
People's Republic of China

**Hunan Subnational Governance and Public Service Delivery Program
Environment and Social Systems Assessment (ESSA)**

(Draft)

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Acronyms

CEB	County Education Bureau
CEM	Community Engagement Manual
COP	Construction Organization Plan
COVID-19	Coronavirus Disease 2019
CPMO	County Program Management Office
CTB	County Transport Bureau
DLI	Disbursement–Linked Indicators
DRC	Development and Reform Commission
EEB	Ecology and Environment Bureau
EHS	Environmental, Health and Safety
EIA	Environmental Impact Assessment
EPL	Environmental Protection Law
ESSA	Environmental and Social Systems Assessment
GBV	Gender-based violence
GIP	Good International Industrial Practice
GRM	Grievance Redress Mechanism
HLG	High-Level Government
LURPI	Land Use for Rural Public Infrastructure
HPMO	Hunan Program Management Office
MEE	Ministry of Ecology and Environment
MEP	Ministry of Environmental Protection
MNR	Ministry of Natural Resources
MWR	Ministry of Water Resources
NDRC	National Development and Reform Commission
NHC	National Health Commission
NHFPC	National Health and Family Planning Commission
NPC	National People’s Congress
MOC	Ministry of Construction
MOEM	Ministry of Emergency Management
MOF	Ministry of Finance
MOR	Ministry of Railway
MOT	Ministry of Transport
OHS	Occupational Health and Safety
PAP	Program Action Plan
PAGS	Provincial Administration of Government Services
PC	People’s Congress
PDO	Program Development Objective
PDOE	Province Department of Education
PDOF	Province Department of Finance
PDOT	Province Department of Transport
PDRC	Province Development and Reform Commission
PFM	Public Fiscal Management
PforR	Program for Results
PMO	Program Management Office
PPE	Personal Protection Equipment
QSSS	Quality and Safety Supervision Station
SC	State Council
SA	Social Assessment
SAWS	State Administration of Work Safety
SOP	Standard Operating Procedure

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EXECUTIVE SUMMARY

This report summarizes the key findings and recommendations of the Environmental and Social System Assessment (ESSA) for the proposed Hunan Subnational Governance and Public Service Delivery Program for Results (the Program). The Program will strengthen institutions for intergovernmental fiscal management and delivery of key rural services in Hunan Province, with due attention to the equity and quality of road services and compulsory education in eight pilot counties¹. The proposed PforR is expected to contribute to two result areas:

- Results Area 1: Strengthened institutions for intergovernmental fiscal management and transparency.

This Result Area will contribute to enhancing the fiscal sustainability and enabling strategic allocation of public finance. The interventions supported under this result area focus on addressing the intergovernmental fiscal management challenges to unleash the PFM enhancement at county level.

- Results Area 2: Result-oriented financing for enhanced public services.

The result area 2 will contribute to improved intergovernmental management and transfers to improve service delivery in rural roads and compulsory education. RA 2.1 Enhanced asset management and financing of rural roads will support a shift away from higher level provincial mandates for new road construction to a set of enabling measures that would allow the counties to re-balance expenditures towards asset management, thus contributing to sustainable rural transport services provision, expenditure efficiency, and fiscal sustainability. RA 2.2 Enhanced result-oriented financing of compulsory education aims to promote equitable and effective compulsory education in rural counties by supporting the province in strengthening intergovernmental fiscal transfers for compulsory education and conducting annual comprehensive evaluation of education performance in the eight participating counties.

Implementation of activities under the Program will rely on the existing national and provincial legal frameworks and institutional system for managing environmental and social aspects. The purpose of this ESSA is to provide a comprehensive review of relevant environmental and social systems and procedures in China and Hunan, identify the extent to which the national and provincial systems are consistent with the PforR Bank Policy and the PforR Bank Directive, and recommend necessary actions to address identified gaps as well as opportunities to enhance performance during implementation.

Potential Environmental and Social Effects

An environmental and social risk screening has been conducted for the Program-supported activities during preparation of the ESSA, which concluded that the overall environmental and social risks of this Program are rated as moderate.

Program Environmental Benefits and Risks

The physical activities under the Program will focus on rehabilitation and maintenance of rural roads and improvements of rural school conditions (infrastructure and equipment). The proposed Program is expected to have environmental benefits of increased road and traffic safety to rural communities. Additionally, this operation will contribute to the resilience of rural roads to natural disasters (e.g., floods and landslides) through improved management and adequate maintenance of road assets.

The anticipated adverse environmental effects of the Program are not expected to be significant considering the nature and limited scale of physical activities involved, and the exclusion of activities that might be located in sensitive environmental areas. Typical environmental impacts are mostly related to construction activities which are likely to be temporary and site-specific. Potential environmental impacts of the Program include: temporary impacts of dust, noise, waste disposal and traffic disturbance during construction; temporary soil erosion and limited loss of surface vegetation; temporary and limited disturbance to wildlife; small labor influx and community disturbance; occupational health and safety issues; potential impacts on chance-find physical cultural resources; and road safety during operation. Such potential impacts can be adequately managed with known mitigation measures and proper management practice during construction and operation.

Program Social Benefits and Risks

¹ The eight counties are: Liuyang, Pingjiang, Liling, Youxian, Chaling, Guidong, Rucheng and Yizhang.

Hunan Province has adopted a comprehensive rural revitalization program to balance the development of rural and urban areas, boosting rural living standards and improving the quality of rural public services. Hunan's program emphasizes the importance of rural development, including the need to develop rural businesses, create a pleasant living environment, promote effective governance, and improve the living standards of rural residents. The proposed Program is designed to generate significant social benefits to rural communities through restoring and improving the quality of existing rural roads and school infrastructure, and improving the accessibility by rural communities of healthcare, education, markets, and administrative services.

The proposed program will seek to develop citizen participation through greater fiscal transparency and stronger feedback and participation mechanisms at the local level. This is conducive to improved government accountability (and taxpayer consent), and therefore improved sustainability of budget transfers to the more vulnerable counties and communities in the province.

There will be no significant social impacts and risks under the PforR. Potential social risks / aspects need to be assessed and remedied as and when they arise during project implementation, for small scale land acquisition, or when resettlement is unavoidable to support rural revitalization activities. A risk present in the program is that the more remote villages, including the ethnic minority communities that are present in the pilot counties, might not be given special consideration or not engaged in a cultural appropriate way during the participation process, which may result in losing development opportunities from the PforR activities, is a risk present in the program. Another risk factor relates to labor and working conditions, and occupation safety, during construction and maintenance. These various risk factors can be remedied through the proposed program action plan.

Assessment of Environmental and Social Management System

A comprehensive review of the legal and regulatory framework for social and environmental management relevant to the activities supported under the PforR was conducted, covering institutional arrangements, management procedures and their implementation, and institutional capacity and performance.

Overall, China has established a comprehensive system for the management of environment and social issues at both national and provincial levels (including Hunan Province), which consists of laws, regulations, guidelines, specifications and standards principally consistent with the World Bank's PforR Policy and Directive. This system provides a reasonable basis for addressing the environmental and social issues related to activities supported under the PforR.

Environmental Management System

Since the promulgation of its first Environmental Protection Law in 1979, China has gradually established a comprehensive environmental management legal framework, becoming one of the region's most dynamic environmental law frameworks. In recent years, China's Government is devoted to reforming its environmental management system by enhancing law enforcement and adopting a prevention approach. A set of laws, regulations and technical guidelines are being or have been issued or updated by national and local governments regarding environmental impact assessments (EIA) for construction projects and occupational health and safety.

The key PforR government stakeholders involved in environmental and occupational health and safety management include various levels of environment and ecology bureaus (EEBs), construction bureaus, health commissions, emergency management bureaus, transport bureaus, and education bureaus. EEBs are responsible for reviewing and approving the EIA documents and supervising the environmental compliance of rural road and school projects under this PforR during the project construction and operation. Transport bureaus and education bureaus, assisted by other county bureaus, township, and village governments, undertake direct safety supervision and management of rural road and school projects respectively within the county jurisdiction.

Under the existing regulatory framework, the procedure for EIA implementation, responsibility assignment, and technical expertise in EIA review and supervision in eight selected counties of Hunan province is considered to be adequate to manage the potential environmental impacts of activities under this PforR. Consultations of government departments and site visits in Hunan at provincial, county, township and village levels, have demonstrated that the institutional arrangement at the program level has been clearly established for environmental, health and safety management in construction projects, but the technical capacity, coordination, and performance of relevant county bureaus, township and village governments, performance of site environmental supervision, and OHS management for community workers need to be further strengthened to ensure the effectiveness of environmental, health and safety management relevant to the PforR implementation.

Social Management System

A social related legal framework has been established in China, Hunan province and local government, in relation to land acquisition for public interest, labor and working conditions, ethnic minority development, and participation, consultation and grievance redress measures in the event of land acquisition. Additionally, the use of a Social Stability Risk Assessment is well established in Hunan and at local level to promote attention in decision-making to these potential issues and mitigate social risks/impacts through public consultation and engagement approaches. It is assessed that the legal framework and implementation performance of land acquisition activities, ethnic minority development and redress mechanism in Hunan and the selected counties are broadly adequate. The legal framework of laws, regulations, policies and standards and their implementation mechanism are overall consistent with the World Bank's PforR Policy and Directive.

The procedure for social stability risk assessments and land acquisition, and the allocation of responsibilities at province and county levels is considered to be adequate to manage the potential land-related social risks and impacts of activities under this Program. Land needs are expected to be minor to small for rural roads (due to the focus of the project on road maintenance) and schools. Consultation with government departments and site visits in Hunan at provincial, county, township and village levels have indicated that the institutional arrangements at program level have been clearly established for social aspects. The main institutions involved at provincial and county level, other than the transport and education bureaus which are in charge of planning, are the Nature Resources Bureaus, Committees for ethnic and religious affairs, the All China Women's Federation, as well as Bureaus of labor and social security. However, the lack of a standardized procedure for consultation and information disclosure in the process of mobilizing / donating land for village-level public services has been identified, both in the policy framework and in implementation practice. There is also a need for a procedure in consultation and information of communities and their more vulnerable members in the definition of priorities in terms of rural roads and improved schools. In addition, the protection of community workers' rights (e.g. signature of labor contracts, work safety) needs to be further strengthened, including through participation and education.

Consultation and Information Disclosure

Despite the impact of the COVID-19 pandemic during the Program preparation, effective consultation was conducted during ESSA preparation to meet project and stakeholder needs following the World Bank's latest guidance notes² on public consultation in response to the outbreak. Relevant stakeholders, including both government departments and local communities, were consulted through rounds of online meetings and during earlier field visits to program counties (Liuyang and Chaling) when permitted before the COVID-19 outbreak. Consultation workshops for the draft ESSA was organized in July 2020 to solicit comments and feedback on the findings and recommendations of the draft ESSA, through field visits and a consultation meeting in Pingjiang County and virtual meetings with the stakeholders of the other seven program counties. The draft ESSA in Chinese was locally disclosed in July 2020, and disclosed on the Bank's website on Sep. 11, 2020. The final ESSA was re-disclosed by the Bank on Jan. 19, 2021 after the clearance.

Key Conclusions and Recommendations

The assessment concludes that national and provincial laws and regulations for addressing environmental and social impacts are principally consistent with the World Bank's Policy and Directive for Programs for Results, while certain aspects of implementation would need further capacity building to strengthen the efficiency and effectiveness of environmental and social management under the Program, particularly at the county level and below. Key recommendations are listed below.

- (i) **Strengthening the on-site environmental supervision:** It is recommended that on-site environmental performance of contractors shall be more closely supervised by explicitly incorporating the environmental supervision responsibilities into the bidding documents and contracts of construction supervision consultants, with regular reporting to the project proponents. In addition, it is recommended to strengthen the environmental training of project proponents at the county level and below to enhance the coordinated and effective management and supervision of environmental performance during the construction/maintenance of rural roads and rural schools under the PforR.
- (ii) **Enhance labor management at local level:** In the context of this PforR, attention should be given to the contracted and community workers that could be involved during the implementation of road maintenance and school

² Technical Note: Public Consultation and Stakeholder Engagement in WB-supported Operations when there are Constraints on Conducting Public Meetings (dated Mar. 20th, 2020)

construction works. Training shall be provided to the Project Implementation Units (PIUs), their contractors and workers on: a) rights of project workers and Grievance Mechanism available to the workers; and b) Occupational, Health and Safety (OHS) management during construction and maintenance works, along with the emergency response plan for flooding seasons and extreme weather. A set of Occupational, Health, and Safety (OHS) Guidelines were developed for the Program as in Annex 4.

- (iii) Specification of procedures on negotiated land donations in communities: To develop a standard procedure for negotiated land donations for village infrastructure projects, with documentation of land use contracts, payment certificates and the management of record backups. This procedure may include: (a) all tenure rights and claims (including those of customary and informal users) affecting the land in question are systematically and impartially identified; (b) potentially affected individuals, groups or communities are meaningfully consulted, informed of their rights, and provided reliable information concerning environmental, economic, social and food security impacts of the proposed investment; (c) community stakeholders are enabled to negotiate fair value and appropriate conditions for the transfer; (d) appropriate compensation, benefit sharing and grievance redress mechanisms are put in place; (e) terms and conditions of the transfer are transparent; and (f) mechanisms are put in place for monitoring compliance with those terms and conditions.
- (iv) Developing a procedure to ensure village committees and their members are able to participate in prioritizing investments and have equal access to benefit from the Program in an inclusive and cultural appropriate way, with special attention to ethnic minority communities, other remote villages, poor people and women.
- (v) Establishing an environmental and social internal supervision and reporting mechanism: The HPMO shall work directly with county implementation agencies and concerned township governments, to set up internal environment and social supervision and reporting mechanism. Provincial and county level PMO need to entrust social and environmental specialists to supervise and document the process and outcomes of land acquisition and other environmental and social risks, actions implementation and submit the findings and report to the Bank semi-annually.
- (vi) Ensuring rural residents have access to the citizen communication program on public budget transfers which is designed through the Program, with clearly defined target groups and messages, at province, county and township levels, and have the opportunity to provide feedback or complain on public budget related matters.

In order to facilitate the implementation of these various measures in an effective manner, two integrated Program Action Plans (PAPs) are proposed and agreed with the Borrower, respectively: (i) formulating a Community Engagement Manual as a standalone chapter of the Program Implementation Manual (PIM) to support the stakeholder engagement at local levels; and (ii) Establishing an environmental and social supervision and reporting mechanism during the program implementation.

(i) Formulating a Community Engagement Manual

The purposes of the CEM are: (i) to specify standard procedures on negotiated land use for the infrastructure projects of the villages, and documentation of land use contracts, payment certificates or record backups as well; (ii) ensure equal access to participate in the prioritization, planning and delivery of services, and benefit from the projects in an inclusive and culturally appropriate way, especially for ethnic minority groups, women, poor and disadvantaged groups; (iii) to understand workers willingness of participating in the program technical design, implementation, and subsequent roads/schools operation & maintenance, etc., and enhance residents, workers and women's awareness on roads safety, labor rights and protection through a training and education program; and (iv) to agree on actions to avoid or mitigate the risks and conflicts with relevant stakeholders affected by the program.

The HPMO will be responsible for preparation of the CEM as part of the PIM and the appointment of a qualified and experienced social and community participation consultant/expert to lead the development of the manual. The respective counties will be responsible for implementation throughout the Program with support and guidance from the HPMO. The implementation of the manual will be internally monitored by HPMO and findings included in project level semi-annual reports. The expert will also provide ongoing capacity building support and training throughout the Program based on a training framework documented in the PIM.

- (ii) Establishment of an environmental and social internal supervision and reporting mechanism during the implementation of Program-supported activities.

To enhance the supervision and improvements of program-related environmental and social performance at the county level and below, HPMO shall set up internal environment and social supervision and reporting mechanism for this PforR. HPMO shall appoint a full time qualified and experienced environment and social expert to supervise and document the environmental and social performance of program activities during implementation. Each county PMOs shall appoint at least one dedicated environmental and social staff within three months of effectiveness, to act as a focal-point and be responsible for supervising and documenting the environmental and social performance within each county during implementation. The key findings on the Program's environmental and social performance should be reported to the Bank semi-annually in the implementation progress reports.

SECTION I: INTRODUCTION

1.1 Objective and Scope of the ESSA

The proposed Hunan Subnational Governance and Public Service Delivery Program for Results (the Program) is intended to strengthen institutions for intergovernmental fiscal management and financing for the delivery of rural roads and compulsory education in eight selected counties of Hunan Province, i.e., Liuyang, Pingjiang, Liling, Youxian, Chaling, Guidong, Rucheng and Yizhang. The proposed Program is expected to contribute to two result areas:

- Results Area 1: Strengthened fiscal management and accountability.

This Result Area will contribute to enhancing the fiscal sustainability and enabling strategic allocation of public finance. The interventions supported under this result area focus on addressing the intergovernmental fiscal management challenges to unleash the PFM enhancement at county level.

- Results Area 2: Result-oriented financing for enhanced public services.

The result area 2 will contribute to improved intergovernmental management and transfers to improve service delivery in rural roads and compulsory education. RA 2.1 Enhanced asset management and financing of rural roads will support a shift away from higher level provincial mandates for new road construction to a set of enabling measures that would allow the counties to re-balance expenditures towards asset management, thus contributing to sustainable rural transport services provision, expenditure efficiency, and fiscal sustainability. RA 2.2 Enhanced result-oriented financing of compulsory education aims to promote equitable and effective compulsory education in rural counties by supporting the province in strengthening intergovernmental fiscal transfers for compulsory education and conducting annual comprehensive evaluation of education performance in the eight participating counties.

The implementation of this Program will rely on the existing country and local legal framework and institutional system for managing environmental and social safeguards issues. The purpose of this ESSA is to (i) provide a comprehensive review of relevant national and local environmental and social safeguards systems and procedures in China and Hunan Province; (ii) identify the extent to which the country/local systems are consistent with the core principles and elements of the World Bank's Programs for Result (PforR) Policy; and (iii) recommend necessary actions to address gaps, as well as opportunities to enhance performance during implementation. Specifically, the main tasks of the ESSA are to:

- Review the national and provincial legal policy framework related to environmental and social safeguards applicable in this PforR;
- Review management and implementation procedures of environmental and social safeguards systems in Hunan Province with regard to the activities supported under the PforR;
- Review and assess the institutional capacity of various relevant agencies involved in the management of environmental and social impacts during implementation; and
- Recommend actions to improve the performance of existing systems in line with country system requirements as well as the core PforR principles.

1.2 Methodology

The ESSA is a World Bank requirement for PforR investment operations. It is prepared by Bank staff, with consultant support as necessary, through a combination of reviews of existing government program materials and available technical literature, interviews with staff or representatives of government at various levels and local communities including poor people, and consultations with key stakeholders and experts. The findings, conclusions, and opinions expressed in the ESSA document are those of the World Bank. The draft ESSA report was shared with counterparts prior to the ESSA consultation meetings held in Hunan Province (Changsha city and Pingjiang county) in July 2020. Comments received from the public consultations have been incorporated into the final ESSA report as appropriate.

Due to the impact of the COVID-19 pandemic during the Program preparation, the ESSA was prepared based on desk review, limited but effective field visits and stakeholder consultation to meet project and stakeholder needs following

the World Bank's latest guidance notes³ on public consultation in response to the outbreak. The methodology involved: (1) identification of potential impacts from the activities to be supported by the PforR; (2) a desk review of laws, regulations, requirements, and guidelines on occupational health and safety (OHS) and social management to prevent or mitigate the identified potential impacts; (iii) meetings and interviews with key stakeholders ranging from implementing agencies, government officials at provincial, county, township and village levels, to representatives of local communities; and (iv) visits to rural road and school sites in Liuyang, Chaling and Pingjiang counties in Hunan Province. Observation and discussions during these visits provided a good understanding of the potential environmental and social impacts associated with these types of activities, and procedures and capacity of government departments in dealing with such impacts, including relevant measures currently adopted in accordance with relevant laws and regulations.

Due to the impacts of COVID-19 outbreak since January 2020, there were some limitations during the preparation of the ESSA document:

- No field visits were possible in the first half of 2020 due to travel restrictions during COVID-19 pandemic. Only three project city/counties were visited during the ESSA preparation, including Liuyang City and Chaling County in the identification phase in 2019 and Pingjiang County during the consultation of draft ESSA in July 2020;
- There is minimal engagement with counterparts during January-April 2020;
- Due to social distancing requirements, the information collection/exchange and stakeholder consultation were mostly performed via online communication (e.g., emails) and virtual meetings (e.g. using Webex and Tencent meetings). After the draft ESSA report in Chinese was prepared and shared with the eight counties in July 2020, the Bank team managed to conduct the field visits and consultations in Pingjiang County and hold virtual consultation for the other seven counties.

³ Technical Note: Public Consultation and Stakeholder Engagement in WB-supported Operations when there are Constraints on Conducting Public Meetings (dated Mar. 20th, 2020)

SECTION II: PROGRAM DESCRIPTION

2.1 Program Background

2.1.1 Country Context

Following decades of rapid growth and poverty reduction, China's economy has started to slow down in recent years, a trend that may be further exacerbated by the recent COVID-19 induced shock. Structural imbalances in the economy also remain significant, despite initial progress in rebalancing from investment and export-led growth based on labor-intensive manufacturing towards more domestic consumption, services and productivity driven growth. In addition, China's rapid economic ascendance has led to higher inequality especially between rural and urban areas and rising environmental pressures. Rebalancing growth and making it more inclusive and greener is the central economic and institutional challenge confronting China as it seeks to sustain further convergence in living standards with high income economies.

Institutional reforms of the intergovernmental fiscal framework are at the core of addressing China's remaining development challenges. Incentives embedded in the intergovernmental system played an important role in motivating subnational governments to mobilize resources for rapid investment contributing to China's economic development of previous decades. However, recent years of slower growth have witnessed a rapid accumulation of subnational public debt and a less efficient allocation of resources, including excessive investment in increasingly less productive infrastructure. Going forward, the fiscal system –and the incentive effects it embeds- will need to support the transition to sustainable and balanced growth. In this context, the orientation and capacity of subnational governments will have to shift from focusing primarily on rapid investment-driven growth toward more efficient and sustainable fiscal management and equitable public service delivery.

2.1.2 Sectoral and Institutional Context

Reforms of China's intergovernmental fiscal system are necessary to reduce regional disparities, improve public service delivery and contain the unsustainable accumulation of subnational debt. China's intergovernmental fiscal system faces significant challenges. China is a unitary state with three levels of government. There are 31 province-level governments (provinces, autonomous regions and municipalities), 333 prefectures and more than 2800 urban districts and rural counties in mainland China. On the expenditure side, China is among the most decentralized countries in the world, with subnational governments accounting for 85 percent of government spending. Half of total consolidated government expenditures are carried out by sub-provincial governments -counties and districts- which are responsible for the delivery of most public services including in areas such as health, education and transport and social insurance functions. However, mandates and responsibilities of various levels of government are not always clearly defined and delineated. Some functions, including for example social insurance schemes, would benefit from greater centralization. On the revenue side, the system is characterized by limited subnational revenue autonomy, inequitable tax sharing arrangements and a complex intergovernmental transfer system. This has led to large vertical and horizontal imbalances and has contributed to an unsustainable reliance on land leases and a rapid build-up of debt and off-budget liabilities to finance investment driven growth. China's fiscal system also heavily relies on the top-down accountability, while bottom-up accountability, transparency and citizen engagement in the budget process need to be strengthened.

Large vertical imbalances between subnational spending obligations and revenue capacity are a defining feature of China's intergovernmental fiscal framework. Reflecting the asymmetric design of the framework with devolved expenditure responsibilities but enlarged centralized tax authority, imbalances across levels of government have prevailed since the intergovernmental fiscal reforms of 1994. Tax reforms of recent years have further exacerbated these imbalances with subnational own source revenues being on a declining trend. At the same time, central and provincial governments that are responsible for policy setting and planning frequently impose mandates on subordinated governments through various policy targets and/or service standards. This practice has created unfunded mandates and has led to excessive borrowing to meet increased spending and investment obligations while blurring the delineation of functions and responsibilities across levels of government.

Despite equalization transfers, horizontal imbalances in fiscal capacity remain large. While China has achieved rapid growth and poverty alleviation, not all regions have progressed at the same pace. As China's economy opened and favored faster urbanization and development in densely populated coastal areas, the urban-rural development gap began to rise – a trend that only started to reverse in recent years. Today, average disposable household incomes in rural areas are less than 40 percent of that in urban areas. Despite fiscal equalization transfers, this gap in economic

development is also mirrored in differences in fiscal capacity, public spending and consequently access to and quality of public services. While transfers substantially reduce fiscal disparities (Figure 2), post transfer per capita public spending in the richest county is still a staggering 280 times larger than in the district with the lowest spending. Rural counties with more limited fiscal and institutional capacity face challenges in reaching acceptable levels of service delivery.

As a result of both vertical and horizontal imbalances, local governments especially in rural areas rely heavily on fiscal transfers from higher level governments. On average, transfers are estimated to account for about 70 percent of county level public spending. There is significant variation across counties with transfers accounting for 56 percent of spending in the 20 percent least transfer-dependent counties, but about 90 percent in the 20 percent most transfer-dependent counties. While the share of general-purpose grants in total transfers has increased, especially after the 2014 budget reforms, significant resources are still channeled through various sectoral earmarked grants. This practice limits the ability of local governments to allocate resources according to local needs and complicates the rebalancing of public expenditures between investments and recurrent spending. The current transfer system also continues to channel a disproportionate share of resources based on discretionary allocations or based on input cost norms without giving much attention to performance and service delivery outcomes. Given the importance of transfers in financing local government operations, designing a more formula-based and result-oriented transfer system could substantially enhance the incentives of local government to improve expenditure efficiency and service delivery outcomes.

