

SOCIALIST REPUBLIC OF VIETNAM
HO CHI MINH CITY'S INFRASTRUCTURE DEVELOPMENT FUND

RP542

Vol. 1

HIFU DEVELOPMENT PROJECT (HDP)
RESETTLEMENT POLICY FRAMEWORK

HCM city, March 2007



SOCIALIST REPUBLIC OF VIETNAM
HO CHI MINH CITY'S INFRASTRUCTURE DEVELOPMENT FUND

HIFU DEVELOPMENT PROJECT (HDP)
RESETTLEMENT POLICY FRAMEWORK

HCM city, March 2007

CONTENT

I. INTRODUCTION.....	1
2. LEGAL FRAMEWORK AND ENTITLEMENT POLICY	2
2.1. <i>Vietnamese Laws, Decrees, and Circulars</i>	<i>2</i>
2.2. <i>World Bank Policy on Involuntary Resettlement</i>	<i>3</i>
2.3. <i>Policy applied for the HDP</i>	<i>3</i>
3. COMPENSATION POLICY.....	5
3.1 <i>Objectives of resettlement policy</i>	<i>5</i>
3.2. <i>Displaced People (DP)</i>	<i>5</i>
3.3. <i>Principles of Resettlement</i>	<i>5</i>
3.4. <i>Compensation Policy for Loss of Agricultural Land.....</i>	<i>6</i>
3.5. <i>Compensation Policy for Residential Land</i>	<i>7</i>
3.6. <i>Compensation Policy for Loss of Houses/Structures</i>	<i>8</i>
3.7. <i>Compensation for loss of Standing Crops and Trees</i>	<i>9</i>
3.8. <i>Compensation Policy for Loss of Income and/or Business/Productive Assets</i>	<i>9</i>
3.9. <i>Temporary Impact during Construction.....</i>	<i>9</i>
3.10. <i>Secondary DPs.....</i>	<i>10</i>
3.11. <i>Compensation for Loss of Community Assets</i>	<i>10</i>
3.12. <i>Allowances and Rehabilitation Assistance during Transition Period.....</i>	<i>10</i>
4. IMPLEMENTATION ARRANGEMENT	11
4.1. <i>City's People Committee</i>	<i>11</i>
4.2. <i>Project investor.....</i>	<i>12</i>
4.3. <i>District People Committee</i>	<i>12</i>
4.4. <i>Ward's People committee (W/CPCs).....</i>	<i>13</i>
4.5. <i>External/independent monitoring agency.....</i>	<i>13</i>
5. PREPARATION OF RESETTLEMENT PLANS FOR CREDIT-PROPOSED PROJECTS	13
5.1. <i>Preparation of Resettlement Plan.....</i>	<i>14</i>
5.2. <i>Appraisal and approval of resettlement plan.....</i>	<i>16</i>
6. PUBLIC INFORMATION, COMMUNITY PARTICIPATION AND GRIEVANCE REDRESSAL MECHANISM	16
6.1. <i>Objectives of public information and community consultation.....</i>	<i>16</i>
6.2. <i>Public consultation during project preparation</i>	<i>16</i>
6.3. <i>Public consultation during project implementation</i>	<i>16</i>
6.4. <i>Grievance redressal mechanism</i>	<i>17</i>
7. IMPLEMENTATION SCHEDULE	17
8. COST AND BUDGET	17
9. MONITORING AND EVALUATION	18
9.1. <i>Monitoring.....</i>	<i>18</i>
9.2. <i>Internal monitoring</i>	<i>18</i>
9.3. <i>Independent monitoring</i>	<i>18</i>
 ANNEX	
Annex 1: ENTITLEMENT MATRIX.....	19

Abbreviation

GOVN	Government of Vietnam
IDA	International Development Agency
WB	World Bank
DMS	Detailed Measurement Survey
IMO	Independent Monitoring Organization/Agency
DPs	Displaced Persons/People
City□sPC	City□s People Committee
DPC	District People Committee
W/CPC	Ward□s/Commune□s People committee
RC	Resettlement Committee
DRC	District Resettlement Committee
RPF	Resettlement Policy Framework
RP	Resettlement Plan
HIFU	Hochiminh City□s Infrastructure Development Fund
HDP	HIFU Development Project
LDIF	Local Development Infrastructure Fund
LDIFP	Local Development Infrastructure Fund Project
EM	Ethnic Minority
HH	Household
RS	Resettlement Site
SIA	Social Impact Assessment
HCMC	Ho Chi Minh City
HCM CPC	Ho Chi Minh City People Committee

Definitions

Cut-off-date	The date of completion of inventory of losses during preparation of the RP. The displaced people and their communities also are informed about that anyone encroaching into the Project Area after that date will not be entitled to compensation under the Project.
Replacement cost¹	is the term used to determine the amount sufficient to replace lost assets and cover transaction costs. When domestic laws do not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standards.
Resettlement	is the general term related to land acquisition and compensation for loss of asset whether it involves actual relocation, loss of land, shelter, assets or other means of livelihood.

¹ [REDACTED]

I. INTRODUCTION

1. Vietnam is being in a process of rapid economic and social transformation. Cities become greater proving their special role in the common development process of the country. Ho Chi Minh City is the greatest and the most dynamic economic centre of Vietnam.

2. To assist local development investment funds in policy, legal and institutional reforms, enhancement of LDIFs operational capacity to improve efficiency of lending investment and increase participation of private sector in municipal infrastructure development, improve operational flexibility of LDIFs and make long-term capital available for municipal infrastructure projects, while reducing their contingent economical, social and environment risks, the Government of Vietnam has requested the World Bank, through IDA, to sponsor the Project "Local Development Investment Fund" (LDIF). It is under preparation and planned to be implemented in 2008.

3. Among existing local development investment funds within Vietnam, HIFU is assessed as the most dynamic and best operational one. HIFU is considered to be well-prepared for implementing the project. The HIFU Management and HCM city's People's Committee has agreed to adopt the set of key policy and operational reforms which have been prepared under the LDIF Project, a larger, national-level Bank project, into the HIFU practice as a pilot one.

4. Facing acute demands of economic and social development of Ho Chi Minh city towards development of infrastructure, improvement of institutional financial management, demands for investment capital and increasing participation of the private sector..., and to speed up implementation progress of executing projects, the Viet Nam Government has requested the World Bank to support for Ho Chi Minh city a separate project under the name of "HIFU Development Project" (HDP), to be invested in early 2007. The HDP will demonstrate the LDIFP concept on a pilot basis in HCMC, and greatly contribute to the success of LDIFP and the national-level policies, incentives and operational improvement measures that Bank will sponsor.

