statistic yearbooks of Xi’an in the past years by Xi’an Municipal Statistic Bureau, and Network Planning for the Public Transport of Xi’an, Xi’an Municipal Communication Bureau authorized Special Planning for the Public Transport of Xi’an (April, 2006). And in this Special Planning some preferential projects have been put forward, such as constructing No.2 metro line; constructing BRT route; constructing Transit Hubs, depot parking and dispatching; constructing Bus priority lanes; optimizing the Transit routes network in the city zone; taxi development and so on. In order to alleviate the existing situation of urban public transit, improve and advance the service quality of Xi’an urban public transit system. This project is the part of the planning.

2.1 Name of the Project

The south urban bus hub terminal construction Sub-project of Urban public Transport Project in Xi’an

2.2 Scale of the Project Construction

The new-built south urban bus hub terminal is located in cross west of stretching Zuque road and Yanhuan road, northwest angle of the urban south passenger terminal. Total Land acquisition areas are 38,108 mus, among them, the bus hub terminal accounts for 20,054 mus, greenery land are 12,573 mus, highway land are 5,481 mus. Construction area of the south urban bus hub terminal is 4620 m², synthetically building (include a dining hall) area is 3000m² among them, maintenance shop cover 1290m², the boiler room, pump house, power distribution house are 300m², reception office cover 30m². Bus platforms are 18, covering 675 m².

The total investment is 59,418,900 RMB Yuan, among it, the World Bank provide a loan about 17,193,000 RMB Yuan.
2.3 The objects of Public Transport Sub-project project

The objects of project are shown as follow:

(1) Improve the LOS of public transit along the proposed corridor;
(2) Establish a rapid corridor for the passengers;
(3) Establish a multi-level and multi-mode of public transit network to attract more users;
(4) Carry out the policy of public transit priority and improve the urban transport.

The project is significant to the developments of Xi’an city, main in following aspects:

(1) Optimizes the travel modes, improves the travel environment; implements the priority policy of public transit and guarantees the sustainable development of the urban transport;
(2) Conveniences the people moving and caters the needs of urban developments;
(3) Promotes the developments of urban public transit and improve the LOS of public transit.
3. Object Amounts Survey

Data of migrating dismantled Object amounts survey which is related to the bus hub of urban south Passenger terminal formed on the basis of two ways, relevance data provided by the Public Transport Company in Xi’an and survey data provided by the Social Sciences Academy of Shaanxi Province which established this report. These two units carried out on-the-spot inspection on the bus hub of urban south Passenger terminal On March 5, 2008. The field turn to be a wasteland, no brick wall enclosure, no building. The project has been examined before by Land and Resources Bureau of Xi An. Land acquisition is 38.108 mu, houses dismantle are not related. Land acquitted is collective land, which belongs to NanZhaiZi village, ChangYanbao street office, YanTa district in Xi An. Public Transport Company in Xi’an organized discussion with NanZhaiZi villager on March 24, 2008, it hosted by relevant personnel of Social Sciences Academy of Shaanxi Province, the discussion consulted about acquisition, compensation, income problem. Relevant personnel of Social Sciences Academy of Shaanxi Province visited on director of NanZhaiZi village committee on March 25, find out village society economic conditions and land compensation. assembling data of object amounts survey is shown as follow 3.1

<table>
<thead>
<tr>
<th>Project name</th>
<th>land acquisition Area (mu)</th>
<th>house dismantling</th>
<th>fixtures to the land</th>
<th>Affected households</th>
<th>Affected people</th>
</tr>
</thead>
<tbody>
<tr>
<td>The south urban bus hub terminal</td>
<td>38.108</td>
<td>no</td>
<td>no</td>
<td>15</td>
<td>75</td>
</tr>
</tbody>
</table>

3.1 Permanent Occupied Land
The project needs 38.108 mu of permanent occupied land, which belongs to collective land of NanZhaiZi village, ChangYanbao street office, YanTa district in Xi An.

<table>
<thead>
<tr>
<th>Project name</th>
<th>Land type</th>
<th>Occupied area (mu)</th>
<th>State-owned land</th>
<th>collective land</th>
</tr>
</thead>
<tbody>
<tr>
<td>The south urban bus hub terminal</td>
<td>Wasteland</td>
<td>38.108</td>
<td>0</td>
<td>38.108</td>
</tr>
</tbody>
</table>

### 3.2 The Affected Houses and Over-Ground Attachment

The project has no mantled houses and over-ground attachment

### 3.3 The Affected Population

The project will affect 15 families, 75 villagers of NanZhaiZi village, ChangYanbao street office, YanTa district in Xi An.

<table>
<thead>
<tr>
<th>Project name</th>
<th>Affected type</th>
<th>Affected households</th>
<th>Affected people</th>
</tr>
</thead>
<tbody>
<tr>
<td>The south urban bus hub terminal</td>
<td>Land acquisition</td>
<td>15</td>
<td>75</td>
</tr>
</tbody>
</table>
4. Analysis on the Project Affects

The project may cause certain effects on part villagers for land acquisition on NanZhaiZi village, ChangYanbao street office, YanTa district in Xi An. The Social Sciences Academy of Shaanxi Province surveyed some villagers in NanZhaiZi village to know affected degree and range concretely, the effects are as follows according to the result and other data.

The project deals with land acquisition, not building dismantling; therefore villagers’ daily life will not be affected. As to the income source, NanZhaiZi village draws close to the city centre, villagers are not depend on land for less 5 mark per people. In recent years, chances to work are more, and incomes are higher than cultivation. At the same time, cultivate cost is high, so most villagers don’t cultivate land, they rent out land, collect rent charge, which is one of their income source. This condition is common near the city.

Oppositely, construction of The south urban bus hub terminal will brings lots of latent profits chances for villagers. Firstly, construction of the bus hub could promptly assemble large amount of people, drive relevant service industry: restaurants, groceries and so on; Secondly, construction of the project could improves environment all around, attracts more projects, and brings about a train of jobs.

in recent years, our country has paid great attention to interests of lost territory farmers, improved local social security system, lightened the life pressure of them.
Above all, this project is positive in long-term as to the land acquisition effect to villagers.

5. Law and Policy Framework

5.1 Main Basis of Laws and Regulations on Emigrants

Resettlement

The Law of Land Administration of the People’s Republic of China (came into effect on Jan.1, 1999)
The Law of People’s Republic of China on Urban Real Estate Administration (came into effect on Jan.1, 1995)
Regulations for Management of Urban House Demolition (came into effect on Nov.1, 2001)
Shaanxi Provincial Regulations on Management of Urban House Demolition Compensation (came into effect on Dec.1, 2003)
Measures of Shaanxi Province on Implementing the The Law of Land Administration of the People’s Republic of China (took into effect on Jan.1, 2000)
Measures of Shaanxi Province on the Assignment and Transfer of the Right to the Use of the State-owned Land (took into effect on Jan.1, 2000)
Measures of Unified Land Acquisition of Shaanxi Province for Construction Project (took into effect on Mar.1, 2002)
Rules for the Protection of Basic Farmland (took into effect on Apr.4, 1996)
Temporary Regulations on Xi’an Urban House Demolition Assessment (took into effect on Jun.10, 2004)
Detailed Rules for Implementation of Urban House Demolition in Xi’an (took into effect on Jun.10, 2004)
5.2 Laws and Policies Related to Emigrant Resettlement

5.2.1 Laws and policies related to Permanent Land Acquisition

3.2.1.1 The Law of Land Administration of the People’s Republic of China

The Law of Land Administration of the People’s Republic of China stipulates that any unit or individual, who wants to conduct construction and in the need of using land, has to submit an application for using the state-owned land by law.