Sizable public investment over the past decade has left many subnational governments saddled with large debt burdens. China's fiscal system has favored expansive infrastructure investment with little attention to operation and maintenance (O&M), asset management and cost-effectiveness of service delivery. This has not only resulted in excessive and increasingly less productive infrastructure investment but has also led to a rapid accumulation of subnational debt. Subnational public debt is relatively high in China, especially when considering broader liabilities of government owned Local Government Finance Vehicles (LGFVs)- wholly state owned entities involved in the development and operation of local infrastructure. While the 2014 budget code amendments have tightened the regulatory framework around borrowing by LGFVs, there is a need to build institutions and capacity at the subnational level to identify, monitor and manage direct debt, contingent liabilities and fiscal risks emanating from PPPs and public benefit SOEs more comprehensively.

China's fiscal system relies heavily on the top-down accountability, while bottom-up accountability and citizen engagement in the budget process need to be strengthened. China's current intergovernmental system remains administratively centralized. The unitary state administration deploys top down targets and incentives to provide a system of accountability for subnational government performance. Greater fiscal transparency and stronger citizen feedback and participation mechanisms at the local level would help achieve more responsiveness to local needs and create incentives for identifying priorities and making tradeoffs on the use of public resources that respond to local needs and priorities.

Finally, assessments of subnational public financial management reveal mixed performance of county-level PFM system. As part of the preparation of this operation, systematic, indicator-led PFM assessments were carried out in eight selected pilot counties, deploying the internationally accepted Public Expenditure and Financial Accountability (PEFA) methodology. These assessments aimed to benchmark local government financial management performance in China against international standard. While there is some variation across counties, the assessments paint a mixed picture. Results are generally robust in terms of compliance systems and downstream treasury operations, execution and basic financial accounting and reporting. Challenges, however, pertain to weak budget credibility, rooted in volatile intergovernmental transfer system, incomplete budget comprehensiveness and transparency and generally weak links between budget allocations and results. Challenges also exist around fiscal risk management especially associated with the broader public sector balance sheet, including accounting for large quasi-fiscal operations.

While comprehensive reforms to address structural imbalances in the overall intergovernmental fiscal framework will take time, there is considerable room to pilot institutional reforms at the provincial and county level with the potential for nation-wide scale up. Initial reforms of fiscal management at the national level were implemented in 2014 with amendments to the budget code which reinforced certain aspects of the legal framework. Recognizing the growing debt burden and especially contingent liabilities of subnational governments, China took steps to reduce off-budget activities and bring subnational government debt under stricter controls. China also increased the share of general-purpose transfers in all transfers to subnational government, increasing predictability while allowing greater flexibility to adjust resource allocation to local needs. Building on this progress with the legal framework, enhancing subnational fiscal and governance systems to enable more equitable and fiscally sustainable public service delivery remain a key

priority. Regarding the transfer system, China’s cascading fiscal transfer system -where transfers from the central government are channeled to provinces which then further cascade them to subordinated local governments- leaves significant room for provinces to enhance allocation of intra-provincial transfer to subordinated county governments to provide local governments with the room and incentives to improve expenditure efficiency and ultimately service outcomes.

The proposed operation will focus on strengthening intergovernmental fiscal institutions to improve rural public service delivery in the central province of Hunan. Hunan, a landlocked province in the interior China, ranks 16th among 31 mainland provinces and municipalities in terms of per capita GDP. Hunan has a proven track record of undertaking fiscal and public financial management reforms. With support of a previous World Bank Fiscal Sustainability DPO, Hunan became the first province in China to develop a medium-term fiscal strategy anchored in a debt sustainability assessment; introduce a hard budget constraint on its capital budget and published a citizen budget. This previous engagement has put the Bank in a unique position to support Hunan as it consolidates the achievements already made with the support of DPO, scales up good practices across counties, and further extends reforms beyond fiscal sustainability to the delivery of public services. The operation will focus in particular on steps to improve the intra-provincial fiscal management and in particular to build a more rule-based and result-oriented transfer system that creates stronger incentives for improved service delivery outcomes. The experience and lessons from Hunan are expected to inform policies of the Central Government and -if successful- be scaled up to other provinces of China.

2.2 The PforR Program

The proposed PforR will support a key subset of the Government program, where strengthening intergovernmental fiscal institutions is critical for achieving intended results and is likely to lead to sustainable institutional changes. Table 2.1 illustrates the scope of the proposed PforR within Hunan’s overall rural revitalization program. The timeline of the proposed PforR is 2020 – 2024. The baseline year is 2019. The geographic boundary of this PforR is circumscribed to 8 selected counties in 4 prefectures, out of 122 counties in 14 prefectures in Hunan. These counties represent different levels of development and fiscal and administrative capacities. Per capita GDP ranges from above RMB 90 thousand in the richest county of Luyang to RMB 20.6 thousand in the poorest county of Guidong. Equally, rural per capita incomes in Luyang are more than three times higher than in Chaling. This relative diversity will allow for piloting of institutional innovations in different development settings.

Table 2.1: Scope of Government Program and Proposed PforR.

	Government program	Program supported by the PforR
Objective	Hunan rural revitalization	Strengthened institutions for intergovernmental fiscal management and delivery of rural roads and compulsory education in 8 selected counties in Hunan.
Duration	2018-2035	2020-2024
Geographic coverage	All 122 counties	Eight selected counties
Results areas	1)agricultural industrial development 2)livable environment 3)rural civilization (culture) 4)governance effectiveness 5)quality social services 6)poverty alleviation	1)public finance management and transparency, 2)quality rural public services (roads and compulsory education)
Overall Financing	USD 23.3 billion (for 2020-2024 in 8 selected counties)	USD 6.186 billion

Figure 2.1: Map of Hunan province and 8 selected counties.



The proposed PforR would strengthen intergovernmental fiscal management, enhance financing mechanisms for rural roads maintenance and compulsory education in pilot counties, and scale up selected practices across Hunan Province. As such, the PforR will support activities in two results areas: (1) strengthened fiscal management and accountability; and (2) result-oriented financing for enhanced public services.

Results Area 1. Strengthened institutions for intergovernmental fiscal management and transparency . This Result Area will contribute to enhancing the fiscal sustainability and enabling strategic allocation of public finance. The types of measures to be supported under the Program are clustered in three themes:

- RA 1.1 Enhanced Subnational Debt Management. This result area will strengthen the management of public debt and improve the monitoring of fiscal risks.
- RA 1.2 Enhanced predictability of intra-provincial transfers. This operation will support Hunan province and the eight participating counties to adopt an improved approach to budgeting High-Level Government (HLG).
- RA 1.3 Enhance budget transparency and citizen engagement. This operation will support Hunan to improve budget transparency by disclosing more comprehensive and timely budget through the provincial portal and to make it more easily accessible for citizens.

Results Area 2: Result-oriented financing for enhanced public services. The result area 2 will contribute to improved intergovernmental management and transfers to improve service delivery in rural roads and compulsory education.

RA 2.1 Enhanced asset management and financing of rural roads. This sub-result area will support a shift away from higher level provincial mandates for new road construction to more sustainable asset management. The operation will support the eight participating counties in adopting a road asset management system, comprising all publicly funded rural roads and structures. Each participating county will designate a leading agency for coordinating all rural roads related affairs in the county, develop and regularly update a comprehensive inventory of road assets and establish policies, objectives, and associated service levels including standards for asset condition, climate resilience and road safety. County governments will integrate program budgeting for rural transport, and develop annual road maintenance programs to set specific targets taking into account the financing constraint. In addition, Hunan province will pilot a result-based transfer for rural roads maintenance work. The design of the new financing rules will incentivize county governments to improve the use of all available funds and address maintenance gaps and climate resilience and road safety, given existing baseline road infrastructure assets while ensuring equity.

RA 2.2 Enhanced result-oriented financing of compulsory education. This sub-result area aims to promote equitable and effective compulsory education in rural counties by supporting the province in strengthening intergovernmental fiscal transfers for compulsory education and conducting annual comprehensive evaluation of education performance in the eight participating counties. A result-based transfer will incentivize counties to focus on improved school performance and facilitating convergence in school conditions and learning outcomes. The overall size of this result-based fund is expected to be around 8 percent of the total discretionary government expenditures on compulsory education in the first year and may be increased in later years. The transfer program will link the allocation of funding to the county's performance in delivering equitable and quality compulsory education services. The formula to allocate the transfer will be based on measurable performance indicators including: improvements in school conditions (area of teaching and sporting space per student and possession of teaching equipment per student of lagging rural schools); reduction in variance coefficient of learning conditions across schools; and percentage of qualified teachers. In addition, the distribution of this transfer will also be adjusted according to the fiscal capacity of the county to mitigate cross-county disparities.

2.3 Institutional Arrangements

Program implementation will be anchored in multi-level implementation arrangements that will ensure program oversight and coordination across sectors and different levels of government. Overall strategic guidance is provided by the steering committee chaired by Director-General of DOF, who directly reports to the province governor, and is comprised of Deputy Director-Generals of Provincial Development and Reform Commission (PDRC), Provincial Department of Finance (PDOF), Provincial Department of Transport (PDOT), Provincial Department of Education (PDOE) and Provincial Administration of Government Services (PAGS). The three agencies accountable for the achievement of DLIs and related PAP actions, and collection of the relevant data are PDOF, PDOT and PDOE. The PAGS will provide general technical support and guidance to the three provincial agencies and 8 participating counties on data integration across agencies and across tiers of governments, aligned with implementation arrangements for these types of programs.

A program management office (PMO) has already been set up, playing a critical role in coordinating and facilitating the program preparation, implementation, monitoring and evaluation and verification. The PMO resides in the Hunan PDOF and will be the focal point that directly interacts with the Bank team on the Program related matters. The PMO consists of 5 thematic working groups: 1) comprehensive coordination group, 2) county public finance group; 3) compulsory education group; 4) rural roads group; and 5) government administrative service group. Each of the working group consists of representatives from all divisions in concern. The comprehensive coordination group is also responsible for coordination and implementation of environmental and social management. PDOF, PDOT and PDOE will each set up a leading group which will be chaired by a deputy director-general and take responsibility of the Program preparation and implementation; and designate a deputy director to manage the operational activities in full time.

Complementary institutional arrangements have been set up in each of 8 participating counties. The county steering committees are chaired by the mayors. The mayors have overall responsibility for the Program implementation within their jurisdiction, to link their counties with the provincial level work plans, to conduct supervision and inspection work, and to oversee their counties' delivery of the DLIs and PAP actions. Institutional arrangements involve thus both horizontal coordination and vertical structures where each line agency is mirrored at the provincial level.

SECTION III: POTENTIAL ENVIRONMENTAL AND SOCIAL EFFECTS

3.1 Environmental and Social Screening

The environmental and social screening was undertaken at the Project Concept Note stage and during ESSA preparation to: (i) identify if any activities to be involved will likely to have significant adverse impacts on the environment and/or affected people, thus are not eligible for financing and should not be included under the Program; and (ii) determine priority areas for further attention during the environmental and social system assessment. Results of the screening (Annex 1) indicate that the Program activities are rated with moderate environmental and social risks, as elaborated below.

Physical activities under the Program are (i) rehabilitation and maintenance of existing rural roads (mostly village/township roads, class IV, and some county roads, class III) and (ii) improvement of rural schools in villages and townships (new and renovated infrastructure and equipment). Based on the field visits and discussion during ESSA preparation, these activities are mostly rehabilitation/renovation works based on the footprint of existing roads/schools and will involve no large-scale land acquisition/resettlement. During the formulation of the Program, environmental and social screening criteria were taken into account to define eligibility for inclusion in the Program. The Program is designed to exclude: (i) any activity that is subject to full Environmental Impact Assessment following Chinese EIA regulations⁴; (ii) any activity that would involve large scale land acquisition or ecological resettlement; (iii) any activity located in sensitive environmental and social areas (e.g. ecological redline area⁵, physical cultural resources), and (iv) any road rehabilitation to support resource extractive industries. As such, the projects eligible for inclusion in the Program meet the environmental and social screening criteria of the World Bank PforR Policy and Directive.

3.2 Environmental and Social Context

3.2.1 Environmental Context

The overall environmental quality in Hunan is relatively good: the ratio of days with good air quality is 85.4%; 94.5% of water bodies meet national surface water quality Class III⁶ standard⁷. However, Hunan Province is still facing quite a number of environmental challenges, including insufficient wastewater treatment facilities, eutrophication of lake water, soil contamination, and a lack of institutions for rural environment protection.⁸ The eight counties under this Program are located in the east of Hunan neighboring Jiangxi Province. They have a subtropical monsoon climate with abundant rainfall, and are dominated by mountainous and hilly landscapes. The counties have rich water, mineral, forest, flora and fauna, and physical cultural resources. In addition to agriculture, the counties have also developed industries such as fireworks and firecrackers, electronic information, biomedicine, ceramic glass, food processing, equipment manufacturing, new materials, non-ferrous metals, etc. The table below summarizes the eight counties' environmental baseline and sensitive environmental areas.

Table 3.1 Eight counties' environmental quality baseline and environmentally sensitive areas.

County	Environmental quality baseline ⁹	Environmentally sensitive areas
Pingjiang	<ul style="list-style-type: none"> - Ratio of days with good air quality is 97%; - Water bodies meet national surface water quality category III standard. 	<ul style="list-style-type: none"> - 10 drinking water source protection areas; - 4 forest parks; - 1 geological park; - 1 wetland park; - 1 nature reserve; - 1 natural forest;

⁴ Classified Administration Catalogue of Environmental Impact Assessments for Construction Projects, by the Ministry of Ecology and Environment of the People's Republic of China, June 2017.

⁵ The ecological redline area of Hunan Province is 42,800 square kilometer large, accounting for 20.23% of the province's area. The spatial pattern can be summarized as "one lake, three mountains and four waters": "one lake" is Dongting Lake; "three mountains" include Wuling-Xuefeng Mountains, Luoxiao-Mufu Mountains, and Nanling Mountain; "four waters" include Xiangjiang River, Zishui River, Qijiang River, Huangshui River.

⁶ Environmental Quality Standards for Surface Water, GB3838-2002. Class III surface water quality applies to Grade 2 drinking water source protection zone, aquaculture water areas and swimming areas.

⁷ Hunan Environmental Quality Status in 2018. http://sthjt.hunan.gov.cn/sthjt/xxgk/zdly/hjcc/hjzl/hjzlgb/201908/t20190812_5413009.html

⁸ Hunan Provincial Environmental Protection Plan for the 13th Five Year Plan.

⁹ Eight counties' Environmental Quality Status in 2018.

County	Environmental quality baseline ⁹	Environmentally sensitive areas
		- 1 key aquatic species protection site.
Liuyang	- Ratio of days with good air quality is 94.2%; - Water bodies meet national surface water quality category II standard.	- 27 drinking water source protection areas; - 2 famous sceneries; - 15 nature reserves; - 2 forest parks; - 1 wetland park; - 1 geological park; - 1 hydrological scenery; - 1 key aquatic species protection site.
Chaling	- Ratio of days with good air quality is 93.2%; - Water bodies meet national surface water quality category II standard.	- 2 wetlands; - 1 famous scenery; - 1 nature reserve; - 1 forest park; - 1 geological park.
Liling	- Ratio of days with good air quality is 90.7%; - Water bodies meet national surface water quality category III standard; - 450km ² (20.3%) area suffer from soil erosion.	- 16 drinking water source protection areas.
Yizhang	- Ratio of days with good air quality is 92.9% ; - Water bodies meet national surface water quality category III standard.	- 11 drinking water source protection areas; - 2 nature reserves.
Youxian	- Ratio of days with good air quality is 88.7%; - Water bodies meet national surface water quality category III standard.	- 18 drinking water source protection areas.
Rucheng	- Ratio of days with good air quality is 98.4%; - Water bodies meet national surface water quality category III standard.	- 1 forest park; - 1 drinking water source protection area.
Guidong	- Ratio of days with good air quality is 97.5%; - Water bodies meet national surface water quality category III standard.	- 1 nature reserve; - 2 drinking water source protection areas; - 1 forest park.

3.2.2 Social Context

Hunan Province, located in the middle reaches of the Yangtze river, covers a total area of 218,800 km². It has jurisdiction over 13 prefecture-level cities and 1 autonomous prefecture. 122 municipal districts (7 ethnic autonomous counties); 1933 townships (83 ethnic minority townships). By the end of 2018, the resident population of the province was 69 million, about 44 percent of Hunan's 69 million population resided in rural areas. While the relative income gap between urban and rural residents has narrowed since 2012, rural incomes are on average only about 38 percent of urban residents.

The geographic boundary of this PforR is circumscribed to 8 counties in 4 prefectures, out of 122 counties in 14 prefectures in Hunan. These counties represent different levels of development and fiscal and administrative capacities. Per capita GDP ranges from close to RMB 90,000 in the richest county of Luyang to RMB 28,000 in the poorest country of Chaling. Equally, rural per capita incomes in Luyang are more than three times higher than in Chaling. This relative diversity will allow for piloting institutional innovations in different settings.

According to the national sixth census in 2010, there were 55 ethnic minority groups in Hunan province, including Tujia, Miao, Dong, Yao and Hui, with a population of 6.5514 million, accounting for 9.97% of the province's total population and 5.76% of the national ethnic minority population. The 8 counties within the geographical scope of the Program include 4 ethnic minority townships with an ethnic minority population of 95,080 in 2018.

As to poverty reduction, according to Hunan's 13th five-year plan for poverty alleviation, by the end of 2020, all 4.45 million people in the province need to be lifted out of poverty, all 51 poor counties and 6,924 poor villages need to be lifted out of poverty. By the end of 2018, there were still 0.58 million poor people and 718 poor villages in Hunan province. The activities under the PforR boundary (8 counties) cover 490 poor villages and 524,292 poor people. This project will contribute to poverty reduction in Hunan and the eight counties through improving the rural roads and compulsory education. Table 3.2 shows specific data.

Table 3.2 Social status of Hunan and 8 counties (2018).

Areas	Total population (0,000)	Female (0,000)	Rural (0,000)	Ethnic minority county (Y/N)	Ethnic minority township (Num.)	Ethnic population (0,000)	Poor popu. (person)	Poor Villages	Urban residents income (Yuan/PP)	Rural residents income (Yuan/PP)
Hunan	7,326.62	3,530.38	4,806	7	84	700	580,000	718	36,698	14,093
Youxian	81	40.1	27.26	N	0	0	33,339	15	38,488	26,031
Liuyang	149.38	73.22	78.24	N	0	0.73	50,191	33	46,410	31,791
Chaling	64.44	31.68	57.26	N	0	0.2142	75,417	68	33,209	9,574
Yizhang	65.32	30.54	54.99	N	1	0.82	81,012	80	29,996	9,614
Liling	105.31	51.4	63.48	N	0	0.37	36,610	17	39,413	26,362
Rucheng	42.24	20.57	20.3	N	3	7.2	63,462	80	21,674	9,990
Pingjiang	111.78	53.73	93.7	N	0	0.089	141,501	136	23,602	9,580
Guidong	23.21	11	12.84	N	0	0.085	42,760	61	20,282	9,602
Project areas in total	642.68	312.24	408.07	0	4	9.5082	524,292	490	/	/

Data resource: provided by provincial and local relevant departments

Note: Yizhang and Guidong were lifted out of poverty in 2017 and Pingjiang and Rucheng were lifted out of poverty in 2019

3.3 Potential Environmental and Social Benefits and Risks

3.3.1 Environmental Benefits and Risks

The PforR will support institutional reform to improve public service delivery in rural Hunan, especially the equity and quality of road services and compulsory education in rural areas, which is thus expected to bring overall environmental and social benefits with the improvement of road safety in rural communities of eight program counties. Additionally, this operation will contribute to the resilience of rural roads to natural disasters (e.g., floods and landslides) through improved management and adequate maintenance of road assets in the selected counties of Hunan Province.

The anticipated adverse environmental effects of the Program are not expected to be significant considering: (i) by applying the exclusion criteria, the Program only supports rehabilitation or maintenance of existing low-class rural roads and improvements of rural schools, which involves only medium- or small-scale civil works without impacts on sensitive environmental areas; (ii) there are known and effective mitigation measures to address negative environmental impacts anticipated mainly during construction period, as presented below.

- Loss of surface vegetation and soil erosion:** the eight counties are dominated by a mountainous and hilly landscape and with abundant rainfall, and there is already a large portion of area suffering from soil erosion. The construction works may lead to surface vegetation clearing and soil excavation, disturbing land surface and increase the potential of soil erosion. Since the program only supports rehabilitation or maintenance of existing low-class rural roads and improvements of existing rural schools, earthworks are expected to be limited. Therefore, the loss of surface vegetation and soil erosion is not expected to be large scale, and the impacts on soil erosion will be mostly site-specific, temporary, predictable and reversible, which can be effectively mitigated through well-known measures such as boundary ditches, settling tanks, retaining walls, proper disposal of excavated earth in disposal sites, post-construction vegetation and other erosion control and reclamation measures.
- Impacts on ecological system and wildlife:** The program counties have rich wildlife resources, but the Program activities will not involve critical natural habitats. Road improvement might also have an induced impact of improved accessibility to natural habitats, forests or other sensitive ecological systems otherwise inaccessible, thus facilitate natural resources exploitation. This Program does not support any road that is within environmental

sensitive areas or any road that is to be rehabilitated for the purpose of natural resource exploitation. Therefore, no induced impact of opening new access to previously inaccessible environmentally sensitive areas is expected. Rural road rehabilitation and maintenance may have temporary disturbance to wildlife during construction. There is also a potential risk of illegal hunting of wildlife by workers. These adverse effects could be mitigated by following good construction management practice and enforcing a workers' code of conduct.

- **Drainage and hydrological characteristics of rivers:** The program counties have rich water resources - rivers, lakes, and water reservoirs. Rural road construction may alter the rainwater drainage pattern in the project area, and bridge construction may have impacts on the hydrological characteristics of a river. These types of impacts are expected to be small or very limited as the program only supports low-class rural road rehabilitation and maintenance, without opening new road alignments. Change of topography, drainage pattern, or alteration of river channels are not expected to occur, and are subject to established procedures of flood control assessment and design review.
- **Impacts on river water quality and aquatic life:** Some of the program counties have established aquatic species protection sites. Construction near these water bodies might cause soil erosion and sediment pollution that will have adverse impacts on aquatic life in river or reservoir. The Program excludes civil works that are close to sensitive water bodies. The scale of the civil works supported under this Program is limited. With sound construction management practice (e.g. wastewater management, adoption of sedimentation tanks, erosion control measures), soil erosion and sediment pollution to water bodies can be effectively mitigated. Therefore, no major impact in this regard is expected.
- **Dust and noise:** Construction of roads or schools will generate dust from soil and stone excavation, bulk material handling, material transportation etc. Exhaust from construction vehicles may also cause certain air pollution in/around the construction sites. Operation of construction equipment will generate noise nuisance during construction stage. These are typical construction nuisance for surrounding communities. No significant amount of civil works is expected from this project. With good construction management practice (such as water-spraying on construction sites, covering of bulk materials and transportation trucks, use of low noise equipment/method, no nighttime construction etc.), the dust and noise impacts can be effectively mitigated.
- **Disposal of waste materials:** Road or school civil works will generate waste from soil and stone excavation works, which, if not well managed, will have adverse impacts on the environment. The amount of excavated materials from each individual project is not expected to be large and can be effectively managed through mitigation measures such as timely removal and disposal in designated disposal sites.
- **Traffic disturbance impact:** Rural road rehabilitation or maintenance will disturb local traffic during the construction phase. As rural roads are important for connectivity/accessibility of rural communities, disturbance of traffic on these roads may have major impacts. In addition, the increased traffic of vehicles transporting equipment and materials on the roads near the communities may impact traffic safety. Such impacts can be mitigated with measures such as properly scheduling of construction scheme, provision of temporary access, and adoption of traffic safety warning signs and facilities.
- **Community and Occupational Health and Safety (OHS):** Occupational health and safety of workers could be a potential issue in rural civil works, especially considering that temporary workers could be engaged from rural communities, who are likely to be less protected due to lack of facilities or training. Incoming workers may also generate potential impacts on community health and safety. Given the limited scale of civil works involved under this Program, labor influx is expected to be small. These adverse impacts will require adequate public consultation, proper worker training, enforcement of relevant health and safety regulations and good labor behavior management practice.
- **Implications for physical cultural resources:** The Program is designed to exclude any rural roads or schools that are located in environmentally and socially sensitive areas/sites with physical cultural resources. Initial screening and field visits did not identify any issue in this regard. Direct encroachment or damage of existing physical cultural resources is not expected. However, the possibility of "chance-finds" cannot be ruled out. Potential adverse effects on physical cultural property will be accounted for and adequate chance-find measures will be taken.
- **Road safety during operation:** Improved rural roads may induce the increase of private cars in rural communities and increase road speed. Therefore, road safety is a major concern during the operational stage. In this regard, the program will have a focus on road safety for all rural roads under the program through design, infrastructure construction, improvement of management practice and institutional capacity building, as well as monitoring and evaluation.

In summary, the proposed PforR activities will unlikely pose significant environmental, health or safety impacts. The typical impacts are mostly related to construction activities which are likely to be temporary, site-specific, and can be effectively mitigated with known measures and sound construction management practice. The overall environmental risk is moderate.

3.3.2 Social Benefits and Risks

The Program is design to support Hunan's rural revitalization program which aims to improve local people's living environment through improving rural service delivery, including existing rural roads network enhancement, rural education quality enhancement and administrative services improvement. Having eliminated extreme poverty, Hunan's development focus is now shifting towards consolidating the achievements of the poverty reduction program and revitalizing rural areas. For this purpose, Hunan Province has adopted a comprehensive rural revitalization program to balance development of rural and urban areas, and boost rural living standards and quality of rural public services. Hunan's program emphasizes the importance of rural development, including the need to develop rural businesses, create a pleasant living environment, promote effective governance, and improve the living standards of rural residents. The proposed Program is expected to bring significant social benefits to rural communities through restoring and improving the quality of existing rural road and school infrastructure, and improving the accessibility of rural communities to healthcare, education, markets, and other administrative services.