5. Main objectives of the HDP are as follows:

- (i) Increase private sector participation in municipal infrastructure development in HCMC by providing investment capital to HIFU and improving its capacity to appropriately partner with the private sector;
- (ii) Develop HIFU as a model LDIF that is financially viable, independent, specialized institution, capable of working with the DPI and other departments of the HCMC government to undertake infrastructure investments in partnership with the private sector, including the management of social and environmental safeguards;
- (iii) Make long-term capital available for municipal infrastructure projects in HCMC with high economic returns, and institutionalize provincial level policy to mitigate HIFU-related contingent financial risk to the HCMC PC as well as the GOV.

2. As the HDP is of program type, its resettlement impacts would only be identified when specific lending projects will be clarified. Hence, this RPF is prepared to guide preparation of RPs for all respective proposals requesting loan from the HDP fund that involve resettlement impacts.

3. This RPF lays down the principles and objectives, eligibility criteria of Displaced People (DP), entitlements, legal and institutional framework, modes of compensation and rehabilitation, people participation features and grievances procedures that will guide the compensation, resettlement and rehabilitation of the DPs.

4. The RPF provides: (i) Policy and Legal Framework of Vietnam Gov and WB; (ii) Compensation policy applied for all projects credited from the HDP fund; (iii) Procedures applied when preparing, implementing and assessment of the project's Resettlement issues. The Framework will be distributed to the Central and Local agencies be it a public or private ones or individuals related to the Project's preparation, implementation and monitoring. The RPF should be read in conjunction with the World Bank OP 4.12 and Vietnamese laws and regulations related to resettlement policy. Resettlement plan of each credited subprojects will be prepared, using its FS's information and based on provisions of this RPF.

2. LEGAL FRAMEWORK AND ENTITLEMENT POLICY

5. This Resettlement Policy Framework will apply the various laws, Decrees, and circulars regulating use of land in Vietnam as well as the World Bank policy.

2.1. Vietnamese Laws, Decrees, and Circulars

6. The following laws of the Socialist Republic of Vietnam are applied:
- The Constitution of the Socialist Republic of Vietnam, 15 April 1992;
 - Decree No. 60/CP, 5 July 1994, regulation on property ownership and the right to use urban residential land;
 - Decree 91/CP (17 August 1994) regulation on Urban Planning Management;
 - Decree No. 64/CP, 27 September 1993, regulation on allocating agricultural land to households for long-term use;
 - Circular No 05-BXD/DT, February, 1993, on classification of houses.
 - Construction Law, dated on Dec, 10th 2003,
 - Law of grievance and accusation, December, 2nd 1998. Laws amending Law of grievance and Accusation, dated on June, 15th 2004 and November 29th 2006
 - New Land Law 2003 approved by National Assembly on the 26, November, 2003, came into effect on the 1st of July, 2004, replacing the Land Law 1993
 - Decree No181/2004/ND-CP, 29 October 2004, relating to the implementing the Land Law.
 - Decree No182/2004/ND-CP, 29 October 2004, on administrative violation in the land user-rights...
 - Decree No188/2004/ND-CP, 16 November 2004, regulation on price land and price framework for land categories; and issued guidelines in Circulation No114/2004/TT-BTC by MOF.
 - Decree No197/2004/ND-CP, 03 December 2004, on compensation, assistance and resettlement when land is recovered by the State (replacing Decree No. 22/CP). And issued guidelines in Circular No116/2004/TT-BTC by MOF, dated on Dec. 7th 2004. Circular No69/2006/TT-BTC by MOF, dated on Feb. 18th 2006, amending the Circular No116/2004/TT-BTC on guidelines for implementation of Decree 197/2004/CP.

- Decree No198/2004/ND-CP, 03 December 2004, on collection of land use fee. And issued guidelines in Circulation No117/2004/TT-BTC by MOF.
- Circular No 80/2005/TT-BTC, dated on September, 15th, 2005, providing guidelines for organization of a network for conducting statistics of and surveying, investigating of the land prices in accordance with Decree No 188/2004/ND-CP of the 16th of November, 2004, on the methods of evaluating land prices and frame of land prices.
- Decree No17/2006/ND-CP, 27 January 2006, on amendment of some provisions of some Decree guiding implementation of the Land Law and the Decree 187/2004/ ND-CP on shifting the state companies into stock ones
- Decree No131/2006/ND-CP, on November, 9th 2006, providing regulations on Management and Utilization of ODA.
- Decision No106/2005/QD-UB dated on June, 16th 2005, issued by the Hochiminh City's PC on compensation, assistance and resettlement when the Government acquires land in Ho Chi Minh City.

2.2. World Bank Policy on Involuntary Resettlement

7. The World Bank policy regulated by OP 4.12 includes safeguards to address and mitigate impoverishment risks of involuntary resettlement caused by development projects.

8. The basic guiding principles of the World Bank resettlement policy are:

- (a) Involuntary resettlement should be avoided where feasible, or minimized exploring all viable alternative in project design;
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the person displaced by the project to share in profit benefit. Displaced persons should be meaningful consulted and participated in planning and implementing resettlement programs
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation.

9. The OP4.10 on Indigenous Peoples requires all projects that affect indigenous peoples to engage these people in a process of free, prior, and informed consultation; and to prepare an Indigenous Peoples Plan that will ensure these people to receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

10. The OP 4.11 on Cultural Property, ensuring preservation and seeking to avoid the elimination of sites having archaeological, paleontological, historical, religious and unique natural values. The Bank declines to assist those projects that will bring damage to cultural property.

2.3. Policy applied for the HDP

11. In general, the Land Law 2003 and Decree 197/CP, Decree 17/2006/CP on amendment of some provisions guiding implementation of the Land Law 2003 and

Decree 197/2004/CP, as well as new Decisions issued by HCM city's PC on implementation of Land Law 2003 and Decree 197/CP, satisfy the most principles and objectives of the World Bank's Policy on Involuntary Resettlement.

12. However, due to existence of some gaps between policy of Vietnam and WB, the Government will approve this Resettlement Policy Framework for the HDP. The Table 1 provides summary of differences between Resettlement Policies of the Government of Vietnam and the World Bank and the Policy proposed for the HDP.