**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.

**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; 3. Other land exceeding 70 hectares.

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

**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;

**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 acquisitioning 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.

Whereas the land compensation fees and resettlement fees paid according to the previous provisions 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.

**Article 66** Land administrative departments of the people’s governments at and above the county level shall exercise supervision and examination on violations to the land administrative law and administrative decrees. Supervising personnel in such a regard
should be well acknowledged with the land administrative law and decrees, loyal to their duties and justice in enforcement of the law.

**Article 70** Whereas land administrative departments of the people’s governments at and above the county level have found government functionaries to have committed violations during their supervision and examination, they shall give them administrative punishments whereas the punishments are due. Whereas they do not have the right to handle the cases, they should put forward proposals for administrative punishments to the administrative supervision organs at the same level or at a higher level. The related administrative supervision departments shall mete out punishments according to law.

**Article 79** Embezzling or diverting the use of land compensation fees and other related expenses of the units whose land is acquired, criminal responsibilities shall be affixed whereas the case constitutes the crime and administrative punishments shall be meted out whereas the case is not serious enough to constitute a crime.

### 5.2.1.2 Related policies of permanent land acquisition of Shaanxi Province

**1. Measures of Shaanxi Province on Implementing the Law of Land Administration of the People’s Republic of China**

**Article 6** Those who intends to change land ownership, use right or use purpose according to the law, shall submit application for changing registration to the original land registration organs within 30 days from and on the day being approved.

Whereas mortgaging land use right in accordance with the law, both mortgager and mortgagee shall apply for land use right mortgage procedures to the original registration organs.

The name or address change of land owner or user shall be registered in the original land registration organ within 30 days from and on the day making change.

**Article 19** Farmland occupation approved by non-agricultural construction, it shall work under the principle of reclaiming the same amount of land occupied.

The land user shall reclaim the amount and quality of land occupied at the request of general plan of land use. Land users who are not in a position to reclaim or fail to reclaim the qualified land, shall pay reclaim fees to the city and county (city) land administrative departments of land location. Cities or counties lack of reclaim
resources shall pay reclaim fee to the superior land administrative department to organize reclamation.

A special account shall be opened for land reclaim fee to reclaim new land, which shall not be reduced or embezzled.

The management measures and fee-collecting standard of land reclamation is stipulated by the Provincial People’s Government.

**Article 26** When conducting feasibility study or compiling project proposals for the construction project, the construction unit shall submit land use pre-application to the land administration department same level with the organs approved the project. The land administration department shall conduct inspection on construction land and submit preliminary report on construction land use to the construction land use unit in accordance with the general plan of land use, the annual plan target of land use and the state land supply policy.

**Article 27** After the feasibility study report or project proposal of the construction project being approved, the construction unit shall submit documents of approval of relative departments to the city, county (city) land administrative departments of land located. The mentioned land administration departments shall make inspection and approval according to procedures and power limit.

The land administration departments shall notice the procedures, standards, basis and results of the examination and approval of construction land.

**Article 28** In submission for approval of construction land, the land administration departments of cities and counties (cities) with districts shall compile project report on construction land in accordance with the following stipulations:

1. Land supply scheme shall be drawn when using state-owned construction land or state-owned unexploited land.
2. When using state-owned agricultural land, the schemes of agricultural land transfer, farmland supplement and land supply shall be drawn.
3. The schemes of land acquisition and land supply shall be drawn when acquiring construction land or unexploited land owned by the farmers collectively.
IV. The schemes of agricultural land transfer, farmland supplement, land acquisition and land supply shall be drawn, when acquiring agricultural land owned by the farmers collectively.

V. Land supply scheme shall be drawn when land owned by farmers collectively is to build township enterprises or rural residential construction as well to build township-village public facility and utility construction. And schemes of agricultural land use transfer and supplement land shall be drawn when the construction is involved in agricultural land.

The State key construction projects, such as spanned railway, road and water conservancy, and etc., which spanned across cities (areas) with districts, shall be organized by the provincial people’s government to acquire land on a unified base.

Article 29 The land compensation and resettlement subsidy of arable land acquisition are compensated according to the standards prescribed in the forty-seventh article of The Law of Land Administration of the People’s Republic of China. Land compensation and resettlement subsidy, and the over-ground objects attached to the land and young crops compensation of the land acquisition for other use are compensated based on the following standards:

I. Compensation for the arable land is four to six times of the annual production value of the previous three years’ average production value of the medium arable land in the county, city or district where the land acquired belongs to. Compensation for the land acquisition for other use is one to four times of the average annual production value of the previous three years production value of the medium arable land in the county, city or district where the land acquired belongs to.

II. The resettlement compensation of the used land except farmland is paid by 30% to 60% of the resettlement subsidy of the medium arable land of the county, city or district where the land belongs to.

III. Young crops compensation is paid based on 40% to 90% of the average annual production value of the previous three years production value of the arable land in which the young crops grew. Houses and other over-ground attachments are compensated in accordance with the factors, such as purpose,
structure, use years and the like, to determine type, rank and unit price of compensation. The specific payment standards are prescribed by the city or district government.

If the land compensation and resettlement subsidy based on the previous article cannot make the villagers required settling remain their original living standard, more compensation can be added with the approval of the provincial people’s government, but the total amount cannot surpass thirty times of the average annual production value of the previous three years’ production value of the land prior to the land acquisition.

2. Rules for the Protection of Basic Farmland

Article 11 Once the basic farmland protected area is determined, any units or individuals cannot change or occupy the land arbitrarily. If national key construction sites of energy, transportation, and water conservancy, etc. have to occupy protection areas, it is required to take from the county agricultural administrative chief department and fill in Application Form for Basic Farm Occupation Permit, and then apply to the provincial land administrative office and fill in Application Form for Basic Farm Occupation Permit after approved by the county department. Following papers are required to hold when applying basic farmland occupation permit.

I. Document of approval on construction projects;

II. Application form for construction land or application form for subscription for land;

III. Pre-submitted agreement on arable land reclaiming fees of occupying basic farmland of protection areas (hereafter referred to as arable land reclaiming fee for short).

Article 12 Within the fifteen days from the day of application acceptance, the provincial land administrative department and provincial agricultural administrative chief department put forward their opinions and report them to the provincial government for approval. After they are ratified, Basic Farmland Occupation Permit will be issued by the provincial land administrative department. Only after taking the Basic Farmland Occupation Permit can the unit of construction land user handles the
formalities of examination and approval based on the procedures prescribed by The Implementation Measures on Land Management of Shaanxi Province.

**Article 13** The unit, which is engaged in non-agricultural construction and is approved to use and occupy the basic farmland in the protection areas, shall not only pay tax based on relevant laws and regulations but pay the arable land reclaiming fee to the land administrative department of the county government. The standards of the arable land reclaiming fees are as follows:

For first grade basic farmland, the fee accounts for 80% to 100% of the land compensation and resettlement subsidy; for second grade basic farmland, 60% to 80%.

**5.2.2 Laws & regulations on compensation for house demolition and relocation**

**5.2.2.1 Regulations on Management of House Demolition & Relocation**

**Article 6** The house demolition can only be conducted after the house demolition units get the license.

**Article 8** The house demolition management department, which grants the house demolition license, must, in the meanwhile, publicize the items recorded in the house demolition license, such as party that is to demolish the house, demolition scope, and demolition period in the form of house announcement. The house demolition management department and the demolition unit should publicize and explain to the party whose house is to be demolished in time.