There would not be significant land acquisition and resettlement activities (see Table 3.3). Other activities with potential negative impacts on livelihoods have all been excluded from the PforR boundary. These excluded activities are: (i) Activities and related cost for land consolidation, land titling and land reclamation; (ii) Ecological resettlement, (iii) Construction of a dam, highway and other large infrastructure. Activities that would generate land acquisition and resettlement affecting more than 100 persons, or farmland occupation, or house demolition) are all excluded from the PforR boundary.

The Program activities fit well into with the rural revitalization strategy of China's government which is one of the top priorities for intensive actions in the near future, and a long-term effort. The province is setting the overall policy framework, and county governments will take the main responsibility for implementing the rural revitalization program. The activities will ensure environmental and social sustainability through clear articulation of institutional responsibilities and resources to support fiscal institutional strengthening and rural public services.

As such, the anticipated adverse social effects/risks from physical investments are not expected to be significant. By applying the exclusion criteria, the Program only supports rehabilitation and maintenance of existing rural roads and improvement of schools which have limited scale and a small footprint of civil works. Mitigation measures are known and effective with proper management practice during construction of rural roads and schools.

- **Land Acquisition.** The social risk assessment concluded that infrastructure delivery activities to be supported under the Program are small scale (10 mu-100 mu), and are mostly improvements or upgrades in the existing right of way of village-level roads or schools, with no new land acquisition. In some sections, small scale land acquisition might be required to upgrade roads or schools. Permanent land acquisition would be limited, ranging from 20-30 mu for the improvement of a township / village road (Class IV) to around 100 mu for the improvement of a county road (Class III). In county-level and township-level roads and schools, an established land acquisition policy and procedure will be followed to ensure that proper compensation will be paid and impacts on livelihoods will be restored for affected people. The impact is therefore assessed as small and manageable.

- **Land donation/Land use for rural public infrastructure (LURPI).** Land required for village-level road/schools improvement would be provided on a voluntary basis by the villages since village roads and schools do not involve a change of land ownership. The field survey confirmed that the land needs would be small, 5 to 10 mu and will be acquired through a land donation process. Land might be from the village collective land reserve land or might have to be donated by individual farmers through a negotiation process set up by the village committee. The concerned village committees generally consult with all village members before launching a donation process, and this process involves payment of compensation to the affected people. However, the process and measures taken to compensate affected people are generally not documented. There is an opportunity to establish transparency and documentation of village level consultation and compensation. In the absence of such an improvement, future land transactions might be impacted. More vulnerable community members might also be at risk of disproportionate land contribution, or might not fully access compensation for land donation.

Table 3.3 Land acquisition/use identification

Type	Activities	Land Acquisition/Use / subsidy
Rural roads	Rehabilitation and maintenance of rural roads (mostly village and township, some county-level)	<ul style="list-style-type: none"> ● Existing roads ● Small scale land acquisition for extension of roads (around 50 mu, affected persons less than 100, no farmland occupation, and no house demolition) ● Small-size land donation through negotiation / Land use for rural public infrastructure (LURPI) (0.3 mu-3 mu), road ownership belongs to village collective
Compulsory education	Improvements of rural school conditions (infrastructure and equipment, new and rehabilitated, in townships and villages)	<ul style="list-style-type: none"> ● Existing village school ● Small-scale land acquisition for new construction in township or village (around 50 mu, affected persons less than 100, no farmland occupation , and no house demolition) ● Small-size land donation through negotiation / Land use for rural public infrastructure (LURPI) (0.3 mu- 3 mu), school ownership belongs to village collective

- **Ethnic Minority Communities.** According to interviewees, “in the process of planning a specific project, under the guidance of local minority and religious bureau, minority communities are often given priority to participate in order to ensure that they will receive same project benefits”. Ethnic minority communities within and outside the 4 ethnic townships will be closely consulted to ensure they receive equitable project benefits. Past experience indicates that most ethnic communities will strongly support such development since it will bring local communities easier access. When land acquisition is needed, which will take place on a limited scale only, the same compensation payments will be made to the affected minority communities. In case village roads/ schools improvement require small scale land donation, similar consultations will be carried out within minority villages before an agreement is reached on how to provide compensation or rehabilitation to the affected village members. This risk is therefore assessed as small, and is only present in a small number of villages with an ethnic community, within or outside the 4 ethnic townships.

- **Participation and consultation, and grievance redress mechanism (GRM).** The Hunan and county level Rural Revitalization Strategies have clearly put forward the establishment and improvement of a participation mechanism, a project information disclosure mechanism and a democratic decision-making system. They require establishing and perfecting a mechanism to express people’s demand, respect the masses' opinions and respond to their needs. The field survey has identified the lack of an established standard procedure for public participation in community governance during the rural revitalization process, to ensure participation of all including women, ethnic minority communities and poorer people.

Specifically, the improvement of school conditions in the more remote parts of the pilot counties might partly take the form of transfer of facilities from village to township. Planning procedures in the education bureaus might not fully take into account uptodate local community needs unless consultation with village leaders and parents is enhanced. This might result in extra costs for families and stress on family ties. In addition, the rural revitalization program is an incentive for some of the rural migrants to come back to their villages so that schooling needs may evolve rapidly.

Similarly, priorities in the rural road network may evolve. In the absence of participation from the village committees and villager groups, planning procedures in the transport bureaus might face constraints in serving the more remote communities.

In the absence of specific measures, there would be a risk of inequitable access or disproportionate cost for the more vulnerable. This risk is manageable through the formalization of a participatory planning process at village level, taking into account the needs of families for schools, villager groups for roads.

In terms of grievance redress, Hunan implements the national and provincial policies on petitions and public comments. Hunan has set up a system of letters or calls for the rural revitalization program and the poverty reduction program at all levels. In addition, a Legal Adviser is available to participate in the petition work, mainly providing legal consultation, answering legal questions, raising legal opinion and assisting those who formulate a petition to solve the problem through a legal way. During the village survey, villagers including poor people stated that they knew and welcomed this petition mechanism. When they encounter a problem in relation to village affairs, they usually go to administrative village or villager group cadres instead of going directly to the township for petition.

In the absence of specific measures, there would be limitations in grievance redress. This risk is manageable through the formalization of a grievance redress mechanism embedded in the participatory process.

- **Labor influx:** Assessment and consultations with local communities and construction companies showed that r upgrading and maintenance of rural roads and schools is done predominantly by locally hired workers, both men and women. Only a small number of technical staff will be brought into local communities. These staff are generally well educated and experienced in working in rural environments. The local public security bureaus and labor bureau request compliance with the “*Labor Law*”, “*Labor Contract Law*”, and “*Labor Protection Law*”. All non local residents complete formal registration and receive proper training on local customs and traditions. The risk associated with labor influx is low.

- **Gender Based Violence(GBV):** Infrastructure delivery activities to be supported under the Program are small scale, and are mostly improvements or upgrades in the existing right of way of village-level roads or schools. Construction works and road maintenance works will be done by local people and or local contractors. The scale of the proposed works is such that no substantial construction projects or teams will be required from outside the area. There are no specialist skills required for the work proposed. In addition , the local environment bureau and the women's federation regularly conduct safety and health education and training for the community. Furthermore, Women's institutions have been set up from the village level to the provincial level, and women can appeal and seek help through women's federations at all levels. The risk associated with GBV is almost none .

In summary, there are no significant social impacts and risks under the Program. Minor potential social risks / aspects need to be assessed and remedied as and when they arise during project implementation. These include the following: (i) small scale land acquisition and resettlement cannot be ruled out to support rural revitalization activities; (ii) ethnic minorities and vulnerable groups might not be given special consideration or not engaged with in a cultural appropriate way during the participatory process which might result in losing development opportunities from the PforR activities, and (iii) potential impact from labor influx during upgrading and maintenance of roads and schools.

There is a moderate risk of planning infrastructure that do not respond to the need of the more remote communities and their poorer members. This risk is manageable through the establishment of a formalized participatory planning process in the transport sector and education sector.

The potential social impacts and risks are considered moderate, and activities to be supported by the Program are in accordance with the Bank’s PforR Directive and Policy.

3.3.3 Indirect Environmental and Social Benefits and Risks

The activities under the proposed Program are a portion of the rural revitalization program in eight counties in Hunan and will generally complement the local governments’ investments in the areas of (1) fiscal institutions strengthening, (2) improvement of rural public services (rural roads, compulsory education), and (3) other components of rural revitalization. Other components of the rural revitalization program include: agricultural industries, aspects of a livable environment other than roads, culture, social services other than education, and poverty alleviation. From environmental and social perspectives, there will be benefits of synergies through these investments with the improvements of environment and living quality in the rural areas of Hunan Province. On negative impacts, the investments under both this PforR and the government’s program will involve mainly small- or medium-scaled construction activities scattered in the rural areas of eight counties (in a total area of over 22,000km²), and are thus anticipated to have mostly site-specific and minor environmental and social impacts during implementation.

In the case of road maintenance, there is the potential of cumulative impacts if it is implemented together with other construction activities in the same area, mainly on local air quality, noise level and traffic disturbance. However, these negative impacts generally occur to a much lesser degree during maintenance operations and can be easily mitigated with widely used mitigation measures. Also, it is understood through the ESSA investigation that all the activities under the government’s rural revitalization program (including the Program-supported ones) will be implemented by the county governments in a coordinated manner based on the annually updated implementation plans. Therefore, there is no need for cumulative impact assessment. However, the strengthening of stakeholder consultation and supervision throughout the Program implementation will be key to avoid unexpected/indirect cumulative impacts, which have been included in the proposed PAPs.

SECTION IV: ENVIRONMENTAL MANAGEMENT SYSTEM

4.1 Legal Framework Applicable to the PforR

Since the promulgation of its first Environmental Protection Law in 1979, China has gradually established a comprehensive environmental management legal framework, becoming one of the region's most dynamic environmental law frameworks. This framework includes more than 80 laws and decisions, 120 regulations and over 1,000 standards and technical guidelines at national level, primarily addressing pollution control, natural resource conservation and management of the environment. Occupational health and safety is addressed in China through a comprehensive set of laws, regulation, standards and guidelines, which is as comprehensive as the environmental protection and pollution control system. There are also a large number of regulations and implementation plans at local levels.

This legal framework can be classified into three categories: (1) laws and regulations issued by National People's Congress and the State Council; (2) administrative regulations, standards and technical guidelines issued by various ministries; and (3) regulations, polices and standards issued by local people's congress and local government. The system puts emphasis on a preventive approach and comprehensive pollution control.

This Program supports infrastructure construction projects of rehabilitation and maintenance of existing rural roads and improvements of rural schools. Therefore, the environmental management framework for construction project applies, which mainly includes environmental impact assessment system and occupational health and safety management system. The key laws, regulations and technical guidelines related to the Program are as follows:

4.1.1 Environmental Impact Assessment for Construction Projects

Environmental Protection Law (NPC, amended in 2014)

This law (lately amended in April 2014) is known as the "most stringent" environmental law ever in China. It lays out general principles for environmental protection and describes key instruments for environmental management.

It sets out the objective of "protecting and improving people's environment and the ecological environment, preventing and controlling pollution and other public hazards, safeguarding human health, promoting ecological civilization and facilitating economic and social sustainable development." It also explicitly sets out the principle of environmental protection in China as: "priority on protection and prevention, integrated management, public participation, and damage accountability."

This statute divides environmental management functions between national and local environmental administrations with powers to enforce environmental legal requirements.

The EPL establishes a number of key implementation systems which are being used as main instruments in China for environmental safeguards, including:

- Environmental Impact Assessment System: compilation of environmental impact assessment is required for development plans and construction projects with environmental impacts (Article 19). Development plans or construction projects without environmental impact assessment are not allowed to be implemented.
- "Three Simultaneousness" system: Pollution control facilities must be designed, constructed and operated simultaneously with the main project. The implementation is enforced by relevant levels of environmental authorities which review and approve the EIAs, and carry out the acceptance inspection.
- Eco-redline protection: The EPL requires strict environmental protection in nationally key ecological function zones, ecologically-sensitive and fragile regions through eco-redline protection. It requires rational exploitation of natural resources, protection of biodiversity and eco-security.
- Maximum pollution load control system: The State adopts a maximum pollution load control system for key pollutants. The total emission quota is allocated to all provinces which will further allocate down to enterprise level. All enterprises are required to meet both the emission standards (national and local) and the pollution load control targets. Areas failing to meet the pollution load targets are banned from approving new construction projects with additional emission of regulated pollutants.
- Pollution permit system: All entities discharging pollution are required to apply for permit for pollution emission. The permit specifies the types of pollutants, ways of emission and total emission quota, and period of validity.

The permit system is regulated by local EEBs which will review, approve the permit and supervise the compliance.

The EPL includes stipulations on information disclosure and public participation (Chapter 5) and recognize the right of citizens, legal persons and other organizations to report and complain environmental pollution and ecological damage activities of polluters. It requires project proponents to disclose project information and consult project-affected public for comments while preparing environmental impact assessment. It also requires EIA approval authorities to fully disclose the EIA documents after receiving it from project proponents. If it is found that public consultation is not effectively conducted, the approving authority requires the project proponent to do so, otherwise, will not approve the project.

Measures for Public Participation in Environmental Protection (issued by MEP in July 2015)

The regulation was issued to support the enforcement of the amended Environmental Protection Law, particularly in relation to its new Chapter 5 on information disclosure and public participation. It provides a regulatory basis to secure the rights of citizens, legal persons and other organization on their access to environment-related information and their engagement in and supervision of environmental protection-related issues including development of relevant policies, laws and regulations, enforcement of administrative permission/penalties, supervision against illegal actions, awareness campaigns and education activities. The provisions specify the supports to information disclosure and grievance redress mechanism on the issues in relation to environmental protection.

Environmental Impact Assessment Law (NPC, amended in 2018)

The EIA Law is a specific law governing the environmental impact assessment for development plans and construction projects. In October 2002, the former EIA Regulation was upgraded to a new national EIA law, which entered into force in September 2003.

The EIA Law establishes mandatory environmental impact assessment requirements for construction projects and development plans. It requires objective, open, just and integrated assessment of impacts from development plans and construction projects on various environmental factors and ecosystems, to serve an informed decision making. It also requires development of prevention and mitigation measures, and monitoring by environmental authority on the project implementation and operation in accordance with the EIA findings and conclusions. Key highlights of the EIA law include:

- Classified management: the EIA law classifies construction projects as either A (significant environmental impacts, requiring a full-scale EIA Report), or B (limited adverse environmental impacts in scope and severity, requiring a simplified EIA report known as EIA Form), or C (likely to have negligible adverse environmental impacts, requiring filling an EIA registration form);
- Public consultation: Various entities, experts and the public are encouraged to participate in the EIA process via appropriate means. In particular, the records of public consultation is the requisite for domestic EIA review and approval for (i) special plans that may cause adverse environmental impacts and may involve public environmental rights; (ii) construction projects classified to require a full-scale EIA Report¹⁰.
- Qualification licensing system: the EIA Law establishes a qualification licensing system for the environmental impact assessment service providers. Only licensed EIA service provider independent from the project/plan is qualified for EIA service provision.

The EIA Law was amended in July 2016 and December 2018 respectively. Key amendments include:

- Change of the administrative approval requirement: EIA approval is not a mandatory prerequisite for project approval anymore. Instead, EIA approval must be obtained prior to the commencement of construction. Approval of soil conservation and erosion control plan by water resource authority is not required as a prerequisite for EIA approval.

¹⁰ Development plans or construction projects that require confidentiality are exempted.

- Strengthen the role of Plan EIA: plan EIA was required for development plans¹¹. Plan development entity must provide statement on how the Plan EIA is incorporated into the plan drafting, and must provide explanation on reasons why some recommendations of Plan EIA are not adopted.
- Increase the punishment on violation: the previous punishment for violation (construction without EIA approval) is limited as stop construction, preparation of EIA documents and a penalty up to RMB 200,000 yuan (less than \$30,000). The new amendment increases the penalty as 1-5% of the total investment without maximum limit, and also gives the EEB mandate to require the restoration of the site to prior construction status.
- Promote full commercialization and establish accountability system for EIA practitioners: the qualification requirement for third-party EIA institutions is cancelled, and project proponents with environmental impact assessment capacity may conduct the assessment and prepare EIA documents themselves. MEE will develop capacity building guidelines and supervision methods. EEB will strengthen the supervision management and quality appraisal of EIA practitioners and disclose EIA practitioner credit system to the public.

Regulations, Implementation Plans and Technical Guidelines

Together with the EIA Law, there are a full set of regulations, implementation plans and technical guidelines that provide a comprehensive EIA system addressing the full range of environmental issues related to construction projects and development plans.

Table 4.1 National EIA regulations, implementation plans and technical guidelines.

Name	Year	Issued by	Highlights
<i>Management Measures for Post-assessment of Environmental Impacts for Construction Projects (Trial)</i>	2015	MEP	<p>Post-assessment of environmental impacts shall be conducted if the following construction projects generate impacts in compliance with the approved EIA report during operation:</p> <ol style="list-style-type: none"> (1) Projects in the water conservancy, hydropower, mining, port, and railway industries, whose actual environmental impacts are significant, with large impacting scope, and gradually emerge during operation; (2) Projects in other industries which cross critical ecological and environmentally sensitive areas; (3) Projects in the metallurgical, petrochemical, and chemical industries which have significant environmental risks, located in sensitive areas, and continue to emit heavy metals or persistent organic pollutants; (4) Other projects upon decision of EIA approval authority. <p>Article 7 lists the contents to be included in the post-assessment report. Project implementation units or operators are responsible for preparing the post assessment report, submitting the report to EIA approval authority for record, and disclosing the report to the public.</p>
<i>Implementation Plan for EIA Reform during 13th Five-Year Plan</i>	2016	MEP	<p>The purpose of the Plan is to address the shortcomings of the EIA system, i.e. inadequate implementation of Plan EIA, lengthy EIA documents while with less substance, inadequate implementation of “Three Simultaneousness” system, uneven qualification of EIA practitioners and inadequate public consultation. The key highlights of the Plan include:</p> <ul style="list-style-type: none"> • Promote strategic environmental assessment¹² (SEA) and application for Plan EIA embracing findings of SEAs. Conduct pilot of policy EIA. • Strengthen inventory¹³ management of Plan EIA and conduct Plan EIA for all key industrial parks. For projects under the plans with Plan EIAs, the project EIA can be simplified. For industrial parks with high quality plan EIAs and clear management inventories, EIA categories for certain sectoral projects can be downgraded. • Approvals from other authorities (e.g. water and soil conservation plan approved by water authority) are not required as prerequisite for EIA approval.

¹¹ Including land use, regional/basin/coastal region development plans, as well as sectoral plans for industry, agriculture, forestry, energy, transport, urban, tourism and natural resources exploitation

¹² For Beijing-Tianjin-Hebei region, Yangtze Delta and Pearl River Delta regions.

¹³ i.e. Inventory of ecological space, inventory of total pollution control, and inventory of environmental standards.

			<ul style="list-style-type: none"> • Strengthening training of EIA practitioners at provincial, municipal and county levels. • Revise the Public Consultation Method for Construction Project, to clarify the main responsibility of project proponent for consultation and information disclosure (including EIA documents and implementation of environmental protection measures during operation). • Strengthen supervision during project implementation and post-completion: cancelling EEB's administrative approval for the project completion acceptance, i.e. project proponent is required to conduct self-inspection for completion acceptance through engaging third-party consultant, and provide the completion acceptance report to EEB for records, and also publicly disclose the report. • Improve government's information disclosure mechanism, i.e. full disclosure of EIA documents, receipt/review/approval status, as well as non-compliance/violation information of EIA companies and individuals. • Promote full commercialization of EIA institutes, and detach all EIA institutes from EPBs to become independent commercial companies. • Establish accountability system for EIA practitioner, and disclose EIA practitioner credit system to the public.
<i>Regulation on Environmental Management of Construction Projects</i>	Amended in 2017	SC	<p>The regulation defines the EIA classification (Article 7), contents requirements (Article 8), as well as the levels of approval commensurate with the scale of potential impacts.</p> <p>The new revision in 2017 has the following highlights:</p> <ul style="list-style-type: none"> • Removal of administrative approval mechanism. The EIA qualification license system for EIA companies is cancelled; the EIA Registration Form approval system becomes a self-filing system; and environmental acceptance is changed from the previous EEB approval to self-acceptance and a filing system by the project proponent. • Simplification of EIA procedures. Remove the requirement of prior approval of water and soil conservation plan by water resources authority before EIA approval; remove the EIA as prerequisite for investment project approval and application for business license, etc. • Detailed EIA approval provisions. Clarify five scenarios under which the EIA should not be approved. • Strengthening of construction and post-completion supervision. Emphasize the environmental responsibility of project proponent in project design and construction; clarify the completion acceptance requirements according to which project proponent shall follow, and the requirement of disclosure of the environmental acceptance report by project proponent; strengthen the supervision by EEBs on the implementation of environmental measures. • Increase the penalty of violation. Explicitly refers to the new EIA Law for violation (i.e. construction without EIA approval); add new provision of penalty of RMB 200,000 – 1,000,000 yuan for non-compliance of environmental mitigation measures, non-allocation of environmental investment budget and no post-evaluation when required; and generally increase fines from previous less than RMB 100,000 to upper limit of RMB 1-2 million for various situations. • Requires MEE to conduct public consultation for the development/revision of Categorized Directory for Environmental Management of Construction Projects. It also requires project proponent to publicly disclose the environmental completion acceptance report, or otherwise, a fine of RMB 50,000 – 200,000 will be given.
<i>Categorized Directory for Environmental Management of Construction Projects</i>	Amended in 2018	MEE	<p>The latest version in 2018 provides detailed criteria for EIA category classification for 50 sectors (192 types of projects) with consideration of project type, scale, sensitivity of locations. Sensitive areas as defined in this categorized directory include:</p>

			<ul style="list-style-type: none"> • Sensitive Area One: nature reserves; famous scenery; world heritage sites; marine special protection zones; protection areas for drinking water source; • Sensitive Area Two: basic farmland; basic grassland; forest park; geological park; important wetland; natural forest; significant natural habitats; breeding place for key wild animals and vegetation; sites for spawning, feeding, wintering and migratory for key aquatic species; natural fishing waters; key soil erosion prevention area; closed desertification area; closed or semi-closed marine area; • Sensitive Area Three: areas with the main function zoned for residential, health care, education, scientific research, administrative, as well as cultural heritage protection.
<i>Technical Guidelines</i>	Amended in 2016	MEP	<p>To support the technical quality of EIA, there is a set of <i>Technical Guidelines</i> which articulate methodologies and technical details for assessment of various types of impacts and for key sectors of projects. This set of guidelines includes a General Guidelines and a number of guidelines for specific environmental elements (air, water, noise, ecology, risk assessment) and industrial sectors. The EIA General Guidelines provides general requirements for EIA preparation, which includes key points as follows:</p> <ul style="list-style-type: none"> • Early engagement in project preparation, focusing on alternatives (locations, alignments, processes or construction plans) • Broad stakeholder consultation, including general public, experts and relevant government agencies • Feasibility of resources use • Address positive and negative, long term and short-term, direct and indirect/cumulative impacts • Address social impacts including land acquisition and resettlement, public health, culture and aesthetics, cultural resources and infrastructure • Risks assessment for projects with potential risks on health, social and ecological risks (invasive species) • Whole process public participation and informed consultation • Development of feasible mitigation measures with indicators and cost estimate • Development of environmental management and monitoring plan, including institutional setup and staff responsibility, monitoring factors and frequencies etc. <p>The revision of General Guidelines in 2016 implies major changes in the EIA documentation as below:</p> <ul style="list-style-type: none"> • Keep public consultation separate from EIA document. The EIA document will not include a chapter on public consultation. Instead, there will be a separate statement for public consultation conducted along with EIA preparation process. • Remove the requirement for social environment investigation and social impact assessment. • Emphasize the cumulative impacts assessment when applicable. • Clarify the conditions under which the conclusion of EIA should be “not feasible from environmental impact perspective”: because there exist significant environmental restriction factors, unacceptable environmental impact or controllable environmental risks, because mitigation measures could not be stable in the long term or would not meet ecological requirements, or because there are significant regional environmental problems without an adequate remediation plan.
<i>Information Disclosure Mechanism for EIA of Construction Projects</i>	2015	MEP	<p>The key objective is to establish the full-process and full-coverage information disclosure mechanism for the EIAs of construction projects and to secure the public’s rights to know, to participate and to supervise on environmental impacts of construction projects by the end of 2016, including full disclosure of EIA reports for both Cat. A and Cat. B projects,</p>

			disclosure of project information and implementation status of environmental mitigation measures before, during and after project construction, etc. It is also required that the received public complaints/concerns on environmental issues should be promptly addressed by the project proponents and environmental authorities.
<i>Public Consultation Method of EIA</i>	2018	MEE	<p>In general, the public is encouraged to participate in the EIA process via appropriate means. In particular, the records of public consultation is requisite for domestic EIA review and approval of (i) special plans that may cause adverse environmental impacts and may involve public environmental rights; and (ii) construction projects that are subject to full EIA Report (equivalent to Cat. A under the World Bank’s safeguards policies). The method explicitly defines that the project proponent (and the department responsible for the development of relevant plans) is the sole responsible party for public consultation which shall organize public consultation for EIA (which may be through engaging the EIA consultant or other consultants to conduct the consultation on its behalf). It also clearly defines the public to be consulted as “public within the scope of environmental impact assessment” which is technically defined according to EIA technical guidelines where applicable.</p> <ul style="list-style-type: none"> • Three rounds of information disclosure: (1) one is general project information, project proponent and EIA consultant contacts, public survey form link, and channels of comments feedback within 7 days of EIA consultant engagement; (2) second is draft EIA report disclosure for at least 10 days through three medias: (i) internet websites; (ii) at least two times notice on local newspaper, and (iii) posters at local community. Internet links of draft EIA and ways of obtaining hardcopy must be provided in the disclosure notice; (3) third is internet disclosure of public consultation statement and final EIA prior to submission to EPB for approval. In addition, other ways (e.g. social media) of disclosure are encouraged. • In-depth consultation requirements. When many questioning opinions are received from the information disclosure, further in-depth consultation is required to be conducted, through either public meetings (if the comments are mostly assessment conclusions, mitigation measures or risk prevention measures) and/or expert panel meetings (if comments are mostly technical methods, theory etc., with invitation of representatives from affected public). When further in-depth consultation is needed, two more rounds of information disclosure through internet and posters at local places are required: (1) notice of upcoming meeting notice, 10 days before the meeting; (2) meeting minutes or expert panel conclusions within 5 days after the meetings. • Public consultation statement: A statement of public consultation is to be prepared separated from EIA report which describes the process/scope/contents, public opinions collected and analysis, and feedbacks (including reasons of not adoption). The statement is disclosed with final draft EIA through internet websites before submission to EEB. The Statement will be submitted to EEB together with the EIA Report for review. • Governmental information disclosure: The local EEB will conduct information disclosure on: (1) notice on receipt of EIA report and consultation statement, with disclosure of full EIA and the statement for 10 days for public comments; (2) prior approval notice disclosure, for a minimum of 5 days; (3) EIA approval document disclosure, with 7 days period for administrative appeal. • Punishment for false information of public consultation: In case of serious inaccuracy of the statement due to intentional falsification of consultation, the relevant EEB will record the project proponent

			<p>and/or key responsible persons into the environmental credit system and disclose to the public.</p> <ul style="list-style-type: none"> Feedback on public opinions: For opinions not adopted, explanations must be provided and feedback be given to the public for which contact information is available. For issues not relevant to environmental impacts (such as land acquisition, resettlement compensation, job employment etc.), the method explicitly says that these are beyond the scope of EIA consultation and should be raised to other relevant departments or courts.
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Sectoral Laws and Regulations

In addition, there are a set of sectoral laws and regulations to support the implementation of EIA system for construction projects, which are summarized as below:

Table 4.2 Sectoral laws and regulations to support the implementation of EIA system.