Table 1: Differences between Resettlement Policies of the Gov. Decree 197/2004/CP and the World Bank and the Policy proposed for the HDP

World Bank Policy	Decree 197/2004/CP	Project Policy
DP who are not entitled to compensation under domestic law will be assisted to restore living standards as before the project	<p><i>Article 6:</i> If persons who have land recovered by the State meet all conditions prescribed in Article 8 of the Decree, they shall receive compensation; if they fail to meet all conditions for compensation, the People's Committees of the provinces or central level's cities shall consider providing supports.</p> <p><i>(Note:</i> The Decree does not regulate concrete assistance level for those DPs who do not meet conditions for compensation. Each PPC/City's PC will decide concrete assistance levels within their City's/provincial boundaries)</p>	All project displaced persons will be entitled to compensation or assistance for their lost assets, incomes, and businesses as described in this RPF
Land compensation price should be replacement one	<p><i>Article 9:</i> The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition</p> <p><i>(Note:</i> Prices of residential land, issued by PPC and announced on the 1st of January every Year used to be lower than the actual land use right transfer prices)</p>	Replacement cost surveys have to be carried out to ensure that project compensation rates for all categories of loss will be equivalent to replacement cost to be updated at the time of compensation payment.
All affected houses and structures, irrespective of land tenure status, should be compensated at the full replacement cost	<p><i>Article 18, 19, 20:</i></p> <ul style="list-style-type: none"> - Houses and structures on non-eligible-for-compensation land, which have not violated announced land use plans or the right of way will be assisted at 80% of replacement cost - Houses and structures on non-eligible-for-compensation land, which have violated announced land use plans or the right of way will not be assisted. In special cases, the PPC will consider to assist on the case by-case basis. 	Compensation at 100% of replacement cost for all affected structure. depreciation and no deduction of salvage materials should be made.
All affected businesses are eligible for assistance	Articles 26, 28: only registered businesses are eligible for assistance	All affected businesses are eligible for assistance
Severely affected DP, including DP losing more than 20% of agricultural land, will be entitled to rehabilitation assistance	Article 28,29: DP losing more than 30% of agricultural land will be entitled to living stabilization and training/job creation assistance	Severely affected DP, including DP losing more than 25% of agricultural land, will be entitled to rehabilitation assistance

World Bank Policy	Decree 197/2004/CP	Project Policy
It requires an independent monitoring of resettlement implementation	The Decree 197 does not require this	It requires an independent monitoring of resettlement implementation

13. If the Vietnam Government makes certain changes relating to its land use policy towards benefiting the DPs, the updating of the HDPLs RPT (to be done) such changes will be done in agreement with the Bank.

3. COMPENSATION POLICY

3.1 Objectives of resettlement policy

14. The main objective of the Resettlement Policy is to ensure that all Displaced Persons (DPs) will be compensated and/or assisted for their losses and provided with rehabilitation measures to assist them in their efforts to improve, or at least maintain, their pre-project living standards and income earning capacity.

15. When the gaps exist between Government's and WB's policies, the latter will be applied.

3.2 Displaced People (DP)

16. Displaced People (DP) are those who, at the Cut-off Date, are affected by:

- i) The involuntary taking of land resulting in:
 - (a) relocation or loss of shelter;
 - (b) lost of assets or access to assets;
 - (c) loss of income sources or means of livelihood, whether or not the displaced persons must move to another location; or
- ii) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

3.3 Principles of Resettlement

17. The principles of resettlement policy in the project will be as follows:
- (a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.
 - (b) All DPs residing, working, doing business or cultivating land within the recovered area under the Project as of the Cut-off-Date are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels.
 - (c) The rehabilitation measures to be provided are: (i) compensation at replacement cost without deduction for depreciation or salvage materials for houses and other structures; (ii) priority given for compensation mode of agricultural land-for-land of equal productive capacity acceptable to the DP; (iii) transportation and subsistence allowances, and (iv) business/income rehabilitation allowances and other relevant assistances.
 - (d) Replacement of premise and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the DP. In case if there no land

is available for compensation □land for land□ or it is the choice of DPs, then compensation in cash or provision of apartment (for DPs losing residential land) may be applied. If the DPs lose more than 25% of their agricultural holding, then besides of compensation for lost land, the project will provide rehabilitation /assistance measures.

- (e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the DPs prior to the expected start-up date of works in the respective Project site.
- (f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the DPs to ensure minimal disturbance. Entitlements will be provided to DPs prior to expected start-up of works at the respective project site.
- (g) The previous level of community services and resources will be maintained or improved.
- (h) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period. Physical resources for resettlement and rehabilitation will be made available as when required.
- (i) Compensation payment and rehabilitation assistance to DPs should be completed satisfactorily in accordance with the approved RP before starting of respective civil works.
- (j) Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of the Resettlement Plan (RP).
- (k) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Evaluation of the land acquisition process and the final outcome will be conducted independently from the executing agency

3.4. Compensation Policy for Loss of Agricultural Land

18. DPs will be entitled to the following types of compensation and rehabilitation measures:

- (i) Ggeneral mechanism of compensation for lost agricultural land will be through provision of "land for land" arrangements of equal productive capacity, in a location acceptable to the DP. If the replacement land plot have smaller size or of lower quality, DPs will be entitled to compensation in cash equivalent the differences.

However, if replacement land is not available or the DP prefers to receive cash compensation then the following will be applied:

Legal and legalizable land users

Cash compensation at full (100%) replacement cost for the lost area.

Users with temporary or leased rights to use land:

Cash compensation of an amount corresponding to the remained investment or equal 30% of land replacement cost, if exists, for the lost area;

Land Users without recognized Rights to Use Land

In lieu of compensation, assistance will be given to DPs at level equal 60% of replacement cost for the lost area.

(ii) *Income rehabilitation assistances:*

- ❖ Legal, legalizable land users and poor or vulnerable agricultural land users affected, but being without recognized rights to use land, if lose more than 25% of their agricultural land holding or the remained area is economically unviable, then besides of cash compensation for lost land, they may be allocated a plot of land, with collection of land use right fee, at location accessible for non-farm production, business or services. The size of such allocated non-farm land will be decided by the HCM CPC, based on the land availability and the DPs' lost areas. The price of the allocated land will be equal to the price of respective agricultural land plus the investment cost but not exceeding the land price at the announced moment of the Decision on land acquisition, issued by HCM City's PC.
- ❖ In case if there is no land available for allocation for non-farm production or business/service as mentioned above, the DPs will be provided with income rehabilitation assistance for shifting to new jobs at level of 2,000,000 VND/labour-aged member, mostly in form of training.
- ❖ The cash assistance to poor, difficult DPs should be combined with appropriate agricultural extension activities to ensure that they can improve their income generating capacity.

(iii) *Subsistence allowance*

- ❖ The DPs losing more than 25% of their agricultural land holding that are planted with annual crops will be entitled to assistance of 500,000 VND per HH's member if they do not have to move to new site and of 1,000,000 VND per household members if they have to move to new site. In case if the DPs lose more than 25% of agricultural land used under perennial crops, the subsistence allowances will be as much as double of the case applied for annual crops.