**Article 22** The party that is to demolish the house should compensate for the party whose house is to be demolished based on this regulation.

**Article 23** Compensation methods of demolishment shall be in the form of monetary compensation or house property right exchange.

**Article 24** The amount of monetary compensation is determined by the price assessed by real estate market, being subject to such factors as the location, function, and construction area of demolished houses. The details are stipulated by the local people’s government of the province, autonomous district and municipalities.

**5.2.2.2 Rules of Shaanxi Province on Management of Compensation for Urban House Demolition & Relocation**
Article 2 This Rule is applicable to house demolition conducted in State-owned land in urban planning area of the Province which meanwhile needs compensation for party whose house is to be demolished.

Article 5 Urban house demolition shall be implemented with the license, whose application, examination & approval; granting and issuance of demolition notice shall be performed in conformity with Regulations for Management of Urban House Demolition by the State Council.

Article 12 The compensation for house demolition shall observe the principle of just and justifiability. The amount of compensation for house demolition shall be determined with reference to estimation price in real estate market.

For illegal construction and temporary construction exceeding the duration of service by examination and approval, there will be proper compensation; if there are other rules & regulations in examining and approving construction, observe them.

Article 14 The party that is to demolish the house and the party whose house is to be demolished shall come to an agreement on compensation for demolition within the time limit required in the demolition notice.

The agreement on compensation for demolition of monetary compensation by money shall include basic information of house demolition, compensation amount, and subsidy amount of demolition, fees for demolition and installation of home appliances, type & prompt of payment, time limit of removal, liability for breaching, means to settle disputes and other matters promised by the party that is to demolish the house.

For those who exchange property rights, the agreement on compensation for demolition shall include basic information of house demolition, site, area, tier, function of plane and equipment & facilities of exchanged house, market price of the house demolition and exchanged house, price difference amount & clearing form, transition form & time limit, fees for demolition and installation of home appliances, subsidy amount of demolition as well as temporary relocation, liability for breaching, means to settle disputes and other matters promised by the party that is to demolish the house.
If the house for exchange is forward delivery housing, the maximum transition time limit for tier building shall not exceed 18 months and that of high-rise building shall not exceed 24 months.

The sample text of agreement on compensation for demolition shall be formulated by administrative department of construction of the Province.

**Article 15** When the party that is to demolish the house and party whose house is to be demolished can not come to agreement on compensation for demolition, the two parties shall, through consultation, consign a real estate price estimation institution, or the one selected by the party whose house is to be demolished from two such institutions proposed by the party that is to demolish the house, to perform price estimation upon the house demolition. Thereafter, the two parties shall conclude the agreement on compensation for demolition in terms of the estimation results.

When holding disagreement upon the estimation results to refuse the conclusion of agreement on compensation for demolition, the party that is to demolish the house can apply to administrative departments of house demolition at municipal and county level for arbitration; provided that administrative departments of house demolition at municipal and county level fall into the demolished party, then the party that is to demolish the house can apply to the municipal or county people’s government for arbitration, which shall be work out within 30 days after receiving the application.

The administrative departments of house demolition at municipal level and prefecture level establish expert committee for house demolition. The municipal or county people’s governments as well as administrative departments of house demolition at municipal and county level shall make arbitration in terms of the estimation results by experts committee for house demolition.

If disagree the arbitration, the party that is to demolish the house can appeal to the people’s court within three months after receiving the arbitral award. Provided that the party that is to demolish the house has given monetary compensation or provided relocation house for demolition or working house used in resettlement to the demolished party, the demolition shall not be stopped during period of litigation.

**5.2.2.3 Detailed Rules for Implementation of Urban House Demolition in Xi’an**
**Article 2** This Rules is applicable to house demolition conducted in State-owned land in urban planning area of the City in which the party whose house is to be demolished needs to be compensated and relocated.

**Article 3** the Municipal House Administrative Department is the department in charge of house demolition of the City. The Administrative Office of Xi’an City on Resettlement for House demolition takes charge for the management of urban house demolition in such districts as Xincheng, Beilin, Lianhu, Yanta, Weiyang, and Baqiao.

The administrative departments of house demolition in such districts as Lintong, Yanliang, and Chang’an as well as the counties directly under the Municipal Government is in charge of the house demolition management in the districts, and meanwhile, they should accept the business instruction given by both the department in chief and office of urban house demolition.

Such administrative departments of planning, construction, land, municipal projects, public security, industry & commerce, education, labor and social security, etc. as well as the District and County People’s Governments shall cooperate to do well the management of house demolition according their own functions.

**Article 13** The party that is to demolish the house shall formulate relocation plan & schedule for house demolition, which shall include: the bound of demolition, situations of demolished house (i.e. usage property, area and property right), executive department for demolition, name list of corresponding personnel, compensation plan (i.e. estimation fund for compensation for demolition, source of fund for compensation and relocation, house source of property right exchange, transition house or other temporary measures for transition), means to carry out demolition, time limit and schedule for house demolition (i.e. measures of security and environmental protection).

**Article 15** The party that is to demolish the house shall, according to law, signs agreement on compensation for demolition which shall specify the following contents:

- Property right, address, area, usage property and structure, etc. of the demolished house;
The mode and standards of compensation and clearing form.

Time limit for removal;

For those provided with relocation house, such conditions as property right, address, area, usage property, structure, and modes & time limit of transition shall be specified.

Liabilities for breaching and modes for addressing disputes;

Other agreed matters.

The sample text of agreement on compensation for demolition shall be uniformly printed according to administrative rules on demolition of the City.

**Article 25** Both monetary compensation and exchange of property rights are available to carry out compensation for demolition. The party whose house is to be demolished can select modes of compensation for demolition independently unless the Rule has other regulations.

**Article 26** For those resorting to monetary compensation, the amount shall be determined by market price of real estate in accordance with such factors as location, usage property, and building area of property right, etc. For those with exchanged property rights, other than renting private house, the resettlement of both residence and non-residence houses shall be based on the floor space of the house to be demolished. The resettlement of price shall be performed in accordance with the following rules:

(I) For house with exchanged property rights, the resettlement shall be performed based on balance out between estimation price of real estate market of both demolished house and of the house for resettlement.

(II) Provided that leaseholders and property rights owners who contract residential house give up their property rights, the self-resided part of the building area of residential house for relocation shall be settled in terms of cost price required in house reform regulations of the due year; the part that exceeding self-resided area (excluding the added area regulated in Article 34 of the Rule) shall be settled in terms of estimation price of real estate market of resettlement house. The evaluation of real estate market price shall be

**Article 37** If the party that is to demolish the house can not provide house for transition within the transition period regulated by the agreement and the party whose house is to be demolished and leaseholder support themselves through the transition period, the party that is to demolish the house shall provide subsidy for transition according to the following standards:

(1) Standards for transition subsidy of house demolition are as follows:

1. As for the house located within the first ring road with an area of less than 30m² (inclusive), the subsidy shall be RMB nine Yuan for each square meter per month; the one with an area of over 30 m², the subsidy for that 30 m² shall be RMB nine Yuan for each square meter per month and the subsidy for exceeding part shall be RMB seven Yuan for each square meter per month.

2. As for the house between the first ring road and the second ring road with an area of less than 30 m² (inclusive), the subsidy shall be RMB seven Yuan for each square meter per month; the one with an area of over 30 m², the subsidy for that 30 m² shall be RMB seven Yuan for each square meter per month and the subsidy for the exceeding part shall be RMB five Yuan for each square meter per month.