Law/regulation	Year	Issued by	Highlights
<i>Air Pollution Control Law</i>	Amended in 2018	NPC	This law is a fundamental legislation for air pollution control. It requires all air pollution emission entities must conduct air pollution impacts assessment and comply with national or local emission standards and key air pollutants load control targets (Article 18). The air pollutants shall be monitored and a list of key air pollution emission entities will be disclosed to the public by local EEBs (Article 24).
<i>Water Law</i>	Amended in 2016	NPC	This law is formulated for sustainable development and utilization of both surface water and groundwater resources. It supports establishment of basin management agency and integrated planning for key rivers and lakes. Planning for regions within the boundary of a river basin should follow the river basin planning, and the sector planning should follow the integrated planning. Any water activities shall comply with the approved planning and be accountable for reduced basin function and water pollution. No pollutants outlets shall be established within drinking water source protection area. New construction or expansion of current pollutants outlets to rivers or lakes have to be approved by water, basin, and environmental authorities. Activities which may hinder flood discharge of rivers are prohibited.
<i>Water Pollution Control Law</i>	Amended in 2017	NPC	The law requires that the discharge of water pollutants shall not exceed the national or local water pollutant discharge standards and the key water pollutant discharge control targets (Article 10). New construction, rehabilitation, and expansion of construction projects that directly or indirectly discharge pollutants to water bodies shall be subject to environmental impact assessment, and water pollution prevention facilities shall be designed, constructed and put into use simultaneously with the main project (Article 19).
<i>Solid Waste Pollution Control Law</i>	Amended in 2020	NPC	This law defines four principles for solid waste pollution control, namely “reduction, resource, harmless”, “whole-process management”, “categorized management” and “polluter accountability”. All projects that generate solid wastes are subject to environmental impact assessment (Article 17) and “Three Simultaneousness” requirements (Article 18). The law also specifies management requirements for industrial solid waste, domestic garbage, construction waste, and hazardous waste (Chapter 3-6).
<i>Water Conservation and Erosion Control Law</i>	Amended in 2010	NPC	This law is to prevent water pollution and soil erosion from construction projects that may disturb land surface. All construction projects that may cause significant soil erosion are required to prepare a water conservation and soil erosion control plan, which is to be approved by water authority, and implement the measures per to the approved plan.
<i>Wildlife Protection Law</i>	Amended in 2016	NPC	The State protects the wildlife and their natural habitats. Illegal poaching and damaging of natural habitat by any unit or person is strictly forbidden. The State provides special protection to rare and endangered wildlife. Government establishes nature reserves on land and water area which are the habitats of the

			national and local protected wildlife. For construction projects that may have negative impacts on nationally or locally protected wildlife habitats, the project proponent must submit environmental impact assessment which shall obtain approval from relevant wildlife protection authorities.
<i>Forestry Law</i>	Amended in 1998	NPC	Construction projects should avoid or minimize the occupation of forest land. If unavoidable, approval from forestry authority of county (or higher) government must be obtained to go through land acquisition procedures, meanwhile, the project must pay forest restoration fee as defined by State Council. The forest restoration fee is specially used for forest re-plantation, centrally organized by relevant forestry authorities. The area of forest restoration can't be smaller than the area lost by the land acquisition. Clearing forest land for agriculture land development and stone/soil borrowing is prohibited.
<i>Cultural Property Protection Law</i>	Amended in 2017	NPC	For various levels of protected cultural relics, governments at various levels define necessary scope of protection. A buffering construction-control zone can be defined outside the scope of protection. No other construction projects are allowed within the scope of protection. Necessary construction works within the scope must be approved by the corresponding level of government and the cultural relics authority at one higher level. Pollution facilities and activities that may affect the safety and environment of the protected relics are forbidden within the scope of protection and outer construction-control zone. Alternatives for construction projects shall be explored to avoid immovable cultural relics to the extent possible. In case of non-avoidable, in-situ protection shall be pursued to the extent possible, and protection plan must be approved by the relevant cultural relics authority. Ex-situ protection or dismantle must be approved by relevant level of governments. All necessary protection expenses shall be included in the budget of the construction project. For large scale civil works, construction units shall report cultural relics authorities which will organize archeological survey prior to construction. Expenses for archeological survey, exploration and excavation must be included in the construction budget. Chance-find procedures: during construction projects or agricultural activities, any one or unit uncovers cultural relics shall stop construction and protect the site, and immediately report to local cultural relics authorities for investigation. In case of important discoveries, the local cultural relics authority must report to authorities at higher levels.
<i>Flood Control Law</i>	Amended in 2016	NPC	It requires that all projects located in areas prone to flood are required to prepare a flood control assessment by licensed institute. The report is to be approved by relevant water resources authorities, which is a prerequisite for approval of feasibility study.
<i>Regulation on Geological Hazard Prevention</i>	2003	SC	It requires that all projects located in areas prone to geological hazards are required to prepare a geological hazard assessment report by licensed institute. The report is to be approved by relevant land resource authorities, which is a prerequisite for approval of feasibility study.
<i>Regulation on Nature Reserves</i>	Amended in 2017	SC	Nature reserves shall be established for: (1) typical natural geographical area, representative natural ecological system area, or damaged natural ecosystem but restorable through protection; (2) natural concentrated habitats for rare and endangered wild plants and animals; (3) special valuable sea waters, costal area, islands, wetlands, inland waters, forest, grassland and desert; (4) natural heritage sites with significant scientific and cultural value; and (5) other natural areas designated by central/provincial and city governments. The nature reserve is typically classified into three zones: the core zone prohibited from any activities; the buffer area only limited to scientific observations; the experimental area prohibited from any production activities. Timber harvesting, grazing, hunting, herb medicine collection, agricultural land development, mining, stone and sand borrowing are prohibited in nature reserves.
<i>Regulation on Scenic Area</i>	2006	SC	Scenic areas refer to areas with ornamental, cultural or scientific value, with relatively concentrated natural and cultural landscape and beautiful surroundings, where people can visit or conduct scientific and cultural activities. Activities that destroy the landscape, vegetation, and landforms of scenic area shall be prohibited. Construction activities shall be subject to review

			and approval procedures by the scenic area’s management authority in accordance with the relevant laws and regulations.
<i>Regulation on Basic Farmland Protection</i>	Amended in 2011	SC	Basic farmland refers to the farmland not to be occupied given the demand for agricultural products by the population and socio-economic development in a certain period of time. Basic farmland protection area is established as specific protection area under the overall land use planning for protecting basic farmland. Any activities that damage basic farmland is prohibited, including borrow pits and solid waste disposal.

Relevant Local Regulations

Besides the overall national environmental legal framework, a number of provincial environmental protection regulations are developed in Hunan, which enhance and detail implementation of the national framework in the province. These mainly include:

Table 4.3 Local environmental regulations in Hunan province.

Regulation	Corresponding national law/regulation	Environmental focus
Hunan Provincial Regulation on Environmental Protection (Hunan People’s Congress, 2013)	Environmental Protection Law (NPC, amended in 2014)	General principles, roles and responsibilities for environmental protection management.
Hunan Provincial Regulation on Air Pollution Control (Hunan People’s Congress, 2017)	<ul style="list-style-type: none"> Environmental Protection Law (NPC, amended in 2014); Air Pollution Prevention and Control Law (NPC, amended in 2015) 	Air pollution prevention.
Hunan Provincial Regulation on Geological Environment Protection (Hunan People’s Congress, 2002)	Regulations on Geological Hazard Prevention (SC, 2003)	Geological safety.
<ul style="list-style-type: none"> Hunan Provincial Regulation on Drinking Water Source Protection (Hunan People’s Congress, 2017); Hunan Provincial Regulation on Xiangjiang River Protection (Hunan People’s Congress, 2018) Hunan Provincial Regulation on Dongjiang River Protection (Hunan People’s Congress, amended in 2018) Hunan Provincial Regulation on Wetland Protection (Hunan People’s Congress, 2005) 	<ul style="list-style-type: none"> Water Pollution Prevention and Control Law (NPC, amended in 2017); Water Law (NPC, amended in 2016) 	Resource efficiency; pollution prevention; community health and safety.
Hunan Provincial Measures on Implementing National “Solid Waste Pollution Control Law (Hunan People’s Congress, 2018)	Solid Waste Pollution Prevention and Control Law (NPC, amended in 2016)	Solid waste pollution prevention.
<ul style="list-style-type: none"> Hunan Provincial Measures on Environmental Protection Management of Construction Projects (Hunan provincial government, 2007); Hunan Provincial Categorized Directory for EIA Review and Approval of Construction Project (Hunan Ecology and Environment Bureau, 2019) ; Circular on “Further Strengthening the Supervision and Management of Environmental Impact Assessment” (Hunan EEB, 2014); 	<ul style="list-style-type: none"> Environmental Impact Assessment Law (NPC, amended in 2018); Regulation on Environmental Management of Construction Projects (SC, amended in 2017) 	Environmental impact assessment of construction projects.

<ul style="list-style-type: none"> ● Circular on "Interim Administrative Measures for Environmental Impact Assessment Experts in Hunan Province" (Hunan EEB, 2011); ● Circular on "Interim Measures for the Evaluation and Assessment of Environmental Impact Assessment Institutions in Hunan Province" (Hunan EEB, 2018); ● Etc. 		
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General environmental protection requirements are also incorporated into the provincial regulations on rural roads construction projects.

- Hunan Provincial Rural Roads Construction Management Measures (Hunan provincial government, 2011): Article 5 "Rural road construction should utilize old roads as much as possible, avoid major changes, reduce resettlement, save land, protect basic farmland, protect water conservancy facilities, protect the ecological environment and cultural relics, and ensure the construction quality and safety".

ASSESSMENT

Overall, there is a well-established legal framework in China governing the general environmental protection and environmental impacts assessment. The related risks and impacts associated with rural road and school projects under this Program are well covered by a series of national and local laws, regulations, and measures, which are consistent with key principles of the PforR Policy and Directive.

4.1.2 Occupational Health and Safety

In China, occupational health and safety is under a specific management system, which also includes a great number of laws and regulations, supported by numerous management rules, implementation procedures, technical guidelines and standards. This forms a comprehensive occupational health and safety management system. The main national regulator on occupational health and safety are the National Health Commission (NHC) and the Ministry of Emergency Management (MOEM), which are responsible for overall supervision. Construction bureaus of county government supervise work safety in construction projects within the county’s jurisdiction, and transport bureaus directly supervise work safety in transport projects.

The key legal framework and implementation system are summarized as follows:

Labor Law (NPC, amended in 2018)

This law mandates health and safety requirements in work contracts. It requires that the employer establish labor health and safety system, comply with applicable national standards and guidelines, provide training for employees on occupational health and safety, prevent accidents and reduce the occupational damages. It also requires the employer to provide necessary personal protection equipment, as well as working environment in compliance with the national requirements, and provide periodic medical examination for the employees doing the jobs with potential occupational health and safety risks.

Labor Contract Law (NPC, amended in 2012)

It requires the work protection, work condition and occupational hazard protection provisions in labor contract. It is enforced by human resources and social security departments which also handle grievance arbitration.

Work Safety Law (NPC, amended in 2014)

This law is the umbrella law for work safety. It requires production operation entities to comply with relevant laws and regulations, establish safety operation rules and management system, improve safety conditions and ensure safe operation of production. It specifies safety responsibilities of operation entities in terms of establishment of safety operation rules and specifications, setting of organization system with clear responsibilities, staff qualification and training, "Three Simultaneousness" of safety facilities¹⁴, safety assessment, safety design and construction, safety

¹⁴ This is further elaborated in the Regulations on Supervision and Management of Three Simultaneousness for Safety Facility in Construction Projects (SAWS, amended in 2015). Work safety facility be designed, constructed and operated simultaneously with the main project.

signage, emergency response plan¹⁵, provision of PPEs, etc. The Law clarifies the responsibility of safety supervision by relevant work safety authorities at various levels.

Law of Prevention and Treatment of Occupational Diseases (NPC, amended in 2018)

This law defines the “occupational diseases caused by contact of fine dust, radioactive substances, and other toxic and hazardous elements during working” and gives the prevention of occupational diseases top priority. It also defines the duties and responsibilities of the relevant organizations (i.e., employer, employee, workers’ union, supervision organizations).

This law establishes an occupational diseases hazard declaration system¹⁶, an occupational disease hazard assessment system¹⁷, another “Three Simultaneousness” system¹⁸, and supervision requirements by local work safety authorities¹⁹.

Regulation on Safety Management in Construction Projects (SC, 2003)

This regulation is the key law governing the safety of construction projects, which sets out the overall framework and procedures of safety management and supervision for any new construction, expansion and renovation projects as well as demolition projects in China. It specifies the responsibility of all involved parties including project proponent, contractor, supervision consultant and relevant supervision authorities. It also lists mandatory requirements of safety design, review, implementation and supervision throughout the whole process of project construction. Specific requirements for safety management practice by contractors are also stipulated by this regulation, covering organization setup and staffing, implementation rule systems, construction plan, specifications for various key job positions, site safety management, health and hygiene requirements on meals/drinking water/accommodation for worker camp, provision of safety and personal protection equipment to workers, safety training and certification requirements etc. It also specifies the overall supervision responsibility of construction management departments on health and safety and direct supervision responsibility of transport department for transport sector projects.

Sectoral Laws and Regulations

In addition, there are a set of sectoral laws and regulations to support the implementation of occupational health and safety management system, which are summarized as below:

Table 4.4 Sectoral laws and regulations to support the implementation of occupational health and safety management system.

Law/regulation	Year	Issued by	Focus
<i>Fire Prevention Law</i>	Amended in 2019	NPC	Fire safety
<i>Road and Traffic Safety Law</i>	Amended in 2011	NPC	Road and traffic safety
<i>Emergency Response Law</i>	2007	NPC	Emergency response
<i>Food Safety Law</i>	Amended in 2018	NPC	Food safety
<i>Special Equipment Safety Law</i>	2013	NPC	Operation safety of special equipment
<i>Regulations on Safety Management of Dangerous Chemicals</i>	Amended in 2013	SC	Safe management of dangerous chemicals
<i>Regulations on Work-Related Injury Insurances</i>	Amended in 2010	SC	Work related injury
<i>Regulations on Labor and Social Security Supervision</i>	2004	SC	Supervision of labor management

¹⁵ Regulations on Works Safety Incidents Reporting and Investigation (SC, 2007) clarifies the responsibility and procedures for work safety incidents causing physical injury or economic loss.

¹⁶ For occupational hazards listed in “Occupational Disease Hazards Category” (NHFPC, 2015), employer shall report to relevant work safety authorities following The Occupational Diseases Hazard Declaration Method (SAWS, 2012).

¹⁷ Following the guidelines of Categorization of Occupational Diseases Hazard Risks of Construction Projects (SAWS, 2012), occupational disease hazards assessment shall be undertaken during feasibility study.

¹⁸ This is further defined under the Regulations on Supervision and Management of Three Simultaneousness for Occupational Hygiene Facility in Construction Projects (SAWS, 2017). Occupational diseases prevention facilities must be designed, constructed and operated simultaneously with the main project.

¹⁹ A Supervision and Management Method on Occupational Health Protection of Employer (SAWS, 2012) further specifies detailed requirements to ensure that employers implement annual occupation health examinations, as well as prior to and at the end of employment for work positions with occupational health hazards.

Relevant Local Regulations

Besides the overall national occupational health and safety legal framework, a number of provincial regulations are developed in Hunan, which enhances and details the implementation of national framework in the province. These mainly include:

- Hunan Provincial Regulation on Work Safety (Hunan People’s Congress, amended in 2014)
- Hunan Provincial Regulation on Quality and Safety Management for Construction Project (Hunan People’s Congress, 2007)

Quality and safety standards and requirements are also specified in the provincial regulations on rural roads construction projects.

- Hunan Provincial Rural Roads Construction Management Measures (Hunan provincial government, 2011):
Chapter 6 Project construction quality and safety management:
 - Rural roads construction strictly follows quality management requirements in “Construction Projects Quality Management Regulation”, achieving 100% quality pass rate;
 - County transport bureaus are responsible for daily supervision of rural road projects’ quality and safety. Rural road construction projects should be supervised by the public and community representatives;
 - Establish accountability system for construction quality and safety;
 - Strengthen site safety management
 - Implement monthly reporting and report quality and safety incidents in accordance with procedures.

ASSESSMENT

Overall, the occupational health and safety issues associated with rural road and school projects under this Program are well identified and addressed by the national and local legal framework, which are consistent with key principles of the PforR Policy and Directive.

4.2 Implementation of Environmental Management Systems

The physical activities under this PforR program include rehabilitation and maintenance of rural roads and improvements of rural schools, the environmental impacts of which could be managed by the application of environmental management systems described as below.

4.2.1 Environmental Impact Assessment of Projects

EIA Screening

The EIA system in China adopts a classification system as stipulated in the Categorized Directory for Environmental Impacts Assessment of Construction Projects. According to the 2018 version of this directory, the EIA classifications for road and school projects are as follows:

Table 4.5 EIA classifications for road and school construction projects.

Project Type	Category A (Full EIA Report)	Category B (EIA Form)	Category C (EIA Registration Form)
Road	New road construction of more than 30 km Class III or higher level; New construction of tunnel with length over 1 km in environmental sensitive areas; New construction of bridges with length over 1 km and involving environmental sensitive areas.	Other (except ancillary facilities, Class IV road not in environmental sensitive areas).	Ancillary facilities, Class IV road not in environmental sensitive areas.
School	/	Those involving environmental sensitive areas; schools with chemical or biological laboratories.	Others (except those under 5,000 m ²)

According to this classification, the rural road or school projects eligible for inclusion in the Program fall into categories B or C. An EIA form or EIA registration form will need to be prepared for each rural road or school projects. Although this categorization system in China is not strictly the same as that of the World Bank, the definition generally shares the similar principles. The projects under the Program will not cause significant adverse environmental risks and the impacts can be easily mitigated in a predictable manner.

EIA Preparation

Preparation of EIA is the responsibility of the project proponents. Project proponents with technical capability could prepare EIA form themselves or hire a technically capable EIA consultant through bidding process. Project proponents are responsible for completing EIA registration. The EIA preparation will be based on sufficient details of engineering design, following the requirements of national technical guidelines.

An EIA form normally has the following sections: (i) Project description; (ii) Environmental baseline; (iii) Applicable standards; (iv) Engineering analysis; (v) Pollutants emission forecast; (vi) Environmental impacts analysis; (vii) Mitigation measures; (viii) Conclusions and recommendations. EIA Form projects will not be subject to mandatory requirements of public consultation during EIA review/approval according to the national EIA law, but local EEBs require public consultation to be conducted for Cat. B projects when there are project-affected communities. The EIA form need to be re-submitted if the project's nature, scale, location, production process or pollution mitigation measures have major changes²⁰.

An EIA registration form contains brief information on: (i) Project description; (ii) Main environmental impacts; (iii) Environmental protection measures and discharge; (iv) Legal person's declaration. Except those projects deemed to be confidential by national regulations, project proponent will register and log into its account on Hunan Province's online system for EIA registration, fill in, and sign the EIA registration form. EIA registration should be completed before the project enters operation. In case of change in project proponent or its legal person, the registration need to be re-submitted.

If the construction of the project has not started within 5 years after EIA approved, the EIA documents need to be re-prepared and resubmitted to EEB for approval.

EIA Review and Approval

The EIA review and approval in China is classified into different levels, by either MEE or local (provincial, municipal, or county) EEBs, depending on project characteristics (industry, scale, thresholds of investment, etc.), geographical scope, level of approval for the project proposals as well as environmental sensitivities. As specified in "Hunan Provincial Categorized Directory for EIA Review and Approval of Construction Project"(2019), the EIA forms should be under the review and approval authority of county EEBs. The key review aspects include:

- Whether the project conforms to the national and county's industrial policy;
- Site selection rationality: whether the project is located in the environmentally sensitive area;
- Rationality and feasibility of the environmental protection measures proposed in the EIA;
- Public consultation opinions.

The key review aspects for EIA forms of rural road and school projects are summarized as below:

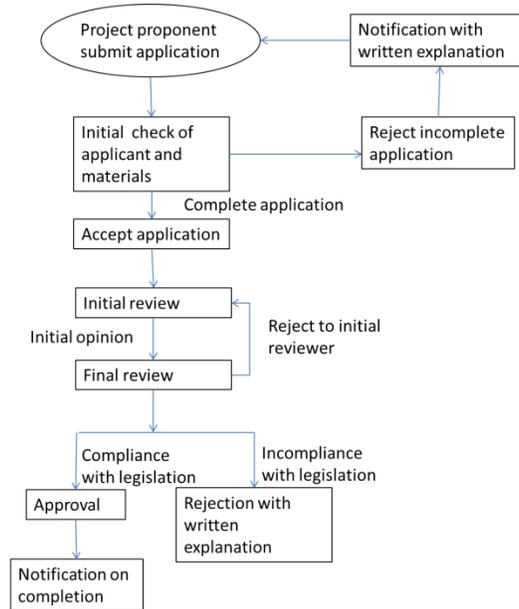
- Rural road:
 - Route selection: consistence with plans and be outside eco-redline areas and nature reserves;
 - Construction period: environmental sensitive receptors, soil erosion, noise, dust, wastewater and waste disposal, etc;
 - Operation period: noise, traffic safety, emergency response plan for hazardous chemicals transportation, etc.
- Rural school:
 - Site selection: should not be in polluted area or near major pollutant sources;
 - Construction period: dust, noise, wastewater, etc;
 - Operation period: separate domestic and laboratory wastewater disposal, emission from kitchen and laboratory, laboratory hazardous waste disposal, etc.

The EIA form and its approval opinion are disclosed on the county government's website, and the requirements on disclosure period are: 10 working days for submitted EIA form; 5 working days for draft opinion; 5 working days for final opinion. The total processing time is within 30 working days. Typical review and approval process for EIA forms is as below.

A review of OHS related issues will be conducted separately by local work safety authorities as described in section 4.2.2.

²⁰ MEE had issued a number of documents defining the thresholds of "major changes", similar documents were also issued by some local EEBs.

Figure 4.1 The review and approval process for EIA forms by county EEBs.



The key aspects on reviewing the EIA registration form include content completeness and compliance with EIA classification. The online system will disclose the submitted EIA registration form and generate a record of receipt to project proponent.

Supervision and Acceptance Examination

After the approval of EIA documents, the project implementation units are responsible for ensuring the implementation of measures defined in the EIAs. During construction stage, the mitigation measures are implemented by contractors, supervised by the project implementation units and supervision engineers. During construction, projects may also receive random on-site supervision from county EEBs (through their supervision and enforcement teams, normally known as Environmental Enforcement Squads) as well as county sectoral bureaus. Projects that fail to implement environmental protection measures in accordance with EIA documents will be asked to take rectification actions, and failure to implement rectification may be subject to legal punishments.

Upon project completion, project proponent is required to conduct self-inspection for completion acceptance through engaging third-party consultant, and provide the completion acceptance report to EEB for records, and also publicly disclose the report. A project can only formally start operation after completing the environmental acceptance examination. EEB will not formally approve the completion acceptance results, instead, it will carry out random post-check to ensure the compliance. In case of non-compliance found, the project proponent will face administrative or criminal consequences according to relevant laws and regulations. This approach is promoted by MEE as a shift of environmental management under the guiding principal of “strengthening supervision during implementation and post-completion”. For projects subject to EIA Registration Form, the environmental acceptance examination is not required.

Contractor Management

Contractors are obliged by contracts to implement environmental protection measures during construction. The Standard Bidding Document for Construction Projects (issued by NDRC, MOF, MOC, MOT, MOR etc. in 2007) requires the inclusion of environmental protection chapter in the technical specifications, in which the project proponent incorporates requirements and mitigation measures from the EIA documents. In the standard construction contracts regulated by Construction Project Contracts (Standard Sample) (GF-2013-0201), a dedicated chapter of Work Safety and Environmental Protection is included in the General Provisions section, which specifies requirements for work safety, worker vocational health, site management, and environmental protection mitigation measures.