3.5. Compensation Policy for Residential Land

19. DPs are entitled to the following:

(1) *The compensation policy for residential land:*

- (i) Compensation for loss of land in cash at (a) 100% replacement cost to legal and legalizable land users; (b) An assistance of amount equal to 60% of land replacement cost to land users without recognized land use rights
- (ii) The DPs who lose all residential land, dwelling houses and have to be relocated into new site will be eligible to:
 - (a) Relocation arrangement mostly in form of apartment in multi-storey building or provision of a new plot, if available, in project's planned RS.
 - (b) If legal or legalizable DPs opt for self-relocation, then in addition to compensation for land at replacement cost, the DPs will be given relocation assistance at level **defined in the existing city regulations**.
 - (c) If non-legalizable relocated DPs have other dwelling site in the city, they will only be given assistance for affected land as (i) above. If non-legalizable relocated DPs are poor or vulnerable² and do not have other dwelling site for relocation in the city, then besides of assistance for lost land at 60% of

² Identification of poor or vulnerable will be based on the list of poor HHs in each ward/population group, defined by the district PC and on data in the socio-economic survey for the Resettlement Plan.

replacement cost, they are entitled for relocation measures as applied for legal/legalizable DPs

2) *Assistance policy*

(a) Transportation allowance equal from 2,000,000 VND/HH to 3.000.000 VND/HH if DPs relocate within the City and equal 5,000,000 VND per HH if they relocate to another province. If DPs have to rebuild dwelling house in their remained area, they will be given assistance equal 1,000,000 -1,500,000 VND/HH to demolish house and remove appliances to new location within their remained areas.

(b) Subsistence allowance equal 1,000,000 per HH□s member if they have to relocate to new site, and equal 500,000 per HH□s member if they have to rebuild house in remained land;

(c) In case the DPs opt relocating into a RS but the plots or apartments still are not yet available, then they will be given:

- A house renting allowance at level regulated by City□sPC, from 200.000VND/ person/month to 350.000 VND/person/month, depending on DPs existing location, for person from the moment handing acquired land to the moment receiving a new apartment or new plot in the RS.
- Additional transportation assistance at 1.000.000 VND/HH for relocation to temporary site.

3.6. Compensation Policy for Loss of Houses/Structures

Regarding affected houses/structures:

The DPs will be entitled to the followings:

- (i) Compensation or assistance in cash for affected houses/structures will be given at 100% of the replacement cost, regardless their legal status. The amount will be sufficient to rebuild a structure the same as the former one at current market prices.
- (ii) If house/structure is partially affected, the project will provide a house/structure repairing cost, in addition, to DPs to restore it to former or better conditions.
- (iii) Compensation and assistance will be provided in the form of cash. No deductions will be made for depreciation or salvageable materials.
- (iv) The calculation of rates will be based on the actual affected area and not the useable area.

Loss of Graves:

The level of compensation for the removal of graves will be for all costs of excavation, relocation, reburial and other related costs. Compensation in cash will be paid to each affected family.

Tenants,

(a) The tenants of state or organization□s houses that have to be relocated will be provided an assistance equal 60% of replacement cost of the affected houses. The area created by the DPs themselves will be compensated at their full (100%) replacement costs.

(b) The tenants who are leasing a private house for living purposes and have to be relocated, will be provided with assistance equal the remaining value of the house

renting contract, but not exceeds renting value for three months, plus transportation allowance at the level equal to that applied for legal relocated DPs to transport assets to new site. To be assisted, the DPs should have house renting contract.

3.7. Compensation for loss of Standing Crops and Trees

20. For annual and perennial standing crops, regardless of the legal status of the land, compensation will be paid to households who cultivate the land, according to the full market value of the affected crops and/or at replacement cost for affected perennial trees.

3.8. Compensation Policy for Loss of Income and/or Business/Productive Assets

21. For DPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:

- (1) The registered non-farm producer/business DPs, who have income-generating and/or business/productive assets affected, will be given cash business assistance for the loss of business income, equivalent to 30% of the annual average for the last 3 years net income. (This amount is equivalent to 100% of monthly net income for 3.6 months).
- (2) The non-registered business or non-farm producer DPs, whose operations are recognized by local authority, will be given assistance in cash at levels regulated by HCM CPC.
- (3) If business or productive assets are affected, cash compensation for lost business structure/assets reflecting their full replacement cost, without depreciation;
- (4) If the business has to be relocated, then, a provision of alternative business site of equal size and accessibility to customers, satisfactory to the DP, or, in cash for business affected area at replacement cost, plus transportation allowance to remove movable attached assets

3.9. Temporary Impact during Construction

22. For temporary loss of land and properties, DPs are entitled to the followings:

For arable land that will be temporarily affected:

- (i) Compensation for one harvest of crops/trees at full market prices
- (ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use, AND
- (iii) Restoration of land to its previous or better quality

For temporary loss of residential land:

- (i) Compensation for all affected properties at full replacement cost;
- (ii) Restoration of land to its previous or better quality.

For temporary impact on business:

- (i) Compensation for temporary loss of income, equivalent an average monthly net income at least for three months.
- (ii) Compensation for all affected properties at full replacement cost.
- (ii) Restoration of land to its previous or better quality.

For damages caused by contractors to private or public structures:

23. Damaged property will be restored by contractors immediately to its former condition.

24. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project.

3.10. Secondary DPs

25. This applies to those affected by development of resettlement sites. Because all secondary DPs are to be affected in similar ways as primary ones, they will be entitled to compensation and rehabilitation assistance in accordance with the same respective provisions for all other DPs.

3.11. Compensation for Loss of Community Assets

26. In cases where community infrastructure such as schools, bridges, water sources, roads, sewage systems is damaged, the project will ensure that these would be restored or repaired as the case may be, at no cost to the community.

3.12. Allowances and Rehabilitation Assistance during Transition Period

27. The DPs who have to rebuild main house in their remained land, or have to relocate to new site, will be entitled for: (1) transportation assistance at 1.000.000 VND/HH-1.500.000VND/HH if DPs rebuild house on remained land, and at from 2.000.000 VND/HH to 3.000.000 VND/HH if DPs will relocate to new site within the city, or at 5.000.000 VND/HH if DPs relocate to new province; (2) Subsistence assistance at 500,000 VND/person/month if DPs rebuild house on remained land; or at 1.000.000 VND/person/month if DPs relocate to new site; (3) Temporal house renting assistance at level regulated by HCMCity's PC from 200.000 VND/person/month to 350.000VND/person/month, depending on DPs' present location, for period from moment having acquired land to moment receiving plot or apartment in RS, and an additional transportation assistance at 1.000.000 VND/HH.