3. As for the house between the second ring road and express way circling Xi’an City with an area less than 30 m² (inclusive), the subsidy shall be RMB six Yuan for each square meter per month; the one with an area of over 30 m², the subsidy for that 30 m² shall be RMB six Yuan for each square meter per month and the subsidy for exceeding part shall be RMB four Yuan for each square meter per month.

4. As for the house outside the express way circling Xi’an City with an area less than 30m² (inclusive), the subsidy shall be RMB five Yuan for each square meter per month; the one with an area of over 30m², the subsidy for that 30 m² shall be RMB five Yuan for each square meter per month and the
subsidy for exceeding part shall be RMB three Yuan for each square meter per month.

(II) The close of business and production caused by demolition of house for production and business, the compensation shall be calculated and provided in full amount according to total wages (basic wage and national subsidy inclusive) of staff in active service. The actual number of staff in active service of the unit whose houses are to be demolished shall be determined in terms of the number in the pay list as well as the staff who pay the social security expenditure. As for those with house for production and business in other places, the staff number shall be determined in accordance with average capacity of staff of total area of business area in the demolished unit.

(III) The transition fee for other house beyond the regulations in (I) and (II) shall be performed in accordance with the following standards:

1. For houses located within the First Ring Road, the compensation shall be RMB 40 Yuan for each square meter per month.
2. For houses located between the First Ring Road and Second Ring Road, the compensation shall be RMB 25 Yuan for each square meter per month.
3. For houses located between Second Ring Road and Expressway Circling Xi’an City, the compensation shall be RMB 15 Yuan for each square meter per month.
4. For houses located outside Expressway Circling Xi’an City, the compensation shall be RMB 10 Yuan for each square meter per month.

Article 38 The party that is to demolish the house who provides transition house, completed apartment or monetary compensation will no longer pay transition compensation fee. However, as for the situation in which the demolition of house for production and business caused temporary close of production and business, the party that is to demolish the house shall pay transition compensation fee for corresponding time in which business and production are closed in accordance with standards formulated in item (II) of Article 37 with reference to factors such as scale of demolition. If the time of close of production and business is less than a month shall be calculated as a month.
The leaseholder shall pay transition house rent if the party that is to demolish the house provided the leaseholder with transition house.

**Article 39** If failing to pay the transition subsidy within the transition time limit required by the agreement on compensation for demolition, the party that is to demolish the house shall, from the overdue month, pay the compensation subsidy at least two times as many as primary compensation; if six months are overdue, the party that is to demolish the house shall, from the 7th month, pay the compensation subsidy at least three times as many as primary compensation. If the transition fee is paid in the form of wage required by item (II) in Article 37 of the Rule, the overpayment of transition subsidy shall be granted in accordance with the agreement on compensation for demolition.

The party whose house is to be demolished and leaseholder provided with transition house by the party that is to demolish the house, from the overdue month, can stop paying the transition house rent. In addition, the party that is to demolish the house shall, from the overdue month, pay the transition subsidy for the party whose house is to be demolished as many as 20% of the transition subsidy standards stipulated in Article 37 of the Rule.

**Article 40** The party that is to demolish the house shall pay subsidy of removal for the party whose house is to be demolished and leaseholder in accordance with the following standards:

(I) As for the party whose house is to be demolished and privately or individually-owned business, the compensation for removal shall be RMB 1,000 Yuan per unit; for those who are provided with completed apartment for relocation or monetary compensation, the subsidy shall be RMB 500 Yuan from demolition per unit.

(II) As for institutions, subsidy shall be given in terms of removal scale and with reference to related regulations on freight price by the State, Province and the Municipality.

**Article 41** If removal of equipments is involved, the removal expenses shall be paid according to related regulations on freight price by the State, Province and the
As for temporary deposit of equipment and materials, the subsidy for temporary storehouse rent shall be paid in terms of the actual amount of deposit.

**Article 42** As for relocation for house demolition, the relocation shall be done in terms of household scale based on building area of demolished house. The minimum scale of household based on building area for relocation house shall be 45m² and the difference between any two household scales shall be at least 10m². For over a pair of couples (inclusive) who share a private house which also accords related regulations on property rights separation shall be provided with various units of house for relocation. As for the part exceeding the area required by property right certificate, the house for relocation shall be calculated with reference to estimation price.

The standards to classify high and low floors of multi-storied building are as follows: the first and second floors of a three-storied building fall into low floors with the third one as high floor; the first, second and third floors of a four-storied building fall into low floors with the fourth one as high floor; the first, second, third, fourth floors of a five-storied building fall into low floors with the fifth one as high floor; the first, second, third, fourth floors of a six-storied building fall into low floors with the fifth and sixth ones as high floor; the classification of high and low floors of high and super high buildings shall be specified in relocation scheme according to actual situation.

**5.3 The main tenet of World Bank Operational Involuntary Immigration Policy OP4.12**

1. Make a study of all other feasible options, in order to avoid or reduce the involuntary immigration.

2. If avoiding the resettlement of affected residents won’t do, the activity of resettlement of affected residents can be designed and implemented as a sustainable development option. Provide enough investment funds to insure the person who was forced to leave to get profits from the project. Discuss with immigrations to make sure they have an opportunity to participate in the planning and implementing of the immigration option.
3. Help immigration to improve their living level, or relapse into the average level before migration at least.

4. People who were influenced by the project will get:
   (1) According to entirely replacement cost compensate their incurred loss before migration.
   (2) Offer the help during the process of migration and the sustain of the setting site during the transition period.
   (3) Offer the help for improving the standard of living. Give the special help to the more difficult immigration.

5. If people did not get the legitimate power of land use or construction, they also can get compensation or equating form subsidize.

6. Pay special attention on the disadvantaged group of the immigration.

7. The resettlement of affected residents plan will establish the compensating standard. And this standard will be publicized to the immigration because of the project.

8. The object and principle will be carried out in the resettlement of affected residents plan.

9. The resettlement of affected residents plan applies to all the Sub-projects and the correlative projects of Urban Comprehensive Transport Improvement Project in Xi’an.

5.4 Resettlement principles on migrations of the Project

The project of resettlement of affected residents should abide by the following basic principles in accordance with relevant laws and regulations stipulated by the State and polices concerning involuntary resettlement issued by the World Bank:
   (1) Pay more attention to resettlement of affected residents and carry out relevant compensation polices to improve or at least recover production and living standard of affected residents;
   (2) Plan for resettlement of affected residents should be in accordance with local land improvement as well as nation economy and social development
program; correctly deal with the relationship among the state, collective and individual in a comprehensive way and give overall consideration to it.

(3) Plan for resettlement of affected residents should be authorized in accordance with relocation object index and compensation standard. Construction scale and standard for resettling the affected residents should abided by the original ones. And no investment gap is to occur in accordance with limitation program. It is necessary for local government and relevant departments to issue the investment problems relating with the development, scale expansion and standard improvement and long-term plan;

(4) It is necessary to coordinate with affected residents in determining the plan for resettlement and stipulating varied compensation standards to benefit the residents;

(5) Plan for resettlement of affected residents should make full use of local resources to foster agricultural construction adjustment, improve conditions of farmland irrigation, elevate land use capability, strengthen the potential power of agriculture, so as to keep the production and living level of the immigrants;

(6) According to the principle of “benefit production and facilitate life” to make the program plan.

(7) Plan for resettlement of affected residents should combine with regional construction, resources exploration, economic development and environmental protection. And it should be carried out in a practical way in accordance with the concrete situation, so as to stipulate measures for the recovery and development of production and living of immigrants, and create chances for their self-development.