After the construction contract is signed, the contractor is required to develop its site-specific Construction Organization Plan (COP) as required by Code for Construction Organization Plan of Building Engineering (GB/T 50502-2009). The COP is the detailed construction plan of the contractor, which must include a number of detailed

management plans, including environmental management plan and work safety management plan. There are a number of design and construction codes related to road and school construction, which embed environmental protection requirements. The Code for Road Marker Paints (JTT280-2004) ensures that no toxic paint is used. The Road and Bridge Construction Code (JTG T F50-2011) provide explicit requirements for construction safety and environmental protection, including measures preventing pollution of water from solid waste, oil, paint and other chemicals.

According to the national regulations (e.g. The Code of Construction Project Management (GB/T50319-2013), Specifications for Road Project Supervision (JTGG10-2006)), supervision consultant is mandated to supervise quality, safety, environmental protection aspects of the contractors. The COP is reviewed by the project proponent and the supervision consultant prior to the commencement of construction. During project implementation, the implementation of environmental protection measures of the contractor is supervised by the supervision consultant and the project proponent according to the COP and contract.

Other Related Safeguards Documents

Besides EIA as main safeguards document prepared, there could be other related safeguards documents prepared for a rural road or school project depending upon its scale and geological location.

These include:

- Water and soil conservation plan: According to Regulation on Preparation and Approval of Water and Soil Conservation Plan (Ministry of Water Resources, 2017), a project is required to develop water and soil conservation plan if it causes potential water and soil loss (i.e. a Water and Soil Conservation Plan Report for a project that requires land acquisition of more than 1 ha or soil/stone excavation over 10,000 m³, or a Water and Soil Conservation Plan Form for projects with less land acquisition and excavation amount). This plan is to be approved by natural resources bureau. Similar to EIA management system, the preparation of water and soil conservation plan is regulated by Ministry of Water Resources with a similar qualification and certification system. Natural resources bureau is also involved in the final acceptance inspection upon the project completion.
- Flood control assessment: When a project is located in areas prone to flood according to local flood control plan, a flood control assessment need to be performed by licensed institute. The report is to be approved by relevant water resource authorities, which is a prerequisite for approval of feasibility study.
- Geo-hazard assessment: When a project is located in areas prone to geological hazards, geo-hazard assessment shall be conducted as a mandatory part of the feasibility study. The institutions conducting such assessment are regulated under a qualification licensing system managed by Ministry of Natural Resources and provincial natural resource bureaus.

ASSESSMENT

Overall, the EIA for rural roads and schools construction projects as involved in this PforR are regulated by clearly established administrative procedures and responsibility assignment. The EIA implementation arrangement in Hunan province is considered to be adequate to manage the potential environmental impacts of activities under this PforR.

4.2.2 Health and Safety Management

Under the national and provincial regulations on quality and safety management of construction projects, health and safety are considered as a primary emphasis for construction projects, and implementation systems are established to enforce the laws and regulations throughout the whole process of the construction project. The implementation of key health and safety requirements are as follows:

For the Design Stage:

- Design institute incorporates safety operation and protection measures in the design document, and the project proponent ensures the cost of working environment and safety measures in the project budget estimate;
- Project proponent conducts safety risks assessment through expert review during feasibility review and construction plan review prior to commencement of construction;
- Project proponent provides safety measures documents to construction management authority when applying for a construction permit, and once approved, submits the safety measures documents to local work safety authorities (where the project is located) for registration records;

- Project proponent ensures that the incorporation of requirements of environmental safeguards documents into bidding documents/contracts, and supervises the implementation during the construction stage;

For the Construction Stage:

- The main leader of the contractor is taking the overall responsibility for its work safety. Contractor must establish work safety management system and training system, develop work safety rules and operational procedures, ensure financial sources for safety facilities, conduct periodic inspection and keep work safety log book;
- Contractor shall establish dedicated work safety unit, with dedicated staff who shall also have safety certification license;
- Workers must receive safety training before engaging a new job or entering a new construction site;
- Special job position worker (crane operator, installation/dismantling, blasting, lift signaling, high elevation works etc.) must receive special safety training and obtain special operation certification before starting on the positions;
- Technical staff of the contractors must explain the details of safety measures to the construction teams/workers prior to the construction, with signatures of both sides for confirmation records;
- Contractors shall install clear safety signage at construction site entrance, crane lifts, temporary power source, scaffold, entrance/exit, stairs, elevator shafts, hole openings, bridge openings, tunnel openings, foundation pits, explosives and hazardous gas and liquid storage areas etc.;
- Contractors shall arrange separate office area, living area and construction area, and ensure food, drinking water and resting place in compliance with hygiene standards;
- Contractors shall provide personal protection equipment and provide written notice of operation procedures and risks of violation;
- Main leaders, project managers and safety staff of contractors must be certified for work health and safety by construction management authority;
- Contractors shall organize at least once per year work safety training for management staff and operational workers, and keep the training into archives of each individual staff. Staff failed the safety test shall not be allowed to take relevant work positions;
- Project supervision consultant reviews the safety measures in the construction organization design from contractor, and supervise the work safety measures of the contractor.

ASSESSMENT

Overall, the health and safety issues associated with the project activities under this PforR are expected to be well managed through the implementation of national and local regulations on health and safety management in construction projects. The actual enforcement of worker and community safety may not always be adequate, though, especially for small-scale rural construction projects, which may not have full set of health and safety management plans and procedures established by contractors.

4.3 Environmental Management Agencies and Capacity

Based on the screening of environmental effects of the Program activities and the analysis of applicable management systems, as well as on the consultation with relevant government departments in eight program counties in Hunan, main government departments involved in the environmental safeguards management for this Program are the ecology and environment bureaus, health commissions, construction bureaus, emergency management bureaus, transport bureaus, and education bureaus of provincial, municipal and county levels in the eight program counties. The table below summarizes the roles and responsibilities of the different agencies on environmental management of project activities under this Program.

Table 4.6 Environmental management agencies and capacity.

Agency	Division/ subordinate units	Role and responsibility	Capacity assessment
PMO		Coordination and implementation of recommended actions from this ESSA report.	<u>Satisfactory:</u> Qualified expertise and good track record

Provincial and municipal ecology and environment bureaus		Directing, coordinating and supervising the environmental management.	<i>Satisfactory:</i> Qualified technical expertise.
Provincial and municipal transport bureaus		Providing guidance and conducting inspection of rural road projects' quality and safety.	<i>Satisfactory:</i> Qualified technical expertise.
Provincial and municipal education bureaus		Providing guidance and conducting inspection of rural school projects' quality and safety.	<i>Satisfactory:</i> Qualified technical expertise.
Health commissions, construction bureaus, and emergency management bureaus at various levels		Overall supervision of occupational health and work safety.	<i>Satisfactory:</i> Qualified technical expertise.
County ecology and environment bureaus	EIA review and approval division	EIA review and approval	<i>Satisfactory:</i> Designated division; Sufficient staffing; Qualified technical expertise.
	Environmental Enforcement Unit	Supervise the environmental compliance of rural roads and schools projects during the project construction and operation.	<i>Satisfactory:</i> Designated division; Sufficient staffing; Qualified technical expertise.
	Environmental Enforcement Unit	Addressing environmental complaints from public.	<i>Satisfactory:</i> Clear channels and working procedures; 100% addressed with over 95% satisfaction.
County transport bureaus	Quality and Safety Supervision Stations	Construction management and supervision on rural road projects' quality, safety and environmental protection within the county's jurisdiction.	<i>Need improvements:</i> Lack of adequate systematic knowledge on environmental safeguards.
County education bureaus		Construction management and supervision on rural school projects' quality, safety and environmental protection within the county's jurisdiction.	<i>Need improvements:</i> Lack of adequate systematic knowledge on environmental safeguards.
Township and village governments	Township environmental protection stations; Township transport management stations	Designated township government staff in charge of environmental protection; Assist in supervising rural road and school projects' quality and safety.	<i>Need improvements:</i> Lack of adequate systematic knowledge on environmental safeguards.
Project supervision consultants		Contractual obligation for supervision on environmental, health and safety performance of the contractor on behalf of the project implementation unit.	<i>Need improvements:</i> Environmental performance is inadequately addressed or even absent in supervision reports

4.3.1 EIA Review and Approval Agencies

According to the classification of EIA and administrative authority arrangement, the EIA documents of the projects under this Program are subject to review and approval of each county's ecology and environment bureau (EEB).

Under the unified government system setup in China, the eight county EEBs have generally similar organizational structure in terms of internal divisions and subordinate units, including Policy and Regulations, EIA Review and Approval, Pollution Control, Grievance Redress Office, Environmental Enforcement Unit, Environmental Monitoring Station, Environmental Information Center etc.

The EIA review and approval division of county EEBs typically has 3-5 staff with professional qualification in environmental monitoring, environmental engineering or law. Through discussion with staff from county EEBs and

review of sample EIA documents, it is concluded that eight program counties in Hunan have well-established institutional system and qualified technical expertise for EIA review and approval.

4.3.2 Implementation Management

PMO

For this comprehensive program, a program management office (PMO) is established at provincial level under Hunan PDOF, with staff from PDOF, PDRC, PDOT, PDOE, and PAGS. The PMO consists of 4 thematic working groups: i) comprehensive coordination group; ii) county public finance group; ii) compulsory education group; and iv) rural roads group. The PMO (particularly comprehensive coordination group) is responsible for the coordination and implementation of recommended actions from this ESSA report. Hunan province has rich WB project experience, implemented nearly fifty WB projects, and achieved good performance in the past years. Quite a few staff of PMO are very familiar with WB's environmental and social safeguards policies.

Hunan Provincial, Municipal and County Ecology and Environment Bureaus

Hunan provincial ecology and environment bureau (EEB) is the highest environmental protection authority in the province. The main responsibilities of the Hunan provincial EEB include: (i) establishing provincial environmental protection institutional system; (ii) preventing and controlling environmental pollution; (iii) coordinating and supervising key environmental issues; (iv) enforcing provincial emission reduction targets; (v) directing, coordinating and supervising ecological protection work; (vi) managing and supervising nuclear and radiation safety; and (vii) monitoring and publishing environmental information. Municipal and county EEBs have the similar responsibilities within its jurisdiction.

County EEBs will directly supervise the environmental compliance of rural roads and schools projects under this PforR during the project construction and operation. The Environmental Enforcement Unit of the eight county EEBs typically has about 9-42 staff who obtain certification from provincial justice bureau, and is equipped with necessary working instruments in compliance with relevant national standards. The Unit enforces the compliance of national and local environmental laws, regulations, policies and standards; supervises the environmental compliance of individuals and units within the county jurisdiction; conducts investigation of ecological damage and pollution incidents and solve disputes; take emergency responses to environmental incidents; participates in the preparation and implementation of environmental enforcement action plan, etc. Based on consultation with relevant county EEBs, it is noted that the Environmental Enforcement Unit mainly focuses on supervising the implementation of pollutants emission control measures as in EIA documents, especially those industrial enterprises involving heavy metals and hazardous chemicals. Neither rural roads nor schools construction is considered as a key priority. The Environmental Enforcement Unit may conduct random field inspection on whether pollution control measures are implemented during rural roads or schools construction, especially when sensitive environmental areas (e.g. nature reserves and protection areas) are involved or public complaints are received. The inspection results and any punishment will be publicly disclosed.

Hunan Provincial and Municipal Transport and Education Bureaus

At the provincial level, rural road construction department under Hunan provincial transport bureau leads the rural road program and is responsible for guiding rural road construction and maintenance, setting rural roads standards, specifications, and cost norms for road and bridge rehabilitation, maintenance policies, and safety. At the municipal level, municipal rural road administration bureaus under municipality transport bureaus are responsible for the planning and supervision of all the rural road activities around the municipality.

Provincial and municipal transport bureaus conduct random sampling inspection of rural road projects' quality and safety (percentage to be determined by provincial transport bureau) and disclose the inspection results to the public. Provincial and municipal transport bureaus also conduct sampling acceptance check of rural road construction projects at a proportion of not less than 20% and 40% respectively.

Provincial and municipal education bureaus conduct inspection on quality and safety of rural school projects in operation.

County Transport and Education Bureaus

County governments are the main implementation units for rural road/school construction and rehabilitation projects within the county jurisdiction, and are responsible for the quality and safety management of rural road/school projects under this Program.

A leading group is established under county government for rural road projects and offices may be established under either county transport bureaus (CTBs) or county rural road management centers to undertake specific work on rural road projects management, including development of the rural road program and implementation supervision. In general, CTB has divisions of Planning, Policies and Regulations, Transportation and Logistics Management, Construction Management, Safety Supervision, etc. The key responsibilities of CTBs in rural roads construction and rehabilitation projects include:

- Preparation and implementation supervision of annual rural roads plan;
- Review and approval of project initiation, feasibility study, design;
- Construction management on tendering, cost, quality, environmental protection, and acceptance check;
- Safety supervision and incidents investigation;
- Preparation and implementation supervision of emergency response plan;
- Management and supervision of rural roads construction markets.

Quality and Safety Supervision Stations (QSSS) are subordinate units of CTBs, which are mandated to supervise the environment, quality and safety of rural roads projects on behalf of CTBs. QSSS's supervision on rural road projects' quality and safety could be in the form of random inspection, routine inspection (quarterly), and special supervision (during key project stages such as initiation, critical procedures and acceptance).

CTBs of some counties have prepared emergency response plans for road repair works against flood and geohazard damage in flooding seasons and extreme weathers. The workers are equipped with insurance and personal protective equipment (PPE), and will receive safety trainings before taking up their jobs and Standard Operation Procedure (SOP) trainings semi-annually. Workers will report emergencies not within their addressing capability to township and county transport authorities. In response, CTBs will send technical staff to the site to develop mitigation measures and township government will also take corresponding measures.

County education bureaus (CEBs), under the supervision of county construction bureaus, are responsible for rural schools projects implementation and management. CEBs conduct supervision of rural school projects' quality and safety, in the form of random inspection, routine inspection (quarterly), and special supervision (during key project stages such as initiation, critical procedures and acceptance).

Based on field visits and consultations, most of CTBs and CEBs staff may not have adequate systematic knowledge on environmental safeguards. Therefore, a systematic training for environmental safeguards will be greatly helpful to strengthen the institutional capacity of the existing management system.

Township Government and Villages

At the level of township, there is currently no branch of EEB, but there are township government staff designated to take charge in the environmental protection. Some towns also have environmental protection stations responsible for environmental planning and governance.

Responsibilities of township governments and villages in rural roads construction and rehabilitation projects are determined by county governments, which may include program development and implementation supervision of township and village roads construction and rehabilitation projects within their jurisdictions. Some towns have township transport management stations to assist county transport bureaus in supervising the projects' quality. Township government may also establish a quality management team composed of technical experts and community representatives to supervise the quality and safety of rural roads projects.

The main responsibilities of township governments and villages in township and village schools projects under the Program include: land acquisition and resettlement; coordination with surroundings and communities; facilitation of site readiness; assisting in project quality and progress supervision.

Project Supervision Consultant

As a standard arrangement for civil works contracts, a project supervision consultant is engaged during construction to supervise the contractor's works. According to the national regulations, the project supervision consultant has the contractual obligation for supervision on environmental, health and safety performance of the contractor on behalf of the project implementation unit.

During construction, the supervision consultant (Supervision Engineer) conducts on site supervision, and keeps a supervision log on a daily basis. As a common arrangement, the supervision consultant provides monthly reports to the project implementation unit.

The World Bank team reviewed a few sample monthly reports from supervision consultants for similar rural roads and schools projects in Hunan, and found that environmental performance is inadequately addressed or even absent in these reports. As a common issue for rural projects, it is noted that the project supervision consultant typically puts emphasis on project quality, work safety, progress and fund disbursement, while environmental performance may receive less attention, especially for small scale projects. Strengthened efforts and adequate attention from supervision consultants on good environmental management would certainly be important for rural road and school construction and rehabilitation projects under the PforR.

4.3.3 Public Consultation and Environmental Grievance Redress

The table below summarizes the information disclosure and public consultation involved in the environmental management system for this Program.

Table 4.7 Information disclosure and public consultation involved in the environmental management system.

Stage	Information disclosure and public consultation	Action by
EIA form preparation	Local EEBs require projects that require EIA form preparation to conduct public consultation when there are project-affected communities identified.	Project proponent
EIA form review and approval	The EIA form and its approval opinion are disclosed on the county government's website, and the requirements on disclosure period are: 10 working days for submitted EIA form; 5 working days for draft opinion; 5 working days for final opinion.	County EEBs
Environmental acceptance examination	The environmental acceptance examination report will be publicly disclosed.	Project proponent
Environmental supervision	The inspection results and any punishment will be publicly disclosed	County EEBs (Environmental Enforcement Unit)

Formal environmental grievance systems are in place and well-known to the public, including EEB's Grievance Redress Office, online complaint registration system through EEB's website, mailboxes to EPB directors and government leaders, as well as the wide-known environmental complaint hotline 12369. Besides, project information (including grievance telephone number) is normally disclosed at construction sites. The working procedures of addressing public complaints include: registration - complaints filing - investigation - feedback to people filing the complaints - conclusion of case - archive filing. According to national regulations for environmental grievance redress, complaint cases must be concluded within 60 days from filing. An extra 30 days may be granted for complicated cases with EEB approval and notice to people filing the complaint. As understood from the eight county EEBs, 100% of complaints received were addressed with over 95% satisfaction.

ASSESSMENT

Overall, there are established systems in place to manage and supervise the environmental and safety management performance of rural road and school construction and rehabilitation projects. However, there are certain inadequacies in the actual implementation, especially: (i) the effectiveness of environmental supervision from project supervision consultants; (ii) the environmental awareness and environmental supervision capacity of project implementation units including CTBs, CEBs, township governments and villages; (iii) various levels of bureaus and governments that are involved in the regulation of environmental, health and safety issues may lack information sharing and inter-agency coordination; (iv) not all counties have emergency response plans for road repair workers against flood and geohazard damage in flooding seasons and extreme weathers; (v) temporary community workers are often involved in rural projects, who normally lack sufficient OHS knowledge and are vulnerable to OHS risks; (vi) stakeholder consultation to be enhanced for project activities: Since the project-supported activities are all classified as Cat. B and Cat. C according to the World Bank's safeguards policies and public consultation is not a mandatory requirement for domestic review and approval of their EIA documents (EIA forms/registration) according to the national EIA law, the implementation of meaning stakeholder consultation during the preparation and implementation of project activities may need to be further enhanced as needed in proportion to the anticipated environmental and social risks. Further strengthening on these aspects will be necessary to enhance the current environmental management and supervision system.

SECTION V: SOCIAL MANAGEMENT SYSTEM

5.1 Legal Framework Applicable to the Program

The Chinese legal framework includes three aspects: (i) The laws and regulations issued by the NPC and the State Council; (ii) The regulations, standards and technical specifications issued by the Ministries; (iii) The laws and regulations promulgated by the local People's Congress and local governments. Generally, it is assessed that a social related legal framework has been established in China, Hunan province and local government, related to the Program identified potential social issues, such as land acquisition/ land use for rural public infrastructure, ethnic minority development, participation, consultation, and grievance redress measures.

Social Risks Assessment. The *Interim Measures for Social Stability Risk Assessment of Major Projects Investing in Fixed Assets (Development and Reform Commission Issued Investment [2012] no. 2492)* stipulates to establish and standardize the social stability risk assessment mechanism for major investment projects, and the purpose is to, in the event of an important social and economic development, promote scientific decision making, democratic decision making, and lawful decision making and prevent and resolve social conflicts. The measures stipulate that the local people's government or its department designates an appraisal organization to carry out an assessment on the social stability risk analysis made by the project owner. Based on the actual situation, it can use various methods, such as public disclosure, questionnaires, field visits, and stakeholder consultation meeting and public hearings, to listen to different opinions, analyze and determine the risk levels, and prepare a social stability risk assessment report. The main content of the assessment report contains the project construction's legality, rationality and feasibility, risk management assessment, and any risks for social stability, the opinions from various aspects and adoption of opinions, the conclusions of the risk assessment and countermeasures and suggestions for risk prevention and resolution, and emergency response and preemptive planning. The risk assessment report for social stability done by the designated assessment unit is an important basis for the NDRC's examination and approval of the project or the NDRC's verification and submission to the State Council's approval. The project proposals rated high or medium risks by the assessment report will not be verified, approved, or submitted to the NDRC. Those rated low risk with reliable control measures will be examined, approved, or verified for submitting to the State Council, meanwhile setting forth requirements for the relevant sectors to put in place the prevention and resolution measures (Articles 5 and 8).

Provisional regulations on the major administrative decision-making procedures under the State Council (No.713) stipulates that if there are adversely affected caused by the implementation of major administrative decision-making to social stability and public security, decision making agency shall organize evaluation decision draft control"(Article 22)

Land Administration Law of the People's Republic of China (August 2019) "Where a local people's government at or above the county level intends to apply for land expropriation, it shall conduct a survey on the current situation of the land to be expropriated and conduct a risk assessment of social stability"(Article 47).

The Notice on Further Clarifying Matters related to the Application for Approval of Construction Land issued by Hunan Provincial Department of Natural Resources (No. 65 [2020]) clearly stipulates that land requisition materials must be based on the risk assessment report of social stability.

5.1.1 Land Acquisition / Land Donation

In order to standardize the system of land acquisition, China has amended *the Land Administration law of the People's Republic of China* (the amended law came into force on January 1, 2020) and *the PRC rural land contract law* (the amended law came into force in 2003 and was revised in 2018). *Measures for the implementation of Land Administration Law of the People's Republic of China in Hunan province (2016)* has regulated land use rights and ownership, land use planning, protection of cultivated land, expropriation and compensation of construction land, land supervision and other matters.

National land acquisition policies

The nature of land ownership. Article 2 and 9 of *the Land Administration law of the People's Republic of China* expressly stipulates that the socialist public ownership of land implemented by the People's Republic of China. Land in urban areas belongs to the state. Land in rural and urban suburbs belongs to farmers collectives, except where the law stipulates that it belongs to the state; homestead and plots, cropland belong to the farmers collectives.

Land acquisition. Article 42 of *the Law on real rights of the People's Republic of China* stipulates that, for the sake of public interest, the land and units, individual houses and other immovable property could be acquired collectively in

accordance with the powers and procedures prescribed by law. Where collective-owned land is levied, the cost of land compensation, resettlement subsidy, attachments and seedlings on the ground shall be fully paid in accordance with law. The peasant's social security expense should be paid to guarantee the land-taken farmer's life, the lawful rights and interests. Where houses and other real properties of institutions and individuals are acquired, compensation for demolition and resettlement shall be paid according to law in order to safeguard legitimate rights and benefits of the expropriated; where individual residential house is expropriated, residential conditions of the expropriated shall be guaranteed.

The Land Administration law of the People's Republic of China, Article 45 If land collectively owned by farmers is to be acquired for public interest in any of the following cases, acquisition may be implemented according to law: (1) Land use for military and diplomatic purposes; (2) Land use for energy, traffic, water resources, communication, postal and other infrastructure construction organized by the government; (3) Land use for public services organized by the government, including science and technology, education, culture, sports, ecology and resource conservation, disaster prevention and relief, cultural relic protection, integrated community services, social welfare, municipal engineering, special care and placement, martyr protection, etc.; (4) Land use for relocation for poverty alleviation and low-income housing projects organized by the government; (5) Land use for area development and construction approved by people's governments at or above the provincial level and implemented by people's governments at or above the county level within the range of urban construction land defined in the master land utilization plan; and (6) Any other situation in which land owned by rural collectives may be acquired for public interest according to law. Construction activities specified in the preceding paragraph shall comply with the national economic and social development plan, master land utilization plan, urban and rural development plan, and special plan; construction activities specified in items 4 and 5 shall also be included in the annual national economic and social development plan; tract development specified in item 5 shall also comply with the standard specified by the competent authority for natural resources of the State Council.

Land acquisition procedure. Article 47 For acquisition of land by the state, the local people's governments at and above the county level shall make an announcement and organize implementation after approval according to the legal procedures. If a people's government at or above the county level is to apply for land acquisition, it shall conduct a current status survey and a social stability risk assessment, and disclose the range and purpose of acquisition, current status, compensation rate, resettlement mode, social security, etc. in the township (town), village and village group to collect comments from the affected rural collective economic organization and its members, village committee and other stakeholders. If most members of the affected rural collective economic organization think that the land compensation and resettlement program does not conform to the laws and regulations, the people's government at or above the county level shall organize a public hearing, and modify the program according to the laws, regulations and public hearing. Owners or users of the land to be acquired shall, within the time limit specified in the announcement, go through compensation registration on the strength of the real estate ownership certificate. The people's government at or above the county level shall organize the department concerned to estimate the relevant costs and make them fully available, enter into compensation and resettlement agreements with the owners and users of the land to be acquired. The people's government at or above the county level shall apply for land acquisition only when the preparatory work has been completed.

Land compensation. Article 48 Fair and reasonable compensation shall be granted for land acquisition to ensure that the living standard of the affected farmers is not reduced, and their long-term livelihoods are secured. In case of land acquisition, the land compensation fees, resettlement subsidy, and compensation fees for rural residential houses, other ground attachments, young crops, etc. shall be paid timely and fully according to law, and social security costs for the affected farmers disbursed. The rates of land compensation fees and resettlement subsidy for acquired agricultural land shall be fixed by provinces, autonomous regions and municipalities by fixing and disclosing location-based composite land prices in consideration of former land use, land resource conditions, land output value, land location, land supply-demand relationship, population, socioeconomic development level, which shall be adjusted or reissued at least every three years. Compensation rates for acquired land other than agricultural land, ground attachments, young crops, etc. shall be fixed by provinces, autonomous regions and municipalities. For rural residential houses, fair and reasonable compensation shall be provided on the principle of compensation before relocation and residential condition improvement by such means as reallocating housing land for house construction, offering resettlement houses, or granting cash compensation, and relocation, temporary resettlement and other costs resulting from acquisition shall be compensated for in order to protect the lawful residential and property rights of rural residents. People's governments at or above the county level shall include affected farmers in appropriate social security systems, such as old age support, and social security costs shall be used mainly to subsidize social insurance premiums for

eligible affected farmers, such as endowment insurance. The measures for the raising, management and use of social security costs shall be developed by provinces, autonomous regions and municipalities.