28. The DPs, who have income severely affected, will be provided rehabilitation assistance:

(i) Severely affected farmers losing more than 25% of their land holding:

(a) Subsistence allowance assistance at 500.000 VND/person if the affected land used for annual crops and DPs do not have to relocate to new site and at 1.000.000VND/person if DPs have to relocate to new site. In case if the affected land are planted with perennial crops, then the levels of such assistances are double of the above;

(b) If legal and legalizable affected farmers or poor/vulnerable affected farmers, without recognized land use rights, lose more than 25% of their agricultural land holding or their remained area economically is not viable, then besides of cash compensation or assistance (respectively to their legal status), the project may allocate a plot (with collection of land use fee) suitable for non-farm production or business, services. The size of plot depends on its availability and the DPs' acquired area. The price of allocated land is equal to that of comparative

agricultural land plus cost of infrastructure development but the total could not exceed price issued by City's PC.

(c) If there no land available for the option, the DPs will be given assistance for their labour-aged members shifting to new jobs at 2.000.000 VND/labour, mainly in form of training.

(ii) *DPs having income or business affected:*

(a) The registered non-farm producer/business DPs, who have income-generating and/or business/ productive assets affected, will be given cash business assistance for the loss of business income, equivalent to 30% of the annual average for the last 3 years net income. (This amount is equivalent to 100% of monthly net income for 3.6 months).

(b) The non-registered business or non-farm producer DPs, whose operations are recognized by local authority, will be given assistance in cash at levels regulated by HCM CPC.

4. IMPLEMENTATION ARRANGEMENT

29. Implementation of compensation and resettlement activities requires participation of local agencies at the city, district and ward levels. Hochiminh City's PC is responsible for overall compliance of provisions of the HDP Resettlement Policy Framework and Resettlement Plans, where required. RCs will be established at district level, according to regulations of Decree 197/2004/CP and Decree 17/2006/CP and delegated by the City's PC responsibilities. Policy and provisions of this RPF are legal basis for implementation of compensation, assistance and resettlement activities within the HDP.

4.1. City's People Committee

City's People Committee (City's PC) is a highest competent authority at City level. Ho Chi Minh City's People Committee delegates its district's people committees (DPCs) the most responsibilities and tasks for implementing compensation, assistance and resettlement activities in case the Government acquires land within the city's boundaries. Ho Chi Minh City's People Committee is responsible to:

- (i) Appraise and approve project's resettlement plans in accordance with the approved HDP's Resettlement Policy Framework;
- (ii) Issue decision on land acquisition and allocate the land to investor to develop project;
- (iii) Make final decisions on compensation prices, level of assistances, allowances and assistance policies for DPs and vulnerable groups, in accordance with approved HDP's RPF and approved RPs of HDP funded projects;
- (iv) Direct relevant agencies to solve complaints, grievances of the DPS on compensation and resettlement in accordance with their authorized competence;
- (v) Provide full and timely compensation fund if budget for land acquisition is funded by the City;

- (vi) Ensure that compensation and resettlement activities are implemented in accordance with the approved HDP RPF and RPs of its funded projects.

4.2. Project investor

30. Investor of borrowed projects is responsible for daily implementation of its RP. Main responsibilities include:

- (i) Preparing a RP adequate with HDP's RPF, submitting it to HCM City's PC for approval and to WB for no objection before its implementation.
- (ii) To be responsible for coordination of organization and monitoring of compensation and resettlement implementation within its funded project. Preparing detailed plan for implementing compensation and land acquisition. Signing contract with relevant agencies to implement certain compensation and resettlement activities;
- (iii) Preparing housing fund for resettlement of relocated DPs or request the City's PC to arrange it for relocated DPs. Pay cost of infrastructure and housing development in RS as regulated;
- (iv) Participating in respective DRCs. Providing necessary information related to its project and preparing project's compensation and resettlement options, assisting respective DRCs in related appraisal activities;
- (v) Reviewing compensation prices for land and other assets. If there exist considerable gap between compensation prices issued by City's PC and market prices of respective properties, investor will cooperate with Department of Finance and others related line departments of the City to submit to City's PC a proposal for adequate review/adjustment of the prices in accordance with the provisions of this RPF.
- (vi) Preparing sufficient and timely budget to meet the demand for implementation of preparation and compensation payment to DPs. Cooperating with DRCs and W/CPCs to organize compensation payment, assistance and allocation of apartment to DPs;
- (vii) Establishing database on DPs by project component and for entire project. All concerned agencies/ parties should be able accessing this database.
- (viii) Preparing plan for internal monitoring of compensation and resettlement implementation and compliance of project resettlement policy provisions.
- (ix) Closely cooperating with external monitoring agency;
- (x) Receiving and handling acquired land to contractor for civil works; and
- (xi) Preparing and submitting periodic report to HIFU.

4.3. District People Committee

31. DPCs are responsible for followings:

- (i) Overall direction of compensation, assistance and resettlement activities within their districts; Make decision on establishment of DRC in accordance with their delegated competence and responsibilities.
- (ii) Approving compensation and resettlement options of projects occurred within their district boundaries as delegated;

- (iii) Issuing related administrative procedures, assigning tasks and regulating responsibilities of district's department's agencies, ward's/commune's PCs and district staff for resettlement implementation.
- (iv) Approving estimate cost of resettlement implementation for delegated cases.
- (v) Solving complaints, grievances of DPs in accordance with their authorized competence.

4.4. Ward's People committee (W/CPCs)

32. *Ward's/commune PCs are responsible to:*

- (i) Assign tasks to its staff to participate in, assist compensation and resettlement implementation within the ward's/commune's boundaries;
- (ii) Support other agencies, for example investor, to publicize, disseminate information and organize public, community meeting and consultation with DPs;
- (iii) Support other agencies, including investor, in carrying out census and socio-economic survey of DPs, assess replacement costs, DMSs and other resettlement activities;
- (iv) Participate in land acquisition, land allocation and resettlement activities;
- (v) Participate and assist DPs in all compensation and assistance activities and rehabilitation of their living standards. Inform DPs on schedule of compensation activities and monitor them. Co-sign into DPs compensation and resettlement related documents as regulated;
- (vi) Ensure adequate grievance redressal to DPs. Record and store all grievances of DPs as well as their solution. Assist and advise DPs for speed remedy of DPs grievances.

4.5. External/independent monitoring agency

33. It need to identify and sign a contract with a specialist or an organization, research institution, specialized on social sciences, to carry out monitoring and evaluation of RP's implementation of respective project. Investor or HIFU will sign contract with this selected organization/agency or specialist. The budget for external monitoring is a part of the project's total cost. The independent monitoring agency will carry out periodic monitoring of resettlement implementation progress and suggest relevant recommendations for solving problems identified during monitoring activities.