The resettlement policy on migration implemented by the Project is made in terms of related regulations & laws formulated by People’s Republic of China, Shaanxi Provincial People’s Government, Xi’an Municipal People’s Government, and the World Bank.
6. Standards of compensation

Distance of various symbol of project has house dismantled and move out compensating a standard law and regulation migrating mainly according to "Shaanxi Province putting <Land Administration Law of the People's Republic of China> way into practice"", state-owned land-use right of Shaanxi Province selling and
transferring way", "the Shaanxi Province construction project unites purchasing field way on a requisition basis" and so on is related to "Land Administration Law of the People’s Republic of China ", having house dismantled and move out work out. Compensating standard and the world the request must volunteer immigration policy row is consistent, the people who is affected will get fair compensation to support it’s regular childbirth living level according to compensating a standard

6.1 Standards of land acquisition compensation and resettlement assistance

According to waiting for laws and statutes to work out a project "Land Administration Law of the People’s Republic of China ", "Shaanxi Province puts <Land Administration Law of the People’s Republic of China> way", "state-owned land-use right of Shaanxi Province sells and transfers way", "Shaanxi Province builds unified symbol of project field way" into practice, land-use right compensates a standard. Collective expropriation of land compensation consults and compensable transfer price of state-owned area city land carries out a city. This place belongs to urban planning area, Periphery land value rises by a wide margin, multiple reckoning of output value can not embody this change, therefore, we use general method of work: reason local government land branch and collective village set prices directly through negotiation. At present, compensate standard of the project using land is 180,000 RMB Yuan per mu, which have been consulted and agreed by Yanta district land bureau and that village committee. In fact, this compensate standard is higher than country regulation calculate which is times of land output value, cause it is a packing price, includes land compensating fee and resettlement allowance
Table 6.1  land-use right compensation standard

<table>
<thead>
<tr>
<th>Land type</th>
<th>Project name</th>
<th>district type</th>
<th>Collective land acquisition (yuan/mu)</th>
<th>remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collective land</td>
<td>The south urban bus hub</td>
<td>three</td>
<td>180,000</td>
<td>Consulting compensable</td>
</tr>
<tr>
<td></td>
<td>terminal</td>
<td></td>
<td></td>
<td>transfer price of state-owned land of same area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>and project</td>
</tr>
</tbody>
</table>

Appending: 60% of the compensate standard is used for land acquisition, about 108,000RMB Yuan per mu, 40% is used for resettlement allowance, about 72,000 RMB Yuan per mu. This proportion consults for multiple reckoning of output value.

6.2 Housing and Fixtures to the Land Compensation Standards

The project is not relate to housing and fixtures compensation

6.3 Other costs

Other costs including administrative fees and removing and resettlement supervision fees, within this total, the administrative fees should be 3% of the total removing and resettlement fees; removing and resettlement supervision fees should be 2% of the total removing and resettlement fees.

All of the compensation and resettlement standards should be made by the regional government, and implemented after the approval by the higher government.
7. Resettlement and rehabilitation

7.1 Resettlement targets

The goal of project’s resettlement is to ensure that immigrants can get their full compensation for loss and reasonable resettlement with good recovery, so that they can share the benefits of the project, conquer their temporary difficulties with subsidies, their income levels and living standards and its production profitability will be improved, or at least enable them to be truly restored to the level before the resettlement or the start of the project.

7.2 Resettlement Scheme

The project is to purchase field effect on a requisition basis mainly, arrange for to losing the land villager adopting back-off way of currency, 40% of packing compensation directly allocated to villagers named resettlement allowance, 60% of packing compensation is used by village collective, that the end item is used for development of village collective estate, creates job openings, attracts to accept local lost territory in the hand arranging for allowance will readjust oneself to a certain extent directly to the villager, the peasant obtains employment. The peasant development employment technology trains the secondary, the general to lost territory, adopts and measure encouraging becoming self-employed.

7.3 The Resettlement for Affected Disadvantaged Group

The project is not related to disadvantaged group

7.4 Compensation for the Affected Ground Appurtenances

The project is not related to compensation for the affected ground appurtenances
7.5 The Restore Production and Life Training Program for the Affected People

Xi’an is a city with tense arable land areas and large population. Therefore in some villages, the expropriated land takes a relatively large proportion of the village, the realignment of the land can not fully satisfy agricultural needs. In that case, the acquisition of land will affect villagers who originally are solely engaged in agricultural production. The local government should make adequate technology training for these affected villagers to enrich their employment options so that their living standard can be effectively restored. Removal and resettlement of the Office should work together with the local government’s labor and social security, finance, education, science and technology, agriculture and other departmental co-ordination, and take charge of the affected villagers’ technical training.

Technical training to the villagers should take the local rural economic restructuring, changes in the labor market and unit labor demand into consideration, and be practical, effective, purposeful and its main contents are:

(1) Rural practical technical training. Mainly focused on practical agricultural production skills training. Planting on training in order to maintain grain and oil production, farm output, quality and market competitiveness mainly of new varieties modern agricultural technology, and pollution-free production and standardization of production of new knowledge. Aquaculture industry training to the livestock and poultry disease control, breeding management, forage production, and other technology-based.

(2) Pre-employment training guide. Mainly focused on the protection of basic rights, legal knowledge, city living knowledge and job search skills training knowledge. Through training to enhance the affected villagers’ awareness of abiding by the laws and regulations, protection of their own rights and interests, to enhance the prevention ability of mistreatment, to reinforce the ability to foster a new concept of
employment and understand and are familiar with the channels of employment, to increase employment skills.

(3) Work skill training. Their main purpose is to raise the affected villagers’ nonagricultural vocational skills. According to the National Occupational Classification standards and norms vocational training, and different industries, trades, status of employees in basic skills and technical operations, the training courses will be arranged combined local rural economic structure features; develop construction, domestic service, catering services, property management, health care, security, cleaning, motor vehicle repair trades occupations (trade) skills.

(4) Entrepreneurship training. Some of the affected villagers will accept the awareness of entrepreneurship training and entrepreneurship training program. Encourage and guide them to their own businesses, help them to establish development projects, and to set up small enterprises, encourage local entrepreneurship leaders.

Before the implementation of the resettlement of the affected people have participated in the part of the whole period of implementation of resettlement moves works, they will continue to participate in the. In the following major areas

(1) Were relocated to choose specific housing redevelopment site
(2) Affected people to build their own housing
(3) Affected persons to determine the compensation they received was whether the replacement price, and appeals to higher authorities their views;
(4) In surveys, and independent oversight bodies to discuss the resettlement
(5) In the village committee and the affected people, with the support of the resettlement of the township by a resettlement responsible for the management and implementation.
8. Public participation and consultation

8. 1 Public participation

8.1.1 Public information
In order to keep the demolition and resettlement project going on smoothly, different resettlement organizations should search the best way to let people who are influenced by the demolition and resettlement project to participate in. Take the existing situation into account, alignment, location and correlative law, policy, rules and compensatory standard, complain ways and World Bank Operational Policy OP4.12 and scheme on compensation for land acquisition and laborer allocation should be propagandized through broadcasting and posters. By informing the affected people (group) to let them make some opinions during the program planning and operating time.

8.1.2 Fieldwork with the Affected People
After the wide propagandas, make the collection about advice raised by the affected people and categorize them into different groups. Visit the affected family one by one with correlative departments and discuss issues about resettlement. Meanwhile
different kinds of meetings should be held to discuss and make final conclusion to ensure the benefits of affected people so that people would participate in the demolition and resettlement project willingly.