Land property rights. *Opinions on improving the method of allocation of rural land ownership, contracting rights and management rights* (2016) issued by the general office of the CPC central committee and the general office of the state council divided the rural land contractual management right into three rights, they are ownership, contracting right and management right. The purpose of this innovation is to promote agricultural modernization and rural reform after the household contract responsibility system. The land collective owner has the right to possess, use, benefit and dispose of the collective land according to law. Farmers are the right subjects of collective ownership of land, and they have the power of contracting, adjusting, supervising and withdrawing. Rural collective land is contracted by the peasants who are members of this collective economic organization, regardless of how management right transferred, the contracting right of collective land belongs to the peasant family. No organization or individual can replace the land contract status of the peasant family, nor can they illegally deprive and limit the land contract rights of the farmers. In the process of perfecting the "three rights separation" method, it is important to fully maintain the rights such as use, transfer, mortgage and withdrawal of the contracted land.

Women's Land Rights. Women enjoy equal rights as men in terms of contracting rural land. The legitimate rights and benefits of women shall be protected during land contracting. No organizations or individuals may deprive their rights to land contracting and management, which they are entitled to, or infringe upon such rights. The employer (contract-issuing party) may not take back or readjust the contracted land during the term of contracting. (Articles 6, 26 and 27 of *Rural Land Contracting Law of the People's Republic of China*). XX women in land administration

Consultation and Disclosure of land acquisition information. During land acquisition, it is necessary to safeguard land ownership of rural collectives and farmer's rights and benefits in land contracting. Before an application for proposed land acquisition is submitted for approval, farmers whose land is to be taken shall be informed of the uses, location and compensation rate of the land to be taken and resettlement channels. Results of status quo survey of the proposed land to be taken must be confirmed by rural collective economic organizations and farmers whose land is to be taken. If necessary, land resources authorities shall organize hearings. *Relevant* documents that are confirmed by land-taken farmers shall be used as necessary documents for approving the land acquisition application. It is necessary to accelerate the establishment and improvement of coordination and mediation mechanisms for disputes related to land acquisition and resettlement so as to safeguard legitimate rights and benefits of land-taken farmers and land users. With the exception of special circumstances, issues related to the approved land acquisition shall be disclosed. After the land use application is approved, the pre-deposited funds shall be accounted for and refunded or topped up (Article 14,15 of *Sate Council Decision on Deepen Reform and Strictly Enforcing Land Administration*).

Land Inspector. The State Council establishes the national General Inspector of Land. The Ministry of Land and Resources sends 9 national Land Inspectorate to the local government to perform supervision and inspection duties on behalf of the National Land Inspectorate. In accordance with the law, when the provincial people's government reports to the State Council for approval of farmland transfer and land acquisition, the National Land Inspectorate in the area should be copied to at the same time. The National Land Inspectorate in the area should report to the National Land Inspectorate timely once found illegal operations. Matters of farmland transfer and land acquisition approved by the provincial and municipal governments shall be copied to the National Land Inspectorate in the area timely. (Decision of the State Council on Deepening reform and Strict Land Administration, 2004)

Land acquisition policies in Hunan province

Land compensation. *Notice of the people's government of Hunan province on adjusting the compensation standard for land acquisition in Hunan province (2018)* , *Provisions of the measures for the implementation of the land administration law of the People's Republic of China in Hunan province (revised in 2016)* and *Notice on further standardizing the administration of land expropriation and demolition on collective land(2014)* stipulated to: i) Establish the periodic adjustment mechanism of land acquisition compensation standard. The unified standard for annual output of land acquisition in the whole region and the land price in the integrated area shall be subject to regular adjustment and shall be renewed every 3 years. Compensation rates for young crops and attachments on the ground shall be timely updated and adjusted by the local people's government and promulgated according to law. ii) Standardize the use and management of compensation fees for land acquisition. Land compensation fees, resettlement subsidies and compensation for ground attachments (young crops) should be paid in full and in time according to law so as to ensure that the living standards of landless farmers will not be reduced and long-term livelihoods will be protected. The income and expenditure of compensation for land acquisition shall be disclosed in the form of village affairs public columns, villager committee shall be subject to the democratic supervision of all members of rural

collective economic organizations. iii) Land-expropriated affected persons should be resettled in various ways such as cash compensation, agricultural production resettlement, re-employment placement, social security protection, etc.

Women's land rights. The *Hunan Women's Development Plan (2016-2020)* stipulates to i) implement and improve relevant policies for protecting the rights and interests of rural women on land, and rectify village rules and regulations that conflict with laws and regulations. ii) establish and improve systems for the management of rural collective funds, assets and resources, promote the measures for the allocation and use of compensation for expropriated land within rural collective economic organizations, and ensure that women enjoy equal rights with men to the rights of the contracted management, the right to use housing sites, and the right to distribute collective income.

Public participation and consultation. *Notice on further standardizing the administration of land expropriation and demolition on collective land in Hunan (2014)* stipulated that organizing the hearing of the collective economic organizations and affected households on the basis of the application. During the implementation of land acquisition, the government should carry on policy disclosure, interpretation, communication, and consultation, and seriously investigate and deal with cases in land acquisition that infringe on the interests of land-expropriated farmers.

Social security of land-expropriated farmers. *Opinions on Social Security for Land-expropriated Farmers of Hunan province (2014, No.31)* stipulated that In accordance with the unified standard, the pension security for farmers whose land has been expropriated in Hunan will be integrated into the social endowment insurance as a whole. The farmer that is expropriated land can choose urban worker basic endowment insurance or urban and rural dweller society endowment insurance voluntarily, the government subsidy standard that two kinds of endowment insurance enjoy is consistent

Assessment: The legal framework on land acquisition for public interest has recently been markedly improved and streamlined at national level, and Hunan Province is well-equipped for early implementation of the reform. Hunan has a well established system to ensure that affected people are assisted in improving or at least restoring their livelihoods and welfare levels. The legal framework has developed detailed regulations on land acquisition policy targets, approval procedures, compensation rates and updating mechanism, resettlement livelihood restoration measures, consultation and information disclosure, supervision arrangement, among others. Since China has no land market in rural areas, the methodology for land compensation is designed as unified annual output value standard or district piece comprehensive land price for a county. In addition, the national-level and Hunan polices require local governments to take specific measures to restore or maintain the land acquisition affected farmer's welfare levels.

Land donation/Land use for rural public infrastructure (LURPI). The 2019 Land Administration Law of PRC (Article 66) mandates that land on which individual land use rights are recovered by the collective economic organization (the administrative village in the general case) for the construction of township (town) or village public facilities or public welfare undertakings is examined and approved by the township (town) people's government, and affected land use right owners receive proper compensation. The local people's government at or above the county level applies to the department of natural resources, in accordance with the approval authority and approved by the local people's governments at or above the county level. Where the occupation of agricultural land is involved, the examination and approval procedures shall be completed in accordance with the provisions of article 44 of this law.

The Villagers' Autonomy Law of the People's Republic of China. In accordance with the Constitution, this law is formulated to “ensure the rural villagers' autonomy and villagers’ managing their own decisions in accordance with the law, developing rural grassroots democracy and promoting the construction of socialist material and spiritual civilization in the countryside. The village assembly is the highest decision-making body in the administrative village”.

The village committee is responsible for setting up the village finance, village annual financial budget, and final accounts; handling the village public affairs and public welfare undertakings; mediating civil disputes; assisting the public security departments to maintain social order; and reporting to the people's government to reflect the opinions, requirements, and suggestions of the villagers. The village committee should manage the village-owned collective land and other properties and educate the villagers to rationally use natural resources and protect and improve the ecological environment (Articles 12 and 13).

Village-level public service land and utility land. Village-level public service and public facilities construction should be carried out on land zoned as rural construction land. Village construction land is land on which the village collective economic organizations and rural individuals may invest or raise funds to carry out various non-agricultural undertakings. The village construction land mainly includes the village public welfare service land, the public facility land as well as the rural residential land. The rural collective construction land is divided into three categories: homestead, public facilities and management land.

Access to village-level public service land and utility land. Village-level public service and utility property are owned by the village collective; the land will be in village unused lands or reserved lands or a few of individual lands which will generally provide by the village free of charge or land donation. The land donation is determined and processed by the villagers' Congress through the consultation with villager's representatives. Decisions on village-level land use change for construction activities are made through democratic meetings with villagers.

Assessment: The village public utility or public facilities ownership belongs to the rural collective; land donations are decided by the villagers' Congress through consultation with villagers' representatives. However, the procedure for consultation, information disclosure and documentation in the process of obtaining village-level public service land and utility land is not stipulated in the legal or policy framework.

5.1.2 Ethnic Minority Development

In China, more than 400 legal requirements and regulations concerning ethnic minorities cover almost every aspect of ethnic minority people's life, including political representation, cultural integrity and economic development. These laws and regulations include preferential treatment to promote the development of ethnic minorities. They emphasize fair access to all groups. The Constitution of the PRC and the Law on National Autonomy of the PRC establish a basic framework for all other legislation.

In order to guarantee the legitimate rights and interests of ethnic minority people, the PRC, Hunan Province and prefectural level cities have formulated a series of policies and guidance on ethnic minority development strategies/measures, cultural respect, consultation and participation, information disclosure, the support of vulnerable groups and other perspectives, to promote the unity and common prosperity of all ethnic groups.

Regional Ethnic Autonomy. Regional ethnic autonomy is a system under which "ethnic minority inhabited regions establish autonomous authorities and execute the power of autonomy under the leadership of the national government". Autonomous regions may be established for areas with one or more ethnic minority group, in the light of local conditions such as relationships among different ethnic groups and the level of economic development, and with due consideration of the historical background. Autonomous authorities may be established at county level, and townships may be designated as minority townships. (Article 12 of Regional Ethnic Autonomy Law of the People's Republic of China).

Respect ethnic groups' views. In addressing special issues concerning local ethnic groups, authorities of ethnic minority autonomous regions must conduct sufficient consultation with community representatives and respect their views. These authorities shall "ensure that members of all local ethnic groups exercise their citizen rights as specified in the Constitution, and shall educate them to fulfill their due obligations" (Articles 51 and 52 of Regional Ethnic Autonomy Law of the People's Republic of China).

Guarantee the political equal rights of minority groups. The Constitution of the PRC stipulates that: "All ethnic minority groups are equal. The State guarantees the legal rights and interests of all ethnic minorities, maintains and develops the equality, solidarity and mutual assistance between the various minority groups, and prohibits discrimination and oppression against any minority group".

Support the development of poor ethnic minority areas. The *Notice of the State Council on the 13th five-year plan to promote the development of ethnic minority areas and minorities with small population* (No. 79, 2016 of the State Council) encourages development of advantageous industries and the characteristic economy in the impoverished minority areas; support to poor ethnic minorities villages through the development of breeding industry and traditional ethnic handicrafts; "One village, one product" industry promotion actions and "Internet +" industry poverty alleviation in impoverished villages; electricity production through photo-voltaic poverty alleviation, and rural tourism poverty alleviation projects to increase the local people's income; and address challenges and difficulties in major infrastructure construction projects, paying attention to improving people's livelihoods in ethnic minority areas.

Social Security of minorities. The *Notice of the State Council on the 13th FYP to promote the development of ethnic minority areas and minorities with small population* (No. 79, 2016 of the State Council) stipulates to: improve the basic social service mechanism in ethnic minority areas and provide protection for the masses in the aspects of old-age service, social assistance, social welfare and care resettlement; increase the investment in disaster relief for poor people in the ethnic minority areas and improve the emergency rescue system; and support the health development of charitable cause in minority areas.

At Hunan Province level, a number of relevant laws and regulations are also in place, which are summarized below:

(a) Planning for promoting the development of ethnic minority communities. *The 13th five-year plan for the development of ethnic minorities in Hunan province (2017)* put forward several opinions on promoting the overall economic and social development of ethnic minorities in Hunan province. By 2020, ethnic minorities and ethnic minority areas will have completed the building of a moderately prosperous society. It has put forward seven policy measures, including fiscal and tax policies, investment policies, financial policies, land policies, industrial policies, ecological compensation policies and counterpart support policies. In addition, it develops detailed plans for poverty alleviation, infrastructure construction, development of advantageous industries, promotion of equal access to basic public services, construction of villages and towns with ethnic minority characteristics, promotion of ethnic cultural development, protection of the ecology of ethnic areas, promotion of ethnic unity, and improvement of ethnic minority affairs administration.

(b) Developing ethnic culture. *Hunan province "Opinions about further prosperity and development of ethnic minority culture" (2019)* has been clear about the guidance, basic principles and targets of the development of ethnic culture. It is stipulated that the prosperity and development of ethnic minority culture shall be integrated into the overall economic and social development planning.

Assessment. The State and Hunan Province have formulated a series of comprehensive legal and policy framework on ethnic minority's development, including respecting their views, safeguarding political equality, respecting manners and customs, and supporting and planning the economic and social development.

5.1.3 Participation, Consultation and Information Disclosure

The *No.1 Document of Central Government* promulgated in 2018 emphasized the importance of "maintaining the dominant position of peasants, fully respect the needs of rural people and give full play to rural residence ownership". In addition the national and provincial Rural revitalization policies also require that rural revitalization activities be implemented through citizen engagement and an efficient mechanism to express local interest.

The national *Strategic Plan for Rural Revitalization (2018-2022) (2018)* proposes to "establish and improve a modern rural social governance system, with the government in charge, social coordination, public participation and legal protection to promote rural revitalization. The *No. 1* document of the central committee in 2020 proposed to establish and improve a village affairs supervision mechanism and fully implement a "Four discussions /meetings and two public disclosure"²¹ procedure. Furthermore, smooth channels for farmers to express their complains, and promptly and properly handle their reasonable demands" should be established.

The strategic plan for rural revitalization of Hunan province (2018-2022) (2018) issued by the provincial government stipulates that "a system of announcement and publicity of poverty alleviation projects shall be implemented. The distribution results of poverty alleviation funds at the provincial, municipal and county levels shall be disclosed, and the arrangement of poverty alleviation projects and the use of funds at the township and village levels shall be made public. Major issues or events shall be carried out in accordance with the procedure of "four discussions and two disclosures". The village community shall establish and improve a village affairs supervision committee, carry out the "sunshine project for village-level affairs", promote the openness of online and offline village affairs, and make village affairs public on a regular basis. In addition, the village community shall improve decision-making procedures, and ensure farmers have the right to understand and make decisions".

Women's participation. *The Hunan women development plan (2016-2020) (2016)* stipulates "protection of women's rights to participate in economic and social development, respect of women's position, and guidance and support for women in promoting the socialist economic construction, political construction, cultural construction, social construction, and ecological civilization construction, to realize their own progress and development; ensuring women's right to receive education at all ages; guiding poor women to take an active part in the targeted poverty alleviation action plan; promoting women in decision-making and management; promoting extensive participation of women in democratic management; organizing and mobilizing women to participate in ecological construction and environmental protection; and ensuring women's orderly participation in local legislation and public policy making".

Women workers' rights and equity. *The Hunan women's development plan (2016-2020) (2016)* proposes to "protect the labor rights and interests of female workers; eliminate gender discrimination in employment; expand employment channels for women, promote the development of the tertiary industry, and create new employment opportunities or

²¹ "Four discussions /meetings and Two public disclosure" : The "4+2" working method means that all major issues at village level in rural areas must be implemented under the leadership of the village party organization in accordance with the procedures of "4 meetings" and "2 open". The "2 open" are public resolution and public implementation results.

jobs for women, improve the structure of women's employment and support rural women in their orderly transfer to non-agricultural industries through multiple channels. Additionally, equal pay for equal work should be fully implemented; occupational health and safety of female workers should be ensured, the management and supervision of occupational diseases should be strengthened, and special labor protection of female workers should be an important part of labor security supervision and labor safety supervision”.

Participation of poor groups. *The 13th five-year plan for poverty alleviation in Hunan province (2017)* pointed out that “the right of independent choice and participation of poor households should be fully respected, and the legitimate rights and interests of poor households should be well protected. To supervise poverty alleviation projects, track their effectiveness, set up boards of supervisors with the participation of representatives of poor households, and implement a follow-up audit system and a public announcement system for projects. To mobilize the people to actively participate in the preparation of poverty alleviation plans, involve the selection and implementation of projects, and the use and management of funds”.

Assessment. The Rural Revitalization Plan, under implantation, requires national and provincial policies to “establish and improve a modern rural social governance system, with the government in charge of social coordination, public participation and legal protection to promote rural revitalization”. These policies propose information disclosure and encourage villagers’ participation. Hunan’s women development plan (2016-2020) and the 13th five-year plan for poverty alleviation in Hunan province also request participation of representatives of poor households and women. The working procedures of “four discussions and two disclosures” are in the process of exploration.

5.1.4 Grievance Redress Mechanism

The *No. 1 document of the Central government*, issued in 2020, has proposed to introduce a system whereby leading cadres, especially those from city and county levels, would go to local levels regularly to receive complainants in person, and actively resolve accumulated cases received in written form or in person. Various forms of legal services should be provided to villages, such as “one village, one legal adviser”.

Petition mechanism. Government in Hunan province has established an integrated petition system to ensure that citizens have unimpeded channels to express their concerns and grievances. The petition Ordinance (2006) stipulates that citizens, their legal representative or other organizations could use letters, emails, faxes, telephone, in person visits and other forms to make recommendations or raise complaints to the People's Governments at all levels, and that their views should be dealt with by the relevant departments in charge according to the law. The relevant departments in charge in the People's Governments at all levels should strengthen this petition process and provide necessary assistance to petitioners. No organization or individual shall retaliate against the complainant.

Petition Department. The Petition Regulation stipulates that governments at or above the county level shall establish petition departments; government departments at or above the county level and township/ town governments shall determine the institutions or personnel to be responsible for handling petitions. The roles and responsibilities of governments at or above the county level include: (i) receiving, handing over or forwarding complaints submitted by complainants to relevant departments in charge; (ii) processing the complaint cases assigned by the government at a higher level; (iii) coordinating and dealing with important complaint cases; (iv) supervising the handling of complaint cases; (v) studying and analyzing the situation of petition, carrying out investigation and research, and providing to the government suggestions on to improve policies and the management of petitions; and (vi) guiding the petition work of other government departments at the same level and the petition departments at lower levels.

Assessment. The state and Hunan province have promulgated *The Petition Ordinance, Provisions on petition work* and other regulations on grievance mechanism. As required by these regulations, petition agencies should now be established at all levels from the township level to the provincial level, to receive the request, opinions and concerns from the complainant to ensure their legal rights and entitlement.

5.1.5 Labor Impacts

Labor management. The labor management system is strictly in line with several laws issued at national level: “*Labor Law*”, “*Labor Contract Law*”, “*Labor Protection Law*” and by Hunan province: “*Regulations for the implementation of the labor contract law*”, “*Labor Protection Regulations*”. The employer is required to sign an agreement in writing with each worker. A labor agreement will determine the form of wage distribution and wage level for the workers on basis of the characteristics of enterprise’s production and business and economic results (Article 47 of the Labor Law). The workers should be paid above the local minimum wage standards issued by each provincial government on an annual basis (Article 48 of the Labor Law). Wages should be paid to workers in form of currency monthly, and should

not be deducted or delayed without justification (Article 50 of the Labor Law). According to the Labor Law of PRC and Provisions of the State Council on Working hours of Workers and Staff, duration of work will not exceed 44 hours per week or eight hours per day on average. In case of specific circumstances, the extended working hours will not exceed 3 hours per day and 36 hours in total per month (Article 41 of the Labor Law). The juvenile workers (16-18 years old) should not be involved in overtime working.

Floating Population Residential Registration. The *Regulations on the administration of residence registration of floating population of Hunan province (No. 238, 2009)* stipulate that all those working and living outside their registered home area should complete registration at local public security bureaus as temporary workers or temporary residents within 15 days of arrival. Employers should sign a labor contract with temporary workers, and cover them with work-related injury insurance and social insurance. Legal aid agencies shall provide legal aid to the poor floating population to protect their legitimate rights and interests. The working mechanism of centralized service management for the floating population is led by the government at town/township level ,with assistance from the village community which takes specific responsibility for implementation.

ASSESSMENT

The State and Hunan Province have formulated a series of comprehensive policies on the management of social risks and labor. Local governments are responsible for minimizing potential social risks. All workers working and living outside their registered home area should complete registration as temporary workers or temporary residents. In addition, labor contracts must be signed. Child labor and forced labor are prohibited as well.

5.2 Implementation of Social Management Systems

5.2.1 Implementation of Land Acquisition/ Land Use for Rural Public Infrastructure

(1) Land Acquisition and Resettlement

Review and approval of construction land. State-owned land and rural collective land in Hunan may, by law, be under an organization or an individual. Both organizations and individuals may apply for the use of state-owned land in accordance with the law. When construction involves conversion of agricultural land conversion to construction land, land conversion approval procedures should be followed. The land administration departments of the people's Governments at or above county level are responsible for the application, examination and approval of construction sites. State Council approval is required when the converted area is above 35 hectares of farmland or 70 hectares of other types of land.

Compensation standards. Hunan has formulated and promulgated the unified annual output value standard or district piece comprehensive land price of each city / county, to harmonize land acquisition compensation standards. In addition, Hunan has established a dynamic adjustment mechanism of land acquisition compensation standards based on local economic development levels and the increase of per capita income. The land acquisition compensation standards have been adjusted every 2-3 years, the level of land acquisition compensation has been gradually improved. The county level is responsible to ensure that compensation for land acquisition is legal, full and timely paid.

Income restoration strategies for farmers affected by land acquisition for public interest at provincial and county level:

- *Agricultural production-based resettlement.* Where rural collective land outside the urban planning area is subject to land acquisition, the following types of land shall be used and allocated to affected farmers in priority to ensure that they have sufficient cultivated land to continue their agricultural production: unallocated land of rural collectives, contracted land returned by rural household on a voluntary basis, and newly available land as a result of transfers of contracted land, or land development and consolidation;
- *Employment-based resettlement.* Favorable conditions shall be created for providing labor skill training and corresponding jobs to affected people. Under equivalent conditions, the “land use entities” shall give priority to employing affected people. Where land acquisition takes place within the urban planning area, local governments shall incorporate farmers having become landless due to land acquisition into urban employment systems and establish social security for them;
- *Shareholding-based resettlement.* For projects with stable income streams and subject to consultations between rural collective economic organizations and entities using the land acquired, farmers can buy, on a voluntary basis, their stocks with land acquisition compensation or buy stocks in proportion to their rights to the land to be used for construction purposes approved according to law. Rural collective economic organizations and farmers shall benefit from preferred stocks through signing contracts with land use entities;

- *Relocation-based resettlement.* If the local area cannot provide basic production conditions to landless farmers due to land acquisition, the local government can organize their relocation to other areas, subject to extensive consultation with rural collective economic organizations and farmers;
- *Vocational training.* The government at all levels uses technical schools to strengthen the vocational training of affected farmers of working age and improve their employment and entrepreneurial ability. Funds for employment training subsidies and free employment services for expropriated peasants are set aside from special funds for employment and re-employment. Any expropriated farmer or senior worker facing employment difficulties (women over 40 and men over 50) may apply for "re-employment permit", to get vocational training subsidies, job placement subsidies, social insurance subsidies, vocational skills identification subsidies and public service job subsidies, and access employment support policies such as tax deductions and small-sum guaranteed loans. Expropriated peasants who have the will to work independently or start their own business and meet the conditions stipulated in the employment support policy can receive free entrepreneurial guidance services from public employment service agencies, and may apply for 2 years of small loans.
- *Social security program for affected people.* i) The land-taken farmers who are over 60 years old can receive a monthly pension once the old-age security is fully paid. ii) the land-taken farmers who are within 16 to 60 years old enter a pension scheme according to the provisions. When they are over 60 years old, they may receive a month pension with approval of the Labor Security Department. iii) Land -taken farmers who are under 16 years old receive payment of resettlement subsidies at one-time. After reaching the age of employment, they will participate in the corresponding social security scheme according to their employment status. iv) Land-taken farmers who participate in the pension scheme and are willing to join the new rural social endowment insurance shall be actively supported to become insured. v) The people's government at the place where the land is requisitioned raises the subsidies for the endowment insurance of land-expropriated farmers through various channels. The subsidies for endowment insurance of land-expropriated farmers are listed separately in the land acquisition budget and not included in the unified annual output value compensation standard for land acquisition.

Land acquisition management. When the city and county organizations apply for approval in Hunan, the compensation for land acquisition is calculated according to the scale of land requisition and compensation standard. The unit that applies for the land pays the deposit beforehand. When it comes to the urban construction land and the land for the individual site selection and construction project, the local government deposits the compensation for the land acquisition. When the land is approved according to law, the pre-deposited compensation would be accounted for in time based on the approval.

Information disclosure of land acquisition. Hunan and county-level governments have set up a land acquisition information open platform which opened officially on July 1, 2017. Land information has been gradually been updated and incorporated into the provincial land acquisition information disclosure platform. The platform was developed by the provincial Ministry of Land and Resources, and information is provided separately by the provincial, municipal and county departments of land and resources. The platform releases construction land approval documents, land acquisition announcements, compensation and resettlement plans and other relevant local information. The affected farmers and the public can access the website of the provincial, city and county land and resources departments, and obtain relevant land acquisition information. In addition, open information channels on land acquisition are established through setting up "Land acquisition Information" column on the internet portals of the government or land resources authority, and through newspapers, radio, television, social media and other channels.