5. PREPARATION OF RESETTLEMENT PLANS FOR CREDIT-PROPOSED PROJECTS

34. Based on this HDP's RPF, each investor will prepare a RP for their proposed project and submit it to City's PC for review. This reviewed RP will be submitted to the Bank for no objection before the City's PC approves it officially. Investor with

their resettlement staff will closely cooperate with DPs, local authorities and mass organizations for implementation of the RP.

35. It needs to prepare a full RP if results of SIA show that resettlement impacts of the project to be significant³. Such RP should be prepared before project's appraisal. This plan should indicate resettlement objectives, policy, strategy and include the followings: (i) Brief project description; (ii) Potential resettlement impacts of the project; (iii) Objectives; (iv) Socio-economic survey; (iv) Legal framework; (vi) Eligibility; (vii) Evaluation of affected assets and their compensation; (viii) Selection, preparation of resettlement site and relocation; (ix) Development of houses, infrastructure and social services; (x) Organizational responsibilities; (xi) Public participation, consultation and grievance redressal mechanism; (xii) Implementation schedule; (xiii) Cost and budget; (xiv) Monitoring and evaluation

36. An abbreviated RP is appropriate if results of SIA show that resettlement impacts of the project to be insignificant. The RP should be prepared before project's appraisal. It have to address at least the followings: (i) Census of DPs and inventory of losses; (ii) Description of mechanism of compensation and assistance measures applied; (iii) Consultation with DPs; (iv) Institutional arrangement; (v) Implementation and monitoring plan; (vi) Cost and budget.

5.1. Preparation of Resettlement Plan

37. Preparation of a related project (loan proposal) requires participation of community and comprehensive analysis, including SIA. During project preparation stage, following steps should be followed:

Step1: Mitigation of project's resettlement impacts. Revise project's design, based on results of consultation with potential DPs and technicians to avoid or at least mitigate its resettlement impacts. For example, selection, alignment of a road direction, utilization of public space/land, marginal or unused land, land of low economic value... may reduce resettlement impacts on local population.

Step 2: Identification of level of project resettlement impacts. Based on project design, after taking mitigation measures, identify to what category among the followings⁴ the projects is belonged to (by level of resettlement impacts): (i) Do not pose resettlement impacts; (ii) Pose insignificant resettlement impacts; and (iii) Pose significant resettlement impacts. Both cases (ii) and (iii) require preparation of a RP.

Step 3: Inventory of losses and socio-economic survey. Regarding project of cases (ii) and (iii) as described above, it needs to carry out inventory of losses, census a socio-economic survey of potential DPs, identify types and level of impacts. This surveys/inventory should involve of related local authorities of different levels. Following information should be collected:

- (i) Data on all DPs and affected land and properties:
 - Total number of DPs, information on population, education, income and employment;

³ Resettlement impact is considered to be significant if there are 200 persons or more experience significant impact. A significant impact is when DPs lose house or have to be relocated and/or lose more than 10% of their productive assets.

⁴ The term "resettlement impact", besides of meaning of relocation, it also means the loss of (impact on) crops, trees and income/livelihood. Resettlement impacts should be avoided or at least to be minimized, however if it is unavoidable, then provisions of the project's RPF should be applied.

- Inventory of all losses
- Inventory of local communities assets, if relevant
- Economic activities of DPs, including vulnerable groups
- Social network and organization
- Priorities, wishes on compensation and resettlement options and income rehabilitation measures
- (ii) Data on land and its area :
 - Total land acquired for the project
 - Types of land use pattern
 - Land use rights, renting, and forms of land use
 - Existing public works and infrastructure.

Data on results of inventory of losses, socio-economic survey and census of DPs should be computerized, tabulated and managed as database by administrative unit and project construction components.

Step 4: Assessment of replacement cost. It needs to collect information on market prices of land, houses, crops, trees and other properties from local authorities of city□s, district□s and wards/commune levels, to provide base for estimating cost of the RP.

Step 5: Preparation of RSs and rehabilitation measures. In case the project cause relocation impacts on DPs, the investor have to prepare relocation options, sites and measures for rehabilitation income and living standards of DPs.

- ❖ Preparation of relocation options are based on numerous preparation activities and consultation with DPs, local authorities of different levels and concerned parties. Based on results of inventory of losses and regulated eligibility criteria for relocation, investor has to define the number of relocated DPs. Based on that, investor has to consult with competent authorities to identify relocation options available and feasible then inform to and consult with DPs on their relocation needs and their preferences. The Bank requires investor/local authorities to offer different relocation options to DPs, including different location options and different compensation mode, to increase options for selection.
- ❖ Feedback consultation on wishes and resettlement priorities of DPs and alternative options offered by project/local authorities may allow DPs to select optimal, feasible and appropriate to their own conditions options. Based on DPS selected options, investor will prepare documents, administrative and technical procedures required to develop RS or ask for allocation/transfer of the required land/apartments for providing to project's relocated DPs.
- ❖ In case if it needs to acquire land for RS development, then DPs who lose land for such RS will be included into list of project DPs as secondary ones and will be treated in the same ways as applied for the project primary DPs.
- ❖ Preparation, development of RS requires a lot of time, thus investor should as soon as possible start all related activities to ensure timely provision of land or apartments for project relocated DPs.
- ❖ Similar to the above, preparation of income rehabilitation measures for income severely affected DPs also requires participation of and consultation with them as well as related parties, organizations and local authorities to identify needs,

wishes and priorities of the DPs. Based on results of the consultation, investor will prepare appropriate rehabilitation measures with feasible implementation planned schedule.

Step 6. Prepare Resettlement Plan. Entitlement Matrix of this RPF (Annex 1) will be applied for all the HDP funded projects involving resettlement impacts.

Step 7. Dissemination and disclosure of information. The draft project RP will be informed to DPs in community meetings. DPs opinions will be recorded, reviewed and incorporated into the draft RP. Final RP will be disclosed and available at public, city, information centres, at project DPCs, at Information Centre of WB in Hanoi and Washington.

5.2. Appraisal and approval of resettlement plan

38. HIFU is responsible for appraisal of RPs of its funded projects then submit to WB for no objection in first years of the HDP's implementation.

39. Hochiminh City PC is responsible for approval of the RPs after them having been reviewed by HIFU.

6. PUBLIC INFORMATION, COMMUNITY PARTICIPATION AND GRIEVANCE REDDRESSAL MECHANISM

6.1. Objectives of public information and community consultation

40. Dissemination of information to DPs and participated agencies, organizations are important part of project's preparation and implementation. Consultation with DPs and ensuring their active participation will reduce potential conflict and risks delaying project. This also allows the project to design appropriate resettlement and rehabilitation as comprehensive development program, appropriate to needs and priorities of DPs, hence maximize socio-economic benefits of investment capital.