8.1.3 Public Conference
For the effectiveness of affected people in taking part in the demolition and resettlement project, it is necessary to hold the public conference. Different resettlement offices should hire some people who are representative, such as the affected people, rural company deputy, women, grade school teachers, political consultative conference committeeman, and some correlative department deputy to reach an agreement and gather idea on all kinds of steps and works widely. Also, the offices should provide those representatives with all correlative messages timely to make them understand the policy, laws, and all kinds of compensative standards. At the same time, the final operating process should incarnate the affected people and some correlative people’s opinion.

8.2 Ways to Participation
Before the resettlement program operating, the affected people will have taken some parts in the program, and during the whole operating time, they will go on working. The following is the continuative work.

(1) Choose the place to rebuild for the householder
(2) Affected people’s self house construction
(3) Affected people should make sure whether their receiving is the replacement price or not and can reflect their opinions to the higher organ.
(4) In investigation, the discussion for the setting work carries with independent supervisory organ.
(5) Under support of affected people and village committee, the village setting office is responsible for the management and implementation.
8.3 The Arrangement of Public Negotiation and Participation

During the demolition and resettlement, different stages of the public participation should be divided. The main methods are as follow:

1. Participate in the survey of affected land, house, and belongings.
2. Hold colloquia to discuss the compensation criterion.
3. Choose the rebuilt place for every family.
4. During the different stages, hold colloquia to collect all advice and demands.

To some special affected people, collect their demand one by one. The details are as follow:

<table>
<thead>
<tr>
<th>No.</th>
<th>The content of public negotiation and participation</th>
<th>Participate people</th>
<th>time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Demolition and resettlement surveying mobilization convention</td>
<td>Village representatives</td>
<td>3.24.2008</td>
</tr>
<tr>
<td>2</td>
<td>Survey on social opinion before demolition and resettlement</td>
<td>Village representatives</td>
<td>3.24-25.2008</td>
</tr>
<tr>
<td>3</td>
<td>Discuss on compensation criterion</td>
<td>Affected people &amp; land management department</td>
<td>3.25.2008</td>
</tr>
<tr>
<td>4</td>
<td>Survey on demolition and resettlement</td>
<td>Affected people</td>
<td>30 days after demolition starting</td>
</tr>
<tr>
<td>5</td>
<td>Suggestion collection of demolition and resettlement</td>
<td>Affect people, Representatives of the parties</td>
<td>Mobilization processing</td>
</tr>
<tr>
<td>6</td>
<td>Tracking Survey</td>
<td>Affected people representatives</td>
<td>Mobilization processing</td>
</tr>
<tr>
<td>7</td>
<td>Rally after resettlement</td>
<td>Village representatives</td>
<td>Mobilization processing</td>
</tr>
</tbody>
</table>
9. Appeal

Despite encouraging public participation in resettlement work, actually there will be more or less some problems. To ensure problems can be resolved in a timely and effective manner to protect the land and dismantlement of the building so that projects are smoothly operated, not only the existing ways of complaint letters and visits of the local governments at all levels, but also a transparent and effective channel is needed for the affected people.

9.1 Appellate Organ

In order to protect the affected people of their legal rights better, except the village (inhabitant) committees at all levels and Resettlement Team, the appeal inadmissible group under the external monitoring bodies is planned. The group is made up of five people which the leader is from an independent supervision body and four others, two from external monitoring group, one from the project office, one from the Urban Development and Reform Commission. Meanwhile, each section and county sets up an immigration appeal handler for the nearest admissibility of the complaint area, and keeps touch with the complainant Group.

9.2 Appeal Procedures

Stage 1:
If immigrants are dissatisfied with Resettlement Scheme, immigrants could appeal to the village (inhabitant) committees by oral complainant or written complaint; For verbal complaints, they must be dealt with by an appellate organ and kept a record. Appellate organ should reply and make a decision or feedback to the complainant within two weeks.

Stage 2:
If immigrants are dissatisfied with the first stage decision, after receiving decision they can appeal to the World Bank Loan Project Resettlement Office or to the appellate group under the external supervise organ; appellate organ should made the decision within two weeks and feedback to the complainants.

Stage 3:
If immigrants are still not satisfied with the second stage decisions, after receiving the decision made by resettlement office or appellate group under the external supervise organ, they can appeal to the Xi’an Land Bureau. And Xi’an Land Bureau should reply the complaint within 10 days.

**Stage 4:**

If affected people are still dissatisfied with the arbitration decision made during the third stage, according to the civil law, they could address any resettlement area to the people’s count after receiving the arbitration decision. These channels, through the convening of a general assembly of villagers and other means to inform immigrants, will be used to make immigrants be fully aware of their rights with complaints.
10. Organization

10.1 Implementing agencies

The project’s executing agency is the Xi’an Development and Reform Commission. To ensure the smooth implementation of the project, a Xi’an city’s comprehensive traffic improvement projects from the World Bank Loan leading group will be set up, and will be made up by the Xi’an DRC, the Urban and Rural Construction Committee, Municipal Bureau of Cultural Relics and Huxian County government and other relevant government agencies, leading members, resettlement policy researchers and engineering experts. They are in charge of major projects and the decision-making and coordination, guidance, supervision and implementation group, and are ensuring the relevant policies and regulations as well as the migrants’ receiving on adequate legal rights, respect and protection. An office subordinated Leading Group is responsible for the daily work.

10.2 Implementing Agencies

The project implementing organ is Xi’an Infrastructure Constructs Investment Company, responsible for the demolition of the land resettlement implementation and coordination, settling specific implementation of the resettlement works of the various policies. The company sets up the office of removal and resettlement of land, and its duties are:

1. According to decisions making by Xi’an government and the leading group of project, it is responsible for the organization, coordinating land requisition compensation and relocation work of resettling the land requisition with the removal and signing agreement with resettlement of the district coordination office;
2. Research resettlement work and listen to the affected company’s and personal views. Admissibility of various grievances and complaints and reply promptly;
3. Supervise and inspect land costs of removal and resettlement of the payment and the usage;
4. Guiding the relevant county, township (Street offices), and village and enterprise to made the development and economic recovery plan, review and exchange experiences.

10.3 Coordinating Agencies

The project’s coordinating agency is the resettlement Relocation Coordination Office established by the affected counties, its responsibilities are:

1. According to tasks and requirements of land removal and resettlement Office in Xi’an Investment and Infrastructure Construction Company, verify number of expropriation land, demolition of houses, exclusive facilities and auxiliaries;
2. Responsible of making standards on the replacement value of the facilities assessment and compensation standards;
3. Sign agreements of resettlement with the affected companies and individuals;
4. Pay for compensation costs;
5. In charge of the district (county) land removal and resettlement of the implementation to ensure timely construction of housing and resettlement work;
6. Study works on the resettlement, fully listen to the affected company and personal views. Admissibility of various grievances and complaints and promptly reply; if the problem is unable to deal with, inform the project team timely;
7. The supervision and inspection of village land requisition compensation for removal and resettlement of use;
8. Coordinate Street, town, and village committees and enterprises to formulate economic recovery plan, inspect and supervise;
9. Regularly reply the situation to Xi’an Construction of Infrastructure Investment Company Resettlement Works Office and submission of the relevant statistical information timely.
10. All affected township (street office ) and the affected Village Committees should designate their own full-time coordinators to participate in resettling work, together with the township (street Office) and the Village Committee specific implementation of the economic recovery plan and measures.
10.4 Internal Supervision Agencies

Set an internal supervision office on resettlement work that is subordinated to Xi’an Infrastructure Construction Investment Company, which consists of three members. The duty of the office is to ensure that all levels of removal and resettlement are in the normal process of implementing, to supervise, investigate and settle any violation towards relevant policies and regulations against immigrants rights or any behaviors affected the progress of construction. Ensure timely implementation of the "Land removal and resettlement action plan" program, make sure that the affected people’s rights and interests are protected.