Land Inspector. The land management department of the people's government at or above the county level is responsible for land supervision within its administrative area. The land management department allocates supervision personnel according to the land supervision tasks and exercises land supervision duties according to law. Land management departments investigate and deal with land violation cases and generally make a decision within 30 days from the date of filing. Major cases can be extended for 30 days upon approval by the person in charge of the filing authority. The Department of Land and Resources of Hunan region has opened a hotline on illegal actions on land and resources (12336) and Tencent Micro-blog (<http://t.qq.com/hngt2013>).

Survey findings. The administration and the agencies of in charge of land acquisition, from the Hunan Provincial Department of Land Resources, to city and county land administration authorities and township land administration stations have rich experience in land administration. Interviews have show that they undertake land acquisition in strict accordance with national and local policies. The county level is responsible to ensure that compensation for land acquisition is legal, full and timely paid. In addition, local governments take specific measures to restore or maintain

affected people's living standards. These include: i) readjustments of village collective land; ii) jobs training and provision of economic opportunities; and iii) enrolment into social security/protection program benefits.

(2) Land use for rural public infrastructure (LURPI)

The field survey showed that the upgrade village roads and schools will not impact existing land use. Some new infrastructure which the village collectives will become owners of, require new village construction land. The construction land generally occupies the collective unused land, or reserved land, or a small amount of individual land, which will not affect villagers' income or the family property. In practice, the selection of sites for construction of these facilities and the way land matters will be handled are determined by the Village Committee, through a "one thing, one discussion" approach which allows formal decision by the committee. The survey found that villagers were quite in favor of building public welfare facilities or infrastructure and favor the use of the village's construction land or wasteland.

The survey found that villages have different methods of implementing land donations: i) New construction land is mostly selected from the village collective unused land, with a small scale of about 3-10 Mu; these lands are provided by the village free of charge; ii) A small amount of farmland or wasteland is obtained by negotiating with the villagers, and the farmers will get farmland in exchange elsewhere in the village; iii) After consultation with the villagers, farmers donate their land use rights on a small amount of farmland, forestland or wasteland and the village provides land compensation to affected farmers. For example, farmers in Youxian County who donate land receive compensation consistent with market price. In general, the compensation price is the same as in the case of land acquisition. Alternatively, the village leases the land and pays an annual compensation to the land use right owners, is paid, about 500 yuan to 1000 yuan.

The survey found that there is no standard procedure on land mobilization for infrastructure projects in poor villages. Some counties have required the village to provide the land without compensation, others have paid compensations or provided lands elsewhere. Land donation contracts, payment certificates or record backups are rare.

Survey findings. Villagers are quite in favor of building public services and infrastructure in the village, however, there is no standard procedure on land mobilization for village infrastructure projects. It is recommended to further standardize the community consultation and compensation procedures, in order to ensure equitable and transparent outcomes. In cases where land is voluntarily donated, or compensation is given to affected families, clear records of the type of compensation should be documented and archived to improve transparency and standardization.

5.2.2 Implementation of Ethnic Minority Development

According to the national sixth census in 2010, there were 56 ethnic groups in Hunan province, including Han, Tujia, Miao, Dong, Yao and Hui, with a population of 6.55 million, accounting for 9.97% of the province's total population and 5.76% of the national total. By the end of 2018, the 8 program counties have 4 ethnic minority townships, the combined minority population was 95,082 people, accounting for 1.48% of total population in the 8 counties.

It is unlikely that proposed rural road/school improvement program will have significant negative impact on ethnic minority communities. Program relating to ethnic minorities villages/communities is managed by Ethnic and Religious Affairs Commission (ERAC) at various levels under the government administrative system.

Consultation and participation on activities such as rural roads/schools upgrading and rehabilitation is done with the local residents /communities, regardless of whether or not the targeted beneficiaries are ethnic minority or Han people. According to local government officials, ethnic minority communities are often given priority in the formulation of rural road improvement projects by township and county governments. When such needs arise, the local ERAC will in charge of collaborating with different line departments and the ethnic minority communities, in most cases to explain development benefits and reach consensus from ethnic minority people.

Ethnic minority economic development. The 13th five-year plan for the development of minority villages /townships in Hunan province is being well implemented. ERAC at all levels is charged with managing resources to promote ethnic minorities' living standards, such as income generation through handicrafts, or promoting ethnic minority presence by supporting special festivals. The ERACs have sufficient and qualified staff members, most often from ethnic minority groups, to support ethnic minority community development. In the process of ethnic minority development, the Hunan provincial government has set up a special fund of 6.8 million yuan in 2018 for the development of ethnic minority culture.

Education development in ethnic minority communities. The Government of Hunan province has issued the “*Notice about further strengthening implementation of the Rain Plan*” (2016), and “*Hunan province people’s government opinion to accelerate the development of national education*” (2017). These define a policy and its implementation for education in ethnic minority communities, especially for poor ethnic minority groups, with the purpose of strengthening educational infrastructure and raising the level of compulsory education in remote mountainous areas. The field survey found that the *Rucheng* County ERAC has established files and registered the children of poor households in ethnic minority communities to complete compulsory education and attend vocational training so that poor households’ active members can have at least one or two practical skills. Through “hand -to-hand” assistance and employment guidance and training, ERAC can create more opportunities for ethnic minority workers. In addition, education subsidies for poor ethnic minority students will be provided at a rate of 2,000 yuan per poor student per year.

Road construction in minority communities. In 2018, Hunan province supported 51 poverty-stricken counties to build 815 kilometers of “Happy Road”, solving the “the last kilometer” of tourist roads, in order to help the rural tourism industry alleviate poverty. All ethnic minority communities have been included in this transport support scheme for poverty alleviation. By the end of 2016, the total length of roads in 24 counties (urban areas) in the province’s ethnic minority communities had increased to 45,098 km, and all townships had been reached. Hunan province has implemented the highway construction project for villages with 25 households (or more than 100 people), realizing the goal of 100% natural villages having access to roads.²²

Survey findings: Hunan province and counties have formulated and are implementing a series of policies to promote the development of ethnic minorities and their communities. Through participation and consultation, the economic development and cultural prosperity of ethnic minority communities are promoted, education is supported and road construction is targeted at ethnic minority areas, especially the poor population of ethnic minorities.

5.2.3 Implementation of Gender Equality

Women status in Hunan

By the end of 2018, Hunan had a registered population of 73.2662 million, of which 35.3038 million were women, accounting for 48.19 %²³.

Economic status: the number of women in employment has increased. In 2018, 1.99 million women were employed in non-private sectors in urban areas, accounting for 36.5 % of the total, an increase of 0.8 %. The proportion of women among the urban registered unemployed fell to 32 percent from 37.6 % in the previous year. In addition, the number of poor women decreased. In 2018, there were 377,000 women among the province’s poor rural population, 613,000 fewer than the previous year. Among those lifted out of poverty, women accounted for 46.5 % of the total, an increase of 0.3 %.

Education status: in the stage of compulsory education, the gender gap is basically eliminated. In 2018, the net enrollment rate of school-age girls in primary schools was 99.98 %, the same as that of boys. The gross enrollment rate of girls in junior middle school is 110.72%, 0.23 percentage higher than that of boys. New progress has been made in high school education, with female students accounting for 48.15 % of the total.

Women participation in decision-making and management: women have made steady progress in participating in the deliberation and administration of state affairs. In 2018, there were 207 female representatives in the provincial people’s congresses, accounting for 27.3 % of the total, an increase of 0.2 % over the previous year. There are 180 female CPPCC members, accounting for 24.3 % of the total, up 0.1 %. The proportion of female cadres in leading groups of municipal and county (district) governments increased by 0.32 percentage points and 0.17 percentage respectively. Women have “taken an active part in building democracy and managing public affairs at the village level”. In 2018, 11 percent of village committee directors were women, up 0.5 percentage year on year. The proportion of female delegates in the staff and workers’ congresses of enterprises was 21 percent, up 2.7 percentage²⁴.

Gap analysis

In Hunan province, the gender difference in compulsory education has been basically eliminated. It should be noted that the retention rate of girls’ preschool education and nine-year compulsory education has fallen. Although the

²² Source: Hunan province Poverty Reduction Office

²³ Source: Hunan statistical bulletin of national economic and social development 2018.

²⁴ Data source: Hunan Year Book 2019

three-year gross enrollment rate (82.93%) of preschool students in 2018 has increased by 1.89% compared with the previous year, there is still a certain gap with the target value of 85%. Meanwhile, the proportion of girls in kindergartens was 46.52%, down 0.24%. The retention rate of nine-year compulsory education for girls was 97.04%, down 0.71%.

The proportion of women in decision-making and management has gradually increased, and the gender gap has gradually narrowed. For example, in Rucheng county, after new village level cadres were installed in 2017, there were 991 main cadres at the village level in 217 villages (mainly secretaries, directors, secretaries and chairmen of village women's federations, etc., who received financial salary subsidies), among which 302 were women, accounting for 30.5%, an increase of 28.9% over the previous year. The number of women among village branch secretaries and directors was 35, accounting for 16 %, an increase of 3.1 percentage over the previous year's 12.9 %. In 2017, Rucheng county had 75 female deputies to the people's congress and 70 female CPPCC members, accounting for 37 % and 40.5 % respectively. The proportion of women has increased but is still overall lower than men.

Women in rural revitalization

Focusing on rural revitalization, Hunan women's federation and women's federations in all counties have carried out a series of activities such as "sisters in urban and rural areas in action". The "most beautiful courtyard" and "beautiful family and beautiful woman" competition are held. Women's federations at all levels have also carried out a wide range of "ten million women training program" activities. At the same time, women are supporters of, and participants in, rural road maintenance, and they also actively participate in rural compulsory education, giving positive suggestions for the improvement and development of rural schools. Women are also participants in their community management services, giving full play to their unique advantages in communication and coordination, and taking the initiative to participate in voluntary mediation and rural governance activities.

Findings. Hunan province has formulated and implemented a series of development plans and policies for women, and women's economic and educational levels and participation in political affairs in Hunan province have gradually improved, narrowing the gender gap. The gender gap in compulsory education has been largely eliminated. Women play an active role in rural revitalization. Under the leadership of women's federations at all levels, they take an active part in rural development, poverty alleviation, rural compulsory education, road construction and rural governance activities. Women are both active participants and beneficiaries. However, at village level, they remain underrepresented, at about 15 percent.

5.2.4 Implementation of Labor Management

Labor Contracts. In Hunan province, employers must sign labor contracts when hiring workers. The labor security departments at or above the county level shall be responsible for the supervision and administration of the implementation of the labor contract system within their respective administrative areas. The contents of the labor contract include contract term, work content, labor protection and working conditions, working time, rest and vacation, remuneration, social security, discipline, termination conditions of the contract, responsibility for breach of the contract and so on. Employers and workers need to understand each other's rights and obligations before signing a labor contract. Community workers also need to sign labor contracts with employers before .

Labor supervision. Hunan province has implemented the work safety supervision system since 2005, in which work safety departments supervise and inspect the employers and employment service agencies' compliance with work safety laws and regulations, and deal with the activities violating these laws and regulations. the work safety departments at or above the county level shall be in charge of supervision within their respective administrative areas. Supervision includes routine inspection, regular written review and acceptance of appeals/complaints. The work safety department maintains a hotline telephone number for complaints (0731-84900063), a reception room for complainants, a complaint box, and appoints specialized staff. Non compliance cases identified through supervision should be concluded within 60-90 working days from the date of filing. By 2017, labor dispute mediation organizations have been established in 2369 townships and subdistrict work safety stations (%), and labor dispute mediation committees have been established in 7,327 enterprises.²⁵

Public employment services . In 2017, Hunan province established a five-level public employment service system, with grassroots platforms in 425 streets and 1,569 townships (a 100% coverage rate). Out of 4,628 communities, 4,295

²⁵ Data source: Mediation and arbitration administration office of Hunan Province.

had established grassroot platforms, a coverage rate of 92.8%. Out of 26,655 villages, 22,673 have work safety service staff, a coverage rate of 85.06 %.

Management of floating population. Hunan province has established a centralized service management mechanism for the floating population, including temporary residence registration, residence permit, and registration and filing

Poverty reduction through employment. Hunan province launched the "311" action of employment poverty alleviation service, which recommends three jobs opportunities, provides one vocational guidance and one free of charge skill training service to poor labor job seekers. In 2018, a total of 145,900 new jobs were created for the poor, and the annual per capita increase exceeded 30,000 yuan.

Public welfare jobs or regular maintenance staff are two options available for village road maintenance. Poor workers have priority to access public welfare jobs with a signed contract. In regular maintenance, workers generally do not sign a contract; the village or community uses reimbursements and other ways to pay wages. Field investigations revealed that most village workers have a lack of knowledge on health and safety and protection of worker rights.

Findings. In Hunan province, employers must sign labor contracts when hiring workers. The work safety department at or above the county level shall be responsible for the supervision and administration of the implementation of both the labor contract system and laws and regulations on work safety within its administrative area. In order to better serve the labor force, Hunan province has established a public employment service system, as well as labor dispute mediation organizations in townships and streets. There are unblocked channels for workers to safeguard their rights. In addition, Hunan province also established a service management mechanism for the floating population. As for village road maintenance, field investigations revealed that most of village workers lack knowledge on health and safety and protection of workers' rights.

5.2.5 Implementation of Public Consultation

Public participation and consultation: In accordance with the requirements of the strategic plan for rural revitalization, Hunan provincial and county governments have conducted public consultation for different stakeholders at stages of the design and implementation of projects such as roads and education. In the project design stage, the design institute consults with the county, township, village and the affected people, listens to their opinion on project site selection, road direction, land use and other aspects, and incorporates their needs into the design. During the project implementation phase, the implementing agency will further consult with the villages/communities and residents to reduce the negative impact or disputes of the project implementation. In addition, in ethnic minority areas, the cultural customs of ethnic minorities are also respected, and the design and implementation of the project will also seek the views and support of the people's and ethnic minority communities. Field investigation in Liuyang city and Chaling county found that rural communities are trying to improve their self-governance mode, such as promoting rural small public infrastructure mode of construction and management as "Four self-, Two meetings and Three public"²⁶

Information disclosure: In accordance with the regulations on government information disclosure, Hunan provincial and county government websites have established information disclosure boards and established and improved the information release system. The Hunan provincial and county education bureaus, as well as the transportation department/highway bureau, have publicized relevant rural revitalization policies or plans, such as poverty alleviation policies, compulsory education policies, management methods and experience on their websites. In addition, each village makes full use of effective media such as propaganda board, broadcast, network of wechat to publicize information. Rucheng county for example has formulated and implemented a village affairs disclosure action plan to standardize and normalize the disclosure of village affairs, and provided training for villagers/residents, so as to

²⁶ "Four self-management, Two meetings and Three public" refers to Self-elected, Self-built, Self-management, Self-use; Village committees and councils; Project selection is open, council election is open, finance is open after project completion. "Optional" means that the selection of the project fully respects the will of the villagers, which is passed through the collective discussion of the villagers' congress, and determined after the publicity in the village. "Self-construction" means that the council elected by the villagers' assembly and published by the board of directors shall be the main unit of the project construction. "Self-management" means that the council elected by the public is specifically responsible for material procurement, engineering construction, financial accounting, quality management and other work in the project construction. "Self-use" means that after the completion and acceptance of the project, the village committee shall list the fixed assets at the village level for management and use. The village committee is the responsible for the project, which is responsible for the election and supervision of the council, the coordination of land demolition and relocation, villagers' disputes, the review of accounting, the formulation and implementation of the project management and protection system. The council is the construction unit of the project, which is generally composed of 5-7 people. It is directly elected by the villagers' congress and elected by public vote.

“enhance the awareness of villages on village affairs engagement, promote the construction of village-level democracy, and improve the management and supervision of village-level democracy”.

Road safety publicity and education: Road traffic safety committees have been set up in Hunan province and counties, and a special plan for rural road traffic safety publicity and education has been implemented in 2019. Traffic police, rural cadres, teachers, township traffic administrators and traffic safety officers have jointly formed a publicity network covering all rural areas. Various media have incorporated traffic safety public service advertisements into them. Primary and secondary schools and kindergartens should set up at least two traffic safety classes every semester to enhance the traffic safety awareness and self-protection ability. In 2019, Hunan province and other counties launched a campaign to promote "smooth and safe travel, happy and well-off life" by entering villages and households, in an effort to raise rural residents' awareness of traffic safety. However, focus groups discussions indicated that a standardized participation and information disclosure process was not established at the village level to ensure the full participation of villagers in this program, especially women, ethnic minorities and the poor, such as women involved in roads maintenance, and to ensure awareness raising on roads safety and protection of workers rights for women and ethnic minority groups.

Survey Findings: In the process of implementing the rural revitalization strategy, Hunan province, county and township government as well as communities take a variety of approaches to public participation and consultation, including provision of relevant public information, government websites, villagers' congresses and suggestion boxes. Additionally, innovation in the supervision of public small rural infrastructure are implemented. However, a standardized participation and information disclosure process has not been established at the village level to ensure the full participation of villagers in the program, especially for women, ethnic minorities and the poor.

5.2.6 Implementation of Grievance Redress Measures

The provincial-municipal-county-township level petition mechanism and the mediation mechanism in rural community disputes have been established in Hunan province. There is a Petition Department under each department, a Center for Comprehensive Management of Petitions and Stability, and other relevant departments are responsible for petition work in coordination. The Petition Department of the Hunan Provincial related department is responsible for supervising and reporting complaints, registering, investigating, supervising, replying and filing. Complaints can be made by letter, in person, by telephone, internet, fax or orally. The telephone number of the office is 0731-82217430. In 2019, the provincial departments at or above the county level received 246,230 cases from the residents, down 23.7% compared to the previous year.

The Hunan provincial and county level Petition Departments open letters within one working day after receipt, and hand them over to the relevant authority within 3-4 days. The administrative authorities that have the right to deal with the petition cases should resolve the matter within 60 days and issue a reply to the complainant in accordance with the request. If the case is identified as being complicated, the time limit may be extended appropriately with the approval of the head of this administrative authorities, but the extension period should not exceed 30 days.

Township dispute mediation. The Township Center of Comprehensive Management of Stability and Petition is responsible for reception and handling of community complaints. Its full-time staff comes from the Office for Comprehensive Management of Stability and Petitions, the Petition office and the Office of Justice. The remaining staff of the center belong to the Family Planning Office, the Financial branch, the Police Station, the Civil Affairs Institute, the agricultural station, the forestry station, the safety station, the water conservation station, schools and so on, who worked in turn as arranged by the center. The reception personnel of the center decides whether to accept cases according to case, then reports to the center director after registration. The director writes instructions or comments, and undertakers handle the cases in accordance with the time stipulated in the action list and report on the handling process to the center.

The petition offices of each district and county in Hunan province have set up reception centers for in person complaints. Reception rooms for letters and visits have been set up in townships (streets) and relevant units, with relevant office facilities and personnel, and legal advisers have been hired. At the same time, the township (street) is equipped with an "Internet + petition" office equipment, sets up an "online petition complaint agency", and builds a petition office and online letter handling, video receiving and other platforms. District or county leaders have one person every weekday to receive visits, the implementation of the first responsibility system and service agency system for the people, that is, who receive complainants in person, and can send the case to the upper administrative level if they cannot solve it. The survey also found that the Liuyang county petition bureau has set up a propaganda column in Liuyang Daily, and an online petition awareness education in Liuyang 995 traffic. Liuyang has also promoted a

“sunshine handling complaint” reporting system, which clarifies complaint inquiries in a public manner.

Grievance mechanism for the poor. Hunan province provides a special channel for poor people to complain. Rucheng county for example has set up a county governor hotline (0735-8412345) to answer questions or complaints about the implementation of poverty alleviation policies, and set up a supervision hotline (0735-8268322) to verify and implement problems about poverty alleviation work.

Women’s complaints. The women’s federation of Hunan province has a special window for complaints, and has set up WeChat groups of cases such as “women’s growth group”, “couples’ joint debt rights protection group”, “child violence” and “child sexual abuse”. Women’s Federations at all levels provide professional consultation and guidance, and provide rights protection services for women. An online complaint channel has been set up to provide women with legal, psychological, mediation and other public services. In addition, a special hotline for complaints (12338) has also been established.

Ethnic minorities’ complaints. Hunan province and county have established a working mechanism for complain letters and visits through the committee of civil and religious affairs, and implement a long-term mechanism of “receiving visits, regular visiting and follow-up “. In addition, a consultation and complaint platform has been set up on the provincial civil affairs commission websites to timely receipt, process and respond to the appeals.

Survey findings and assessment. A provincial-municipal-county-township level petition mechanism and a dispute mediation mechanism have been established in Hunan province. Rural people can raise complains to the local government and workstation including the Village Committee, the township Center of Comprehensive Management of Stability and Petition and the County Petition Bureau. The issues that can be mediated should be solved at the community level; and the issues that cannot be solved at the community level can be transferred to the county complaint bureau. This transfer process to works properly. It is concluded that there is an effective GRM system in Hunan’s project areas.

5.3 Performance of Social Safeguards Management Agencies and Capacity²⁷

5.3.1 Rural Revitalization Institutional Arrangement

In order to promote the implementation of the strategy of rural revitalization, Hunan province and the counties have set up a leading group for the implementation of the strategy. Under the leading group, there are six special working groups, including the office and the industrial revitalization group, the talent revitalization group, the cultural revitalization group, the ecological revitalization group, the organizational revitalization group and the urban-rural integration development group. The implementing agencies including the county government office, the county party committee organization department, the office of the county party committee propaganda department, the county government office, the county reform bureau, the county party committee politics and law committee, the county bureau of agriculture and rural areas, county finance bureau, county forestry bureau, county bureau of natural resources, county Labor & Social Security Bureau, county housing and urban and rural construction bureau, Department of Transportation, county civil affairs bureau, the county education bureau, bureau of statistics and other relevant departments. The daily work of the leading group office shall be undertaken by the county agricultural bureau.

5.3.2 Land Acquisition Management Agencies and Capacity

The Departments of Natural Resources of Hunan province, cities and counties are in charge of land acquisition and management. 17 offices have been established. Their main responsibilities are: protecting and making rational use of the province’s land resources; optimizing the land and resources; regulating the management of natural resources ownership; ensuring that the amount of cultivated land and the amount of basic farmland are not reduced; provision of land use data in the province timely and accurately; the province’s savings and intensive use of land resources; standardizing the order of land and resources; supervising the registration of real estate and land registration, housing registration, forest land registration, grassland registration; promoting the province’s land and resources. There are over 800 staff members in Department of Land and Resources at provincial and county levels, and fixed office locations and equipment. The Hunan Department of Land and Resources provides regular training to land management

²⁷ According to the deliberation of the 13th session of the National People’s Congress in March 2018, the State Council will implement reforms to form the Department of Natural Resources, and will no longer retain the Ministry of Land and Resources; set up the Ministry of Agriculture and Rural, will no longer retain the Ministry of Agriculture; set up the Ministry of Culture and Tourism, The Ministry of Culture will no longer be retained; the Ministry of Supervision will be incorporated into the newly formed National Monitoring Committee. At present, the provincial level and below have not yet been reformed, however, may be reformed accordingly later on.

personnel in counties, cities and towns to improve land management and implementation of the business level of personnel. The annual training expenses are borne by Finance.

Cultivated land protection and supervision office under Natural Resources of Hunan province with 5 staff is responsible for land expropriation , in addition, a land acquisition office with 21 people under the provincial natural resources transaction center, mainly responsible for developing the province land expropriation policy, procedures and technical specifications, to provide technical support for land acquisition and resettlement ; To undertake the risk assessment of social stability, and to provide policy consulting services in land acquisition and resettlement.

Department of Natural Resources is established in each county in responsible for land acquisition. The main functions are: organizing the implementation of national land laws and regulations, organizing preparation and implementation of national land use planning, participating in land approval, implementing land administration according to law, developing cultivated land and protect basic farmland. For example, there are 15 functional units (rooms) in Pingjiang National and Resources Bureau, including financial audit unit, cultivated land protection unit, construction land use unit, land use unit, policy and regulation unit, surveying and mapping management unit, mineral resources management unit, geological environment unit, planning unit, real estate registration unit, administrative examination and approval unit, petition office, etc .

Land supervision agencies. The land management department of the people's government at or above the county level in Hunan Province is responsible for land supervision within its administrative area. The relevant departments at the county level and above, such as supervision, public security, planning, construction, agriculture, forestry, finance, and price, assist the land management department to carry out land supervision in accordance with their respective duties. The supervision office /team in the municipal or prefecture level has 20-30 administrative staff /person, and about 10-15 inspectors at the county level. In addition, the supervision department of Hunan natural resources affairs center has more than 50 staff members, specializing in the technical assistance work related to natural resources supervision

Institutional Capacity Assessment. Natural Resources Management departments have been set up in province and counties, the towns/townships have also set up Land Management Stations to manage and implement land acquisition. The organization is reasonable and runs efficiently, the personnel is complete and the equipment is advanced. Staff who is responsible for land acquisition and management has capacity to implement the land acquisition and resettlement in strict accordance with policies and procedures. They are trained 1 to 2 times a year on land policy implementation and land management in the provinces and municipalities.

5.3.3 Ethnic Minority Management Agencies and Capacity

In order to promote the social and economic development, safeguard the rights and equity of ethnic minorities and respect their cultural characteristics, the provincial Ethnic and Religious Offices, as well as the municipal Ethnic and Religious Bureau, are equipped with experienced staff. Their responsibilities include: formulating the economic and social development plan of the ethnic areas and propose the relevant policy suggestions; analyzing the status of economic and social development of ethnic minorities; managing the funding and poverty alleviation work for minority areas. Hunan Ethnic and Religious Offices have 12 departments with around 203 staff members.