6.2. Public consultation during project preparation

41. During project preparation, the public information and community consultation aim to collect information to assess project resettlement impacts and make adequate recommendations on alternative options. This is to avoid or at least mitigate project's potential negative, resettlement impacts on local population and prepare to face/deal with issues possibly emerged during its implementation.

42. Methods of public information and consultation may include PRA, with participation of concerned parties, using techniques of household and site visit, public/community meetings, focus group discussions, socio-economic survey.

6.3. Public consultation during project implementation

43. Throughout project implementation, investor, in cooperation with local DRCs and related authorities, will inform to DPs on project resettlement policy, entitlements, compensation prices application charts, relocation options, rehabilitation measures... to obtain their common consensus, learning of their actual resettlement needs and suggest appropriate measures for overcoming emerged problems.

44. DPs also are informed on grievance redressal mechanism, rights to raise complaints and grievances, for consultation, advising, on institutional arrangement, and implementation schedule.

6.4. Grievance redressal mechanism

45. DPs can lodge their complaints regarding any aspect of compensation policy, rates, land acquisition, resettlement and other entitlements. Complaints can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the DP and inform their cases to investor and local authority. DPs will be exempted from administrative and legal fees. .

46. Local mass organizations, including National Front, Association of Farmers, Women's Union, mediator groups... will be mobilized to actively participate in process of solving of DP's emerged complaints/grievances.

47. A four-stage procedure for redressing grievances is as follows:

Stage 1- Complaints from DPs on any aspect of the resettlement program, or losses not previously addressed shall first be lodged verbally or in written form to the people's committee at ward/commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people's committee at commune level. The people's committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

Stage 2 - If no understanding or amicable solution cannot be reached, or if no response from the people's committee at commune level is received by the DPs within 15 days of registering the complaint, he/she can appeal to the District's Resettlement Committee. The District's will provide a decision within 01 month of the registering of the appeal.

Stage 3 - If the DP is not satisfied with the decision of the District's or its representative, or, in the absence of any response by the District'sRC, the DPs can appeal to the HCM city's People's Committee. The City's People's Committee together with the representative of the City'sRC will provide a decision on the appeal within 30 days from the day it is lodged with the City'sPC.

Stage 4 - If the DP is still not satisfied with the decision of the City'sPC or City'sRC on appeal, or in absence of any response from the City'sPC or City'sRC within the stipulated time, the DPs as a last resort, may submit his/her case to the district court.

7. IMPLEMENTATION SCHEDULE

48. A detailed implementation schedule for different activities will be clarified in each RP

8. COST AND BUDGET

49. To prepare budget for project costs, it need to prepare a resettlement cost estimated. The cost estimate is based on updated information on compensation costs.

50. Investor has to clearly indicate on source of budget for compensation, assistance and resettlement of the project and cost for implementation of these activities, mechanism of budget flow.

9. MONITORING AND EVALUATION

9.1. Monitoring

51. Investor will supervise and carry out internal monitoring of daily implementation of its RP, in cooperation with local authorities of different levels and with the external monitoring agency. Results will be recorded and reported through periodic reports submitted to HIFU and WB.

9.2. Internal monitoring

52. Investor carry out internal monitoring to:

- ❖ Confirm that all project DPs have been included in the census, all affected properties haven been inventoried and check out whether evaluation of affected properties and provision of compensation, assistance and resettlement are carry out in accordance with provisions of its RPF and RP or not.
- ❖ Monitor whether or not resettlement objectives of the RP are met
- ❖ Check out whether or not the resettlement budget is provided sufficiently and timely as well as whether it is used adequately as described in the approved RP
- ❖ Record and maintain data on all DPs□ grievance, their solution; ensure that all of grievances are timely addressed.

9.3. Independent monitoring

53. An external monitoring agency (or in other words, independent monitoring consultant), specialized on social sciences or anthropology, capable and experiences, will carry out periodic monitoring and evaluation of RP implementation.

54. Besides of periodic monitoring during RP implementation, the agency/consultant will conduct sample survey of 20% of DPs after completion of compensation, assistance and resettlement, to :

- ❖ Check out whether or not DPs participation procedures and payment of compensation, assistance and resettlement are implemented in accordance with provisions of project RP?
- ❖ Assess whether or not objectives of the RPF to improve or at least restore prior-project□s living standards of DPs are met
- ❖ .Collect qualitative information on socio-economic impacts of project implementation on DPs;
- ❖ Suggest recommendations, if necessary, to achieve principles, objectives of this RPF.

ANNEX 1: ENTITLEMENT MATRIX

No	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	Permanent loss of arable land	DPs losing agricultural land.	User with legal or legalizable rights to use the affected land.	<p>(i) Compensation for lost land at 100% replacement cost</p> <p>(ii) If farmers lose more than 25% their agricultural holding, then besides of compensation, they will be given: (a) subsistence allowance at 500.000 VND/HH member if DPs do not have to move to new site and at 1.000.000 VND/member if they have to move to new site or if the land was used for growing annual crops If farmers lose more than 25% their agricultural holding and the land is used for perennial crops, then the level of assistance will be double of the above; (b) the DPs also will be allocated with a non-agricultural land (with collection of land use right fee) at a location accessible for running off-farm business or services.</p> <p>(iii) In case there no land available for allocation for non-farm production/business as mentioned above, then the DPs will be given assistance for shifting to new jobs at 2.000.000 VND/labour-aged member , mostly in form of training.</p>	<p>If the area of the remaining land is economically not viable, then the entire piece of land would be acquired</p> <p>The size of such allocated non-farm land will be decided by the HCM CPC, based on the land availability and the DPs' lost areas. The price of the allocated land will be equal to the price of respective agricultural land plus the investment cost but not exceeding the land price at the announced moment of land acquisition issued by the Decision of the HCM City's PC</p>
			Land Users With Temporary or Leased Rights	Cash compensation for acquired land equivalent to remained investment put on the land; or equal 30% of its replacement cost	If remained value of affected land is higher than 30% of land replacement cost, then local RC will decided to make adequate adjustment
			Users without recognized rights to use land as regulated by Article 8, Decree 197/2004/CP	<p>(i) i lieu of compensation, the DPs will be given assistance equal 60% of land replacement cost;</p> <p>(ii) If affected DPs are poor, vulnerable farmers, and lose more than 25% of their holding, they will be treated as for legal land users</p>	
2	Permanent loss of residential land	Legal or legalizable land users of affected residential land	<p>a. All users of residential land marginally or severely affected.</p> <p>b. All relocated legal/legalizable land users (severely affected)</p>	<p>A/ Land compensation:</p> <p>(a) Compensate land in cash at full replacement cost to all legal ore legalizable users of affected residential land.</p> <p>B/ Resettlement: If DPs have to relocate:</p> <p>(i) Relocation arrangement mostly in form of apartment in multi-storey building or provision of a new plot, if available, in project's planned RS.</p> <p>(ii) If legal or legalizable DPs opt for self-relocation, besides of compensation for land at replacement cost, DPs will be given a relocation assistance at level decided by HCM city PC</p> <p>(2 Assistance policy:</p> <p>(a) Transportation allowance equal from 2,000,000 VND/HH to 3,000,000 VND/HH if DPs relocate within the City and equal 5,000,000 VND per HH if they relocate to another province. If DPs do not have to relocated but have to</p>	The total residential area of a HH includes the lost/compensated plus the remained area, not exceeding the actual residential area allocated in the LURC (if there clearly indicated residential area) or not exceeding the residential land area ceiling set by HCMC PC