10.5 External Supervision Agencies

The project Resettlement Scheme external supervision agency is in charge of Shaanxi Provincial Academy of Social Sciences. It is the largest professional social science research organizations of Shaanxi province with a team of experts on economics, sociology, management and psychology multidisciplinary, and rich experience in external supervision work for World Bank. ADB loan projects Resettlement. The agency is directly affected by the project leadership team. Its duties are: monitor and assess land resettlement and resettlement activities in a professional approach; supervise immigrants’ participation during project implementation process; supervise on the implementation of various resettlement of migrants laws and regulations; assess influence of immigrants to the relevant company, assess the implementation of the process from a long-term perspective; release the assessment report and relevant recommendations for the entire process as well as the implementation and effectiveness in a timely manner; provide the construction sector an early warning system; provide immigration views a channel to be reflected.
Figure 8-1  Resettlement organization chart

Removal the resettlement office after the completion of removal and resettlement agencies to lift some of the functions can be diverted to the project after construction management agencies.
11. Migrant Resettlement Fees

11.1 Estimation of Removal and Resettlement Fees

The estimation of the total expense on the migrant resettlement reaches 7,888,300RMB Yuan, among which 6,859,400 RMB Yuan is for compensation of land requisition and demolition of houses; 1,028,900 RMB Yuan is for the cost of land requisition and removal management, Evaluating fee for supervision and basically reserve fee.

Table 11.1 Estimation of Removal and Resettlement Fees

<table>
<thead>
<tr>
<th>Project</th>
<th>Type</th>
<th>Quantity</th>
<th>Compensation standard</th>
<th>expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>The bus hub of urban south</td>
<td>Collective land</td>
<td>Three type</td>
<td>38.108mu</td>
<td>180000</td>
</tr>
<tr>
<td>Passenger terminal</td>
<td></td>
<td></td>
<td></td>
<td>6,859,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation of land requisition and removal</td>
<td>/</td>
<td></td>
<td></td>
<td>6,859,400</td>
</tr>
<tr>
<td>land requisition and removal management(drawing 3% of land requisition and removal fee )</td>
<td>/</td>
<td></td>
<td></td>
<td>205,800</td>
</tr>
<tr>
<td>Evaluating fee for supervision (drawing 6% of land requisition and removal fee )</td>
<td>/</td>
<td></td>
<td></td>
<td>137,200</td>
</tr>
<tr>
<td>basically reserve fee(drawing 6% of land requisition and removal fee )</td>
<td>/</td>
<td></td>
<td></td>
<td>685,900</td>
</tr>
<tr>
<td>Total migrant resettlement fee</td>
<td>/</td>
<td></td>
<td></td>
<td>7,888,300</td>
</tr>
</tbody>
</table>
11.2 Source of Fund

The fund of this project comes from local finance of Xi’an City and World Bank’s loan, which are both included in the project’s total budget.

11.3 Fund Appropriation

Within the demolition deadline announced in the project notice, the migrant office should negotiate with the affected people over the land requisition and removal compensation according to relevant laws and regulations, and therefore sign the compensation agreement. The migrant office will earmark the subsidy directly to the affected people within 15 days after the agreement is signed.

Fund flow of compensation for migrant resettlement: Urban Synthetic Traffic Improvement Project Administration Office give migrant resettlement fee to district or country Project migrant Resettlement Office, they pay it directly to migrant according to migrant arranging agreement.

Entrust project proprietor (organization of putting migrant resettlement into practice) give land compensation and resettlement subsidy to village affected by land acquisition, which contributes all the fees in the light of different resettlement ways.

Land compensation and resettlement subsidy will be paid to affected village before land acquisition.

Organization of putting migrant resettlement into practice must handle contract which is related to land acquisition and demolition, and fund payment document, to Project Office in Xi’an for record.
12. Surveillance and Report

In the entire process removing and placement, the implementation of the land expropriation, the removing and placement, and restores active will be inspected periodically. The surveillance work is divided into the internal surveillance and independently surveillance.

12.1 Internal Surveillance

The Xi’an Infrastructure Investment Company will undertake the internal surveillance of the removing and placement organization. It will set up specially surveillance office to carry on the comprehensive surveillance and the management to placement.

12.1.1 Surveillance method and content

The internal surveillance adopts the sampling method, through convening various aspects to conversations, investigate and visit the affected people to receive their opinions. The main content of the surveillance includes:

(1) The progress of the removing and placement work;

(2) The assignment and designation of building reconstruction address;

(3) The reconstruction of personal house;

(4) Readjust the land for the person who loses the land;

(5) The restoration of the affected villagers’ living standard in disadvantaged group, the minority nation area;

(6) The restoration of infrastructure and public works;
(7) The restoration and the employment placement situation of the affected enterprise;

(8) The possible indemnity for the affected person or unit.

### 12.1.2 Implementing procedure

In the implementation process, the DRC of various counties (region) collect the implement information which come from to the villages and towns placement organization, categorize them by individual, family and unit, and promptly transmit the current work information to the city DRC World Bank office. The region county sends changes the committee to continue to carry on the uninterrupted surveillance. The city DRC World Bank office will stochastically spot-checks the villages and towns and village level of placements work. Related stage work content is shown as follow.

<table>
<thead>
<tr>
<th>No.</th>
<th>Stage</th>
<th>Surveillance, inspection content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preparatory work stage</td>
<td>(1) According to the request of World Bank, whether the affected people and the concerned personnel are all clearly understand compensation standard, the placement means, the policy, the laws and regulations and so on? (2) Whether the affected people are agree to the removing and placement? (3) Whether the reconstruction address completely designated for building?</td>
</tr>
<tr>
<td>2</td>
<td>Implementation stage</td>
<td>(1) Whether the compensation funds arrive? (2) The affected people’s placement situation. (3) How to carry on the arrangement attendance about the disadvantaged group and the minority nation? (4) Infrastructure migration situation. (5) The building reconstruction situation. (6) The reconstruction situation of public building. (7) The infrastructure migration situation. (8) How does the land adjust? (9) Whether there are appeals and the appeal? Answer and processing result how?</td>
</tr>
<tr>
<td>3</td>
<td>Implementation Acceptance phase</td>
<td>(1) The completing situation of the removing and placement work. (2) The compensation fund arriving situation. (3) What opinion is affected the person also to have? (4) Sums up experience, gives the improvement comment.</td>
</tr>
<tr>
<td>4</td>
<td>After the project construction begins construction, enter the construction time stage</td>
<td>After beginning construction, is there any question which leaves behind or newly appears?</td>
</tr>
</tbody>
</table>
12.1.3 The Internal Surveillance Report

All levels of internal surveillance reported the work is responsible by all levels of placements organization specialist, the next level of placements organization should the prompt upward level of placements organization report the project drafts moves the placement situation. Various counties area DRC World Bank office to manage while newspaper city spot-check, sends the internal surveillance by the form way to report (sees table 12-2). The city DRC according to the job requirement, will report the form way by the above internal surveillance to appraise the opinion to compile, report to the World Bank.