The county's Ethnic and Religious Bureau is responsible for coordinating ethnic affair throughout the county, promoting equality, solidarity, mutual assistance and cooperation among ethnic groups, and protecting the legitimate rights and interests of ethnic minorities in accordance with the law; dealing with matters relating to ethnic relations; establishing and improving the comprehensive evaluation and monitoring system for the development of ethnic minorities; promoting the implementation of the national affairs service system and the informalization of ethnic affairs management. The county's Ethnic and Religious Bureau is also responsible for coordinating with the relevant departments to study and formulate special policies and measures for the development of ethnic minorities and ethnic minority communities in the county; cooperating with the relevant departments to do a good job in poverty alleviation for ethnic minorities; participating in the distribution of special loans and special funds for ethnic minorities, coordinating the relevant departments to promote the development of social, educational, scientific, cultural, public health and sports for ethnic minorities.

The Ethnic and Religious Bureau is mainly responsible for the relevant fund management and poverty alleviation in minority areas. The Bureau of Ethnic and Religious Affairs is mainly responsible for the management of funds and poverty alleviation in ethnic minority areas in each county. An effective cooperation mechanism has been established between the agricultural department and the Bureau of Ethnic and Religious Affairs.

Institutional Capacity Assessment. The provincial-municipal-county-level Ethnic and Religious Bureau of Hunan province is performed well and equipped with dedicated staff, facilities and workplaces. Professional knowledge and skills training are regularly conducted. The source of the overhead expenses is the fiscal budget and the funds are adequate.

5.3.4 Women's Federation Management Agencies and Capacity

China's constitution and national laws grant Chinese women equal rights with men in all aspects of people's life including political, economic, social, cultural and family life. The State Council established the National Working Committee on Children and Women (NWCCW) in 1990, which has been commissioned to organize, coordinate, guide, supervise and urge governmental departments in promoting gender equality and women's development. While the state supports the women's federation organizations in representing and safeguarding women's rights and promoting gender equality. As the organizational system of women's federations is established well from the top national level to the ground level of community, it has been playing an increasingly prominent role in conducting theoretical studies and carrying out publicity, education and training programs in relation to gender equality and women development.

The main responsibilities of the provincial women's federations are as follows: 1) To guide the women's federations at all levels to carry out work related to women and children in accordance with the Constitution of all-China Women's Federation and the resolutions of the Women's Congress; 2) To guide and promote the provincial rural women's "Shuangxue Shuangbi Activities", urban women's "Women's Contribution" activities and the "Five Good Civilized Families" activities; 3) Implement the Women's Quality Project to protect the legitimate rights and interests of women and children. 4) Mobilize women to participate in the democratic management and supervision of state and social affairs and promote women's participation in the formulation of laws and regulations. 5) strengthen the building of women's organizations in urban and rural areas at the grassroots level, expand their network and broaden their work areas. 6) Liaison with women from all walks of life and all ethnic groups.

At present, women's organizations have been established in 14 cities and prefectures, 122 counties and districts, 2,065 townships and 44,816 villages (communities) in Hunan province. The provincial Women's Federation has 7 departments: office, liaison Department, Party committee, publicity Department, Career development Department, rights and benefits Department and Children department. In the past five years, the Provincial Women's Federation has vigorously carried out various types of women's training, organized competitions for innovation, entrepreneurship, handicrafts, and housekeeping, implemented the "Bai Qian Wan Project", provided 4.106 billion yuan of guaranteed loans for business startups, helped 47,000 women start businesses, helped more than 220,000 women find jobs, and helped 2.255 million poor women get rid of poverty. (Xiaoxiang Women's Website)

The main responsibilities of the county-level women's federation are: to establish women's federations at the township and village levels and guide their work; To formulate work plans in county-level women's federations; To organize and mobilize women's representatives in the county to participate in democratic management and supervision; To provide services for women and children. Take Pingjiang County as an example. In 2019, the Women's Federation of Pingjiang County organized a campaign to improve rural living environment, and more than 50 villages (communities) and neighborhood committees launched a campaign to clean up.

Institutional Capacity Assessment. The organizational system of women's federations has been gradually established from the national level to the community level. The Hunan Women's Federation has jointly organized technical training for rural women at the community level and organized experts and technicians to provide technical services to local residents, build better social management capacity and improve women's skills to provide them with more employment opportunities.

5.3.5 Labor Management Agencies and Capacity

Hunan resources and social security bureaus at the provincial, municipal and county levels are responsible for the management of Hunan's labor force, including personnel management, labor management and social security. Their main responsibilities are: i) to formulate the relevant policies and plans of the provincial labor management, as well as the reform of the personnel system and the distribution of wages and incomes; ii) the promotion of employment; iii) to establish the social security system. iv) formulate the labor and personnel dispute mediation and labor relations policy, and v) improve the labor relations consultation and coordination mechanism

Hunan provincial Department of Human Resources and Social Security consists of 21 offices, including law office, employment promotion and loss insurance, talent development and human resources management office, occupational ability construction office, professional and technical personnel management office, institution personnel management

office, labor relations office, wage and welfare office, endowment insurance office, medical maternity insurance office, industrial injury insurance office, rural social insurance office, social insurance fund supervision office.etc. Capacity building programs have been carried out through integrated offline centralized teaching and online teaching resources (px.class.com.cn; www.chinanet.gov.cn; Edu.mohrss.gov.cn) .

Institutional Capacity Assessment. Hunan Resources and Social Security Bureaus at the provincial, municipal and county levels have been well established to take responsible for the labor force management in their respective regions, carry out and implement the national labor and social insurance laws, regulations and rules, exercise the supervision and inspection according to national and local related labor law, and improve staff capacity through integrated offline and online resources to carry out the training programs .

5.3.6 Complaints Management Agencies and Capacity

The petition Bureau of Hunan and petition departments in cities and counties along with petition agencies of the relevant functional departments of rural revitalization are responsible for the mass petition work. The main duties of the petition Bureau in Hunan provincial, municipal and county level. i) To formulate relevant policies, laws and regulations of petition work and to organize and implement them. ii) To receive letters from the people, receive visitors and provide the public with relevant laws, regulations and policy advisory services on behalf of provincial, municipal and county committees and governments. iii) To undertake the petition matters assigned by the superior leading authority and the leaders; assign petition matters to the relevant units and supervise the handling and implementation of important petition matters; conclude cases. iv) To coordinate and deal with the important petition events across the region and department; supervise on important cases and put forward treatment opinions and suggestions to the responsible persons. v) Analyze and study the work situation, solicit the suggestions of the masses, provide the government with petition information in time and put forward opinions and suggestions on important issues. vi) To guide the petition work in all levels, exchange work experience and propose improvement measures; to organize the training of petition cadres and guide the construction of office automation in petition departments. vii) To be responsible for publicity and information dissemination of petition work.

The Hunan Petition Bureau has 8 main departments, including personnel office, general investigation office, information office, reception office, supervision office, policy and law office, as well as network letters and visits office. The main departments of the municipal and county bureau of letters and calls are similar , including reception section, office of handling information section, policy and regulation section supervision section, petition reception center. In addition, the relevant functional departments of the rural revitalization (such as Transportation Bureau and Education Bureau) have established petition agencies and work well, they play a great role in resolving social conflicts.

County Petition Bureau. A country Petition Bureau has a secretarial unit, human resource and finance unit, letter-unit, supervision unit and reception unit with around 20 staff members. One or two members from the Petition Bureau are responsible for petition and stability work of special departments. Each township/ town is equipped with 2 to 5 cadres in charge of petition and stability work in Comprehensive Management Office. Village-level organization has one village cadres responsible for petition and stability work. The counties take various forms to publicize the Regulations on petition and relevant normative documents, and popularize the knowledge of petition regulations. Annual business training has been carried out on cadres from petition bureau, townships, towns and villages. The Pingjiang county petition bureau adopts the "front-line work method" to actively promote the discovery and treatment of complaint on the front . In a pilot village (community) in a township where conditions permit, a network information workstation is set up, and a part-time network officer is set up.

Institutional capacity Assessment. The petition Bureau of Hunan, cities and counties have been set up, the transportation and education departments of the rural revitalization have their handling staff and work well. In addition, each township/ town is equipped with 2 to 5 cadres in charge of petition and stability work in Comprehensive Management Office. Village-level organization has one village cadres responsible for petition and stability work.

SECTION VI: ASSESSMENT OF ENVIRONMENTAL AND SOCIAL SYSTEM AGAINST PforR POLICY AND DIRECTIVE

6.1 Assessment of Environmental Management Systems against Core Principles

The legal framework for environment management in China is comprehensive and is evolving toward international standards. The legal framework of laws, regulations, guidelines, policies, and standards, as well as the implementation mechanism provide full coverage over the environment and health and safety aspects. In general, the framework is consistent with the Bank PforR Policy and Bank PforR Directive in terms of principle and key elements. The legal framework provides a reasonable basis for addressing environmental issues likely to arise in the proposed Program.

An assessment of environmental management systems relevant to the activities supported under the Program for each PforR Bank Policy and respective Bank PforR Directive is presented below.

PforR Policy (a): Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program's environmental and social impacts.

The legal framework of environmental management aims to promote environmental and social sustainability as ultimate objectives through comprehensive laws, regulations, guidelines, and institutional arrangements. These are supported by political commitment at the highest level for developing an ecological civilization. It prioritizes prevention and defines a comprehensive assessment system to promote informed decision making. Overall, the legal framework of environmental management in China is fully consistent with the Bank PforR Policy.

PforR Key Directive: Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the Program level.

China has developed an adequate legal framework for environmental and social impact assessment for infrastructure construction projects. This framework includes comprehensive laws, regulations, technical guidelines, standards, institutional arrangements, and practice procedures that apply nationwide. Over the decades, it has gradually evolved into a comprehensive system that is consistent with the internationally accepted good practices. At the program level, the counties involved adopt a unified environmental impact assessment management system, and carry out environmental impact assessment in accordance with relevant EIA laws and regulations and technical specifications. The county ecology and environment bureaus review and approve the EIA documents in accordance with the relevant technical assessment and approval system. Based on assessment, it is concluded that there is an adequate legal and regulatory framework for the environmental and social impact assessment for this program.

PforR Directive: Incorporate recognized elements of environmental and social assessment good practice, including: (i) early screening of potential impacts; (ii) consideration of strategic, technical, and site alternatives (including the "no action" alternative); (iii) explicit assessment of potential induced, cumulative, and transboundary impacts; (iv) identification of measures to mitigate adverse environmental or social impacts that cannot otherwise be avoided or minimized; (v) clear articulation of institutional responsibilities and resources to support implementation of plans; and (vi) responsiveness and accountability through stakeholder consultation, timely dissemination of Program information, and responsive grievance redress measures.

The Chinese EIA system has well-defined screening principles, technical manuals and guidelines to guide the environmental screening and classification of EIA categories early in the project preparation stage.

The EIA guidelines require the consideration of technical and site alternatives for construction projects. The EIA guidelines require assessment of potential, induced, cumulative, and trans-boundary impacts. The EIA system emphasizes preventive measures, such as avoiding environmentally and socially sensitive sites as much as possible from the outset. Based on assessment of potential impacts, measures are developed to minimize, mitigate and/or compensate the impacts encountered. These measures are required to be built into construction contracts and will be inspected and verified by environmental authority during project construction and operation.

The EIA system requires institutional arrangements with clear responsibilities and resources in the environmental management plan to support implementation.

The EIA system requires timely disclosure of project and EA information. Public consultation is required for projects that may have negative impacts on project-affected people, and responses to public comments must be included in the EIA report. Upon receipt of EIA documents, local EEBs will conduct public consultation by disclosing the full EIA documents and soliciting public feedbacks before approving the report. Environmental grievance redress system is in

place, with established institutional arrangement within EEB as well as a unified environmental hotline which is well known nationwide, supplemented by other complaint channels.

Overall, the EIA system applied to the activities supported under the Program is well aligned with the key elements of the Bank PforR Directive in terms of screening, alternative analysis, assessment of impacts, development of mitigation measures, requirements of institutional arrangements for implementation, and public consultation and grievance redress.

However, the assessment concludes that there is still room for further enhancement in terms of actual implementation. These include:

- The role of the project supervision consultant under the current system needs to be fully utilized in terms of environmental supervision, i.e. construction supervision consultant shall pay due attention to environmental performance supervision and fully reflect such results in the regular supervision reports to the project implementation unit;
- Comprehensive environmental management training is to be provided to the county transport and education bureaus, township and village government staff, as well as project supervision consultants so that environmental supervision can be adequately incorporated into the current construction management system.

PforR Policy (b): Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.

PforR Directive: Include appropriate measures for the early identification and screening of potentially important biodiversity and cultural resource areas; support and promote the protection, conservation, maintenance, and rehabilitation of natural habitats; avoid the significant conversion or degradation of critical natural habitats; or, if avoiding the significant conversion of natural habitats is not technically feasible, include measures to mitigate or offset the adverse impacts of the Program activities.

The EIA guidelines provide detailed guidance on the identification and screening of sensitive environmental and cultural resources, including surveys of baseline environmental data. Key sensitive areas such as rivers, reservoirs, nature reserves, wetland parks, forest parks, and scenic areas are identified for detailed survey and special assessment. Cultural resources are screened through consultation/approval of the relevant authority and field investigation. Therefore, the Chinese EIA system has well established processes for early identification and screening of potentially important biodiversity and cultural resource areas that are consistent with this key element.

The Chinese environmental protection system emphasizes the protection, maintenance and rehabilitation of natural habitats through a comprehensive set of laws, regulations, guidelines and standards. Avoiding such sensitive areas is the top priority of the EIA. Special and higher assessment is mandatory and necessary mitigation or offset measures are to be included in the environmental management plan when avoiding these areas is not possible. The environmental protection system in China is well aligned with this key planning element.

For this Program, only rehabilitation and maintenance of existing rural roads or improvements of rural schools in non-sensitive environmental and social context are eligible. The program will not involve new construction of rural roads or schools. Therefore, little impact is envisaged in this aspect.

PforR Directive: Take into account potential adverse effects on physical cultural property and provide adequate measures to avoid, minimize, or mitigate such effects.

The Cultural Property Protection Law provides adequate legal framework and procedures for protecting cultural property during the EIA process. If any physical cultural resource is affected, impacts must be assessed and consultation and approval must be secured from the cultural property authority. Protection measures must be included in the environmental management plan. Chance-find procedures are also explicitly established in the legal system for cultural property protection. These are fully in line with the requirement of this key planning element.

PforR Policy (c): Protect public and worker safety against the potential risks associated with: (i) construction and/or operations of facilities or other operational practices under the Program; (ii) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (iii) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

PforR Directive: Promote adequate community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure; or, in carrying out activities that may be dependent on such infrastructure, incorporate safety measures, inspections, or remedial works as appropriate.

China has established a comprehensive management and supervision system for work safety as discussed in previous sections. This system ensures the safety issues are adequately addressed in the project design and construction supervision. The contractors are responsible for health and safety management on construction site, and they are closely supervised by supervision consultants, as well as government sectoral responsible authorities. The system is consistent with the Bank PforR Directive, but there is room for further enhancement in the actual enforcement of worker and community safety, especially the OHS protection of community workers and road maintenance workers under extreme weathers.

PforR Directive: Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated under the Program; promote the use of integrated pest management practices to manage or reduce pests or diseases vectors; and provide training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with the relevant international guidelines and conventions.

The activities to be supported under the Program do not involve any production, storage, use, transport or disposal of dangerous chemicals, including pesticides. Therefore, no further assessment is conducted.

PforR Directive: Include adequate measures to avoid, minimize, or mitigate community, individual, and worker risks when the Program activities are located in areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate event.

The EIA and work safety systems incorporate environmental and work-related risk assessment measures into the project design and implementation. As discussed in previous sections, China has also established other risk assessment systems for projects that are prone to flood and natural hazards to avoid, minimize or mitigate community, individual, and worker risks. These systems are consistent with the Bank PforR Directive.

6.2 Assessment of Social Management Systems against Core Principles

In general, the legal framework and implementation performance on land acquisition activities, and ethnic minority development in national and Hunan are adequate. The legal framework of laws, regulations, policies and standards and implementation mechanism provided are consistent with the Bank PforR Policy and respective Bank PforR Directive.

PforR Policy (d): manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards; and

PforR directive(i): avoid or minimize land acquisition and related adverse impacts; identify and address economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people lacking full legal rights to resources they use or occupy; provide compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid before taking land or restricting access; provide supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment); and restore or replace public infrastructure and community services that may be adversely affected by the Program;

Land acquisition. The current legal framework on land acquisition in both national and Hunan has been well established to ensure affected people are assisted in improving or at least restoring their livelihood and living standards. Relevant regulations on consultation and information disclosure related to land acquisition has been developed. China has no land market in rural areas, therefore, the methodology for land compensation is designed as unified annual output value standard or district piece comprehensive land price for a county. In addition, the national and Hunan polices require local governments to take specific measures to restore or maintain the land acquisition affected farmers' welfare levels.

The village public utility or public facilities ownership belong to village collectives; the land obtained is determined by the villagers ' Congress through the consultation with villager's representatives. Villagers are quite in favor of building public services and infrastructure in the village. However, procedure for consultation and information

disclosure in the process of obtaining village-level public service land is not stipulated in policy basis, and in practice, there is not a standard procedure on land use negotiation, some villages provided the land without compensation, others paid compensations or provided lands elsewhere. And there are rarely land use contracts, payment certificates or record backups as well. To ensure that the works proposed under the operation do actually benefit those people who may donate small land proportions. Although the system is strong and adequate for “safeguarding”, the PAP will strengthen these systems further as people will be engaged through the project lifecycle (for small infrastructure etc).

PforR Policy (e); give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups; and

PforR Directive (j): undertake free, prior, and informed consultations if the Indigenous Peoples are potentially affected (positively or negatively), to determine whether there is broad community support for the Program activities; ensure that the Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples;

(k) and give attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups; and, if necessary, take special measures to promote equitable access to the Program benefits.

According to the national sixth census in 2010, there were 55 ethnic minority groups in Hunan province, including Tujia, Miao, Dong, Yao and Hui, with a population of 6.5514 million, accounting for 9.97% of the province's total population and 5.76% of the national ethnic minority population . The activities under the PfoR boundary (8 counties)has 4 ethnic minority townships with 95.082 thousands of ethnic minority population .

Hunan province and counties have formulated and implemented a series of policies to promote the development of ethnic minority communities. Through participation and consultation, promote the economic development and cultural prosperity of ethnic minority community, and implement education support and road construction targeted at ethnic minority areas, especially the poor population of ethnic minorities.

Implementation of the rural revitalization program in Hunan is concerned about the ethnic minorities community. Ethnic and religious affair management institutions have been established in regional, municipal and county level in Hunan. The staff has a college degree or above and receives policy training every year, they worked closely with transportation and education department .

PforR Directive (L) give attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups; and, if necessary, take special measures to promote equitable access to the Program benefits; and

The *National and Provincial Strategic Plan for Rural Revitalization (2018-2022)(2018)* proposes to establish and improve a modern rural social governance system, with the government in charge, social coordination, public participation and legal protection to promote rural revitalization. The No. 1 National policy called for increasing the rural people’s ownership of community development. Hunan has set up a system of letters or calls for rural revitalization at all levels. In addition, the Legal Adviser participates in the petition work, mainly provides the legal consultation, answers the legal question, raises the legal opinion and assists the petition person to solve the problem through the legal way.

Hunan province has formulated and implemented a series of development plans and policies for women, and women's economic and educational levels and participation in political affairs in Hunan province have gradually improved, narrowing the gender gap. The gender gap in compulsory education has been largely eliminated. However, at the village level, women's participation in public affairs is about 15 %. In addition, women have also played an active role in rural revitalization. Under the leadership of women's federations at all levels, they have taken an active part in rural development, poverty alleviation, rural compulsory education, road construction and rural governance activities. Women are both active participants and beneficiaries.

According to Hunan's 13th five-year plan for poverty alleviation, by the end of 2020, all 4.45 million people in the province need to be lifted out of poverty, all 51 poor counties and 6,924 poor villages need to be lifted out of poverty. By the end of 2018, there were still 0.58 million poor people and 718 poor villages in Hunan province. The activities

under the PfoR boundary (8 counties) has 490 poor villages and 525,292 poor people. Poor villages/communities are given priority in rural-revitalization projects

In the process of rural revitalization strategy implementation Hunan province, county, township and government and community take a variety of public participation and consultation approaches, such as the relevant information of the public, in government websites , villagers' congresses and suggestion box measures, etc. Additionally, innovation of rural small the supervision model of public infrastructure are implemented. However , FGDs found that a standardized participation and information disclosure process/manual was not established at the village level to ensure the full participation of villagers in program, especially women, ethnic minorities and the poor, such as women involve in roads maintenance, roads safety and labor right protection education for women and ethnic minority groups.

Consider conflict risks, including distributional equity and cultural sensitivities. (N/A)

Table 6.1 Assessment of environmental and social systems based on the Bank policy for PforR.

Assessment of Environmental Systems		
a. Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program’s environmental and social impacts.		
Key Elements	National and Provincial Systems	Key Findings
Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the Program level.	China has developed an adequate legal framework for environmental and social impact assessment, backed by a set of comprehensive laws, regulations, technical guidelines and standards, which apply nationwide. Over the decades, it has gradually evolved into a comprehensive system that is generally consistent with the Bank PforR policy. Based on assessment, it is concluded that there is an adequate legal and regulatory framework for the environmental and social impact assessment for this program	Consistent.
Incorporate recognized elements of environmental and social assessment good practice, including: (i) early screening of potential impacts; (ii) consideration of strategic, technical, and site alternatives (including the “no action” alternative); (iii) explicit assessment of potential induced, cumulative, and transboundary impacts; (iv) identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized; (v) clear articulation of institutional responsibilities and resources to support implementation of plans; and (vi) responsiveness and accountability through stakeholder consultation, timely dissemination of the Program information, and responsive grievance redress measures.	The Chinese EIA system has well-defined guidelines covering screening, alternative analysis, impact assessment, mitigation measures, management plan, and consultation.	Consistent. Capacity to effectively enforce certain regulations in some agencies could be improved: - The role of project supervision consultant needs to be fully utilized for environmental supervision; - Comprehensive environmental management training is to be provided to country transport bureaus, education bureaus, township and village government staff, and project supervision consultant.
b. Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.		
Key Elements	National and Provincial Systems	Key Findings
Include appropriate measures for the early identification and screening of potentially important biodiversity and cultural resource areas.	The EIA guidelines provide detailed guidance on identification and screening of sensitive environmental and cultural resources, including survey of baseline environmental conditions in geology, surface water, wild life, forest, wetland, fishery, rare and endangered species, and nature reserves. Key sensitive areas such as rivers, reservoirs, nature reserves, wetland parks, forest parks, and scenic areas are identified for detailed survey and special assessment.	Consistent. For this Program, only rehabilitation or maintenance of existing low-class rural roads and improvements of rural schools in non-sensitive environmental and social context are eligible. The program will not involve new construction of rural roads or schools, or any rehabilitation and

Assessment of Environmental Systems		
	Cultural resources are screened through consultation/approval of relevant authorities and field investigation.	upgrading of existing rural roads or schools that fall into the boundary of important biodiversity and cultural resource areas.
Support and promote the protection, conservation, maintenance, and rehabilitation of natural habitats; avoid significant conversion or degradation of critical natural habitats; and, if avoiding the significant conversion of natural habitats is not technically feasible, measures to mitigate or offset the adverse impacts of the Program activities are required.	The Chinese environmental protection system emphasizes the protection, maintenance and rehabilitation of natural habitats. Avoiding such sensitive areas is the top priority of the EIA, and where inevitable, special assessment is mandatory and necessary mitigation or offset measures are to be developed in the environmental management plan.	Consistent. The activities supported under the Program do not take place on sensitive environmental sites/areas.
Take into account potential adverse effects on physical cultural property and provide adequate measures to avoid, minimize, or mitigate such effects.	The Cultural Property Protection Law provides adequate legal framework and procedures for protecting cultural property during the EIA process. If any physical cultural resource is impacted, impacts must be assessed, and consultation and approval must be secured with the cultural property authority, and protection measures be included in the environmental management plan. Chance-find procedures are also clearly defined in the law.	Consistent. The activities supported under the Program do not take place in areas with identified physical cultural resources.
c. Protect public and worker safety against the potential risks associated with: (i) construction and/or operations of facilities or other operational practices under the Program; (ii) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (iii) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.		
Key Elements	National and Provincial Systems	Key Findings
Promote adequate community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure; or, in carrying out activities that may be dependent on such infrastructure, incorporate safety measures, inspections, or remedial works as appropriate.	China has established a comprehensive management and supervision system for work safety. This system ensures the screening of safety issues, assessment of work safety during project preparation, design and construction supervision. Based on the assessment, it is noted that Hunan has well established mechanism for safety supervision.	Consistent. There is room for further enhancement in the actual enforcement of worker and community safety, especially the OHS protection of community workers and road maintenance workers under extreme weather.
Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated under the Program; promote the use of integrated pest management practices to manage or reduce pests or diseases vectors; and provide training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with the relevant international guidelines and conventions.	The Program activities do not involve production, management, storage, use, transport or disposal of hazardous materials.	No further assessment is needed.
Include adequate measures to avoid, minimize, or mitigate community, individual, and worker risks when the Program activities are located in areas	China has put in place safety and risk assessment systems for projects that are prone to flood and natural hazards (e.g. geo-hazard, earthquake), with well-established institutional arrangement and	Consistent.

Assessment of Environmental Systems		
prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events	implementation mechanism.	

Assessment of Social Systems		
d. manages land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards;		
Key Elements	National and Provincial Systems	Key Findings
Avoid or minimize land acquisition and related adverse impacts; identify and address economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people lacking full legal rights to resources they use or occupy.	<p>The policy and legal framework on land acquisition in China and Hunan is well established and has been recently revised. This system ensures that affected people are assisted in improving or at least restoring their livelihood and living standards.</p> <p>The effort of avoid or minimize land acquisition is achieved through both technical design of any project including project feasibility study and preliminary design, and the relevant land department review process, including pre-land examination