				<p>build new dwelling house in their remained area, they will be given assistance equal 1,000,000 -1,500,000 VND/HH to demolish house and remove appliances to new location within their remained areas.</p> <p>(b) Subsistence allowance equal 1,000,000 per HH□s member if they have to relocate to new site, and equal 500,000 per HH□s member if they have to rebuild house in remained land;</p> <p>(c) In case the DPs opt relocating into a RS but the land or/apartment still are not yet available, then they will be given:</p> <ul style="list-style-type: none"> - A house renting allowance at level regulated by City□sPC, from 200.000VND/ person/month to 350.000 VND/person/month, depending on DPs existing location, for person from the moment handing acquired land to the moment receiving a new apartment or new plot in the RS. - Additional transportation assistance at 1.000.000 VND/HH for relocation to temporary site 	
	Permanent loss of residential land	Non-legalizable land users of affected residential land	<p>a. All users of residential land marginally or severely affected.</p> <p>b. All relocated legal/legalizable land users (severely affected)</p>	<p><i>Residential land users without recognized rights to use land as regulated by Article 8, Decree 197/2004/CP</i></p> <p>A/ Land compensation:</p> <p>In lieu of compensation, project provides an assistance at 60% of replacement cost for residential land lost area to the non-legalizable users</p> <p>B/ Resettlement: If DPs have to relocate:</p> <p>(a) If non-legalizable relocated DPs have other dwelling site in the city, they will only be given assistance for affected land as (A) above</p> <p>(b) If non-legalizable relocated DPs are poor or vulnerable and do not have other dwelling site for relocation in the city, then besides of assistance for lost land at 60% of replacement cost, DPs are entitled for relocation measures as applied for legal/legalizable DPs</p>	The area entitled for assistance would not exceed the ceiling set for provision of LURC for residential land
3	House/structures and graves	Houses/structures located in the project recovered area.	Owners of affected structures.	<p>(a) Compensation in cash for affected houses/structures built on land with legal/legalizable right at 100% of the replacement cost;</p> <p>(b) Compensation in cash for affected houses/structures built on land with non-legalizable right at 100% of the replacement cost;</p>	
			Tenant	<p>The tenants of state or organization□s houses that have to be relocated (i) If have demand, they can buy or rent new apartment of size not less than the existing affected one. (ii) If do not like buy or to continue renting, they will be provided an assistance equal 60% of replacement cost of the affected houses. The area created by the DPs themselves will be compensated at their full (100%) replacement costs.</p> <p>The tenants who are leasing a private house for living purposes and have to be relocated, will be provided with assistance equal the remaining value of the house renting contract, but not exceeds renting value for three months, plus transportation allowance at level equal to that applied for other relocated DPs to transport assets to new site. To be assisted, the DPs should have house renting contract.</p>	

		Affected graves	Owner of grave	The level of compensation for the removal of graves will be for all costs of excavation, relocation, reburial and other related costs. Compensation in cash will be paid to each affected family.	For ownerless affected graves, compensation will be given to local PC to relocate them to new site
4	Loss of standing crops and trees	Crops affected.	Owners of affected crops	DPs are entitled to compensation for affected crops and aqua cultural products in cash at current market value.	DPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.
		Trees affected.	Owners of affected trees.	DPs are entitled to compensation in cash at replacement cost based on the type, age, and productive value. If affected trees are removable, the compensation will be equal the transportation cost plus actual loss.	Evaluation of replacement cost for crops, trees and aquaculture products are followed the methods provided in Clause 24, Decree 197/CP
5	Loss of income and business/productive assets	Loss of income and business/other productive assets	Owner of the affected business/other productive assets.	<p>- The registered non-farm producer/business DPs, who have income-generating and/or business/productive assets affected, will be given cash business assistance for the loss of business income, equivalent to 30% of the annual average for the last 3 years net income. (This amount is equivalent to 100% of monthly net income for 3.6 months).</p> <p>- The non-registered business or non-farm producer DPs, whose operations are recognized by local authority and who have income and/or business/productive assets affected, will be given assistance in cash at levels regulated by the HochiminhCPC.</p>	<p>DPs will be given priority for business relocation along highway, communal roads and along canals near the bridges or footbridges in order to maximize their benefit from business opportunities.</p> <p>At the time of compensation, allowances will be adjusted to account for inflation.</p>
6	Temporary impact during construction	Temporary loss of arable land	Users of affected land	<p>(i) Compensation for one harvest of crops/trees at full market prices</p> <p>(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use, <u>AND</u></p> <p>(iii) Restoration of land to its previous or better quality</p>	If the quality of land will be radically changed when return to DPs, requiring DPs to change in the types of land use, then DPs should be compensated for all envisaged cost of losses
		Temporary loss of residential land	Users of affected land	(i) Compensation for all affected movable properties at full replacement cost Restoration of land to its previous or better quality.	
		Temporary impact on business	Owner of business	<p>(i) Compensation for temporary loss of income, equivalent an average monthly net income at least for three months.</p> <p>(ii) Compensation for all affected movable properties at full replacement cost</p> <p>(iii) Restoration of land to its previous or better quality</p>	
		Damages by contractors to private or public structures or land	Owner or person with use rights	<p>(i) The contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies.</p> <p>(ii) Damaged property will be restored immediately to its former condition.</p>	
7	Secondary impacts	Loss of land and properties for development of RS	Land users	Because all secondary DPs are likely to be affected in similar ways as primary ones, they will be entitled to compensation and rehabilitation assistance in accordance with the same respective provisions for all other DPs.	