Table 12-2 the removing and placement Interior Surveillance account

<table>
<thead>
<tr>
<th>Unit:</th>
<th>Time of report:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project locus</td>
<td>Project name</td>
</tr>
<tr>
<td>-------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12.2 Independent Surveillance

The removing and placement work’s outside supervision of the Public Transport Sub-project of the Urban Comprehensive Transport Improvement Project in Xi’an, was undertook by the independent social sciences development facility - Shannxi Province academy of social science, from independent, long term, the objective angle of view inspects to check the implementation situation of the entire removing and
placement work, to carry on the appraisal of the social economy influence during the implements process as well as the affected people’s living level.

12.2.1 The basis of Independent Surveillance
The independent cognizant agency take all levels of the removing and placement organization the placement investigation data as a foundation, and base on following three aspects to appraise places whether achieves the goal.

(1) National related placement work legal laws and regulations;

(2) The World Bank about the non-voluntary immigration placement operation leads then OP4.12/BP4.12 rule;

(3) The living standard at least to maintain the living level of the affected person before the project construction.

12.2.2 Independent Surveillance agency’s responsibility
According to the social economy development objective law, the national relevant laws and regulations and the World Bank specific request, the technical guidance and the surveillance will be carried on the removing and placement implementation work. The operating regions of independent Surveillance agency include carrying the monitor on the removing and placement network’s movement situation, the affected person compatible to the new life. The concrete responsibility includes:

(1) Living standard investigation
Before the removing and placement implementation to start, the independent supervisory organ will take the region county as a unit, make an investigation about the random sample and a comparison group's basic living standard, sets up a living standard before placement implementation to start. After the removing and placement completed, the independent supervisory organ will take the area county as the unit, complete to have the summary living standard report of investigation, in order to survey the affected people’s live level change. The stochastic interview with the affected person's method and the observation method will be the important supplement way outside the questionnaire survey.
A. The questioning volume of living level will be formulated. The questioning volume of living level will fully consider the different countryside area the economical condition and the cultural element, will enable the ascertain data to suit local the actual situation. After adjusting the questioning volume formulation, will examine its validity in the concrete implementation, and according to the situation which will examine performs to revise, will cause to ask the volume will be able to be realistic.

B. Train the investigator. The investigator, who was versed in the investigation method and the examination table application method, will be the successful key of investigates. Before investigates start, the independent supervisory organ will positively complete investigator’s training work, to guarantee the investigator to be able correctly to grasp the examination table application method, reduce the error.

C. Exterior assistance. In the living standard investigation period, the independent supervisory organ earns to the assistance from both the city DRC World Bank office and all levels removing and placement organization, all levels removing and placement organization should provide the convenient condition for the independent supervisory organ’s investigation work.

(2) Public consultation

The independent supervisory organ will dispatch an official to participate in the village, the township two levels of holds public consultative conferences. Through participates in these conferences, understood the comprehensive opinion of the project affected person about the execution situation, and understood their idea, feeling and desire about restoring the living standard. Simultaneously appraised the degree and effect about they participation with the cooperation, promptly sends the situation report to the city DRC World Bank office, promotes the placement plan execution, improve the public participation effect. If the independent supervisory organ thought the public consults openness and the validity is insufficient, it will put forward the improvement proposal to the consultative conference constitution and the procedure.
(3) Appeal question mediating

The independent supervisory organ will understand the affected person’s dissatisfaction, supervised and deal with the dissatisfaction working routine processing, promotes its effective movement. Through regular visiting the project influence place, directly meet with the proposed different opinion affected person and discusses with the placement organization staff which receives dissatisfaction sues directly, understood the affected person's discontented opinion as well as the processing situation the removing and placement organization. The independent supervisory organ should understand the discontented opinion, feed back in time to the locality, supervises its prompt solution. At the same time, the independent supervisory organ will carry the uninterrupted surveillance on the validity of dealing with dissatisfaction sues, if will have the necessity, the independent supervisory organ will propose some revisions as far as possible to consummate the procedure, in order to the disposal procedure effectively move.

(4) Other responsibilities

In the removing and placement implementation period, the independent surveillance agency must put forward the proposal to Xi'an DRC World Bank office, and through the real observation and interviewing the affected person to surveillance following activities:

A. Land readjusting;
B. The preparation and reliability of the placing place;
C. The reconstruction of building;
D. Frail community's restoration;
E. Infrastructure migration;
F. The standard and payment of the premium;
G. The enterprise’s moves, compensation and the reliability;
H. The compensating of property damage;
I. Transition-period subsidy.
12.2.3 The Independent Surveillance report
As the project independent surveillance agency, the Shananxi Province academy of social science took the Public Transport Sub-project of the Urban Comprehensive Transport Improvement Project in Xi’an independent surveillance situation as a part of the entire project independent surveillance report. It will send through Xi'an DRC World Bank office to World Bank. The independent surveillance report will send to World Bank two times a year, one time half a year.

The outline of independent surveillance reports:
(1) The general situation of the project;
(2) The removing and placement organization’s establishment and the personnel provide;
(3) House compensation and placement;
(4) The compensating of land and its attaching;
(5) The infrastructure’s compensates and restoration;
(6) The and national minority's placement;
(7) The placement of getting employed;
(8) Public participation and consultation;
(9) Conclusion.

13 Table of Rights and Interests
<table>
<thead>
<tr>
<th>Affected types</th>
<th>Affected people</th>
<th>Policy of compensation and resettlement</th>
<th>compensation standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Land Acquisition</td>
<td>The affected villages</td>
<td>The compensation fee of land acquisition shall include land compensation fee, resettlement subsidy and compensation fee of over-ground objects which are attached to the land and young crops. The land occupied belongs to NanZhaiZi village, which is city planning area, waste now, compensation for over-ground objects and young crops is not related. compensation standard consult transfer price of state-owned land of same area and project, land compensation fee belongs to village collective. Resettlement subsidy belongs to affected villagers. Land acquisition compensation use back-off way of currency, not readjust land.</td>
<td>In urban planning area, collective land acquisition consult compensable transfer price of state-owned land of same area and project. So the project of the bus hub of urban south Passenger terminal compensate according to 180,000/mu. Land compensation is 108,000/mu, occupied 60 percent; resettlement subsidy is 72,000/mu, occupied 40 percent.</td>
</tr>
<tr>
<td>Affected farmers</td>
<td>All resettlement subsidy give affected farmers for not readjusting land</td>
<td></td>
<td>resettlement subsidy is 72,000/mu</td>
</tr>
</tbody>
</table>

14. Migrant resettlement arranged plan

<table>
<thead>
<tr>
<th>No.</th>
<th>Project</th>
<th>Time</th>
</tr>
</thead>
</table>

51
<table>
<thead>
<tr>
<th>No.</th>
<th>Project</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Survey on migrant resettlement object amount</td>
<td>March, 2008</td>
</tr>
<tr>
<td>2</td>
<td>Opinion discuss before migrant resettlement</td>
<td>March, 2008</td>
</tr>
<tr>
<td>3</td>
<td>Making migrant resettlement plan</td>
<td>April, 2008</td>
</tr>
<tr>
<td>4</td>
<td>Publishing migrant resettlement plan</td>
<td>One month after World Bank approving</td>
</tr>
<tr>
<td>5</td>
<td>Pay out land acquisition compensation</td>
<td>One month before land acquisition</td>
</tr>
<tr>
<td>6</td>
<td>Land acquisition</td>
<td>Finishing before the month of project operating</td>
</tr>
<tr>
<td>7</td>
<td>Internal and independent Surveillance Report</td>
<td>One month after project operating</td>
</tr>
<tr>
<td>8</td>
<td>Making Internal and independent Surveillance Report</td>
<td>One time half a year after project operating</td>
</tr>
</tbody>
</table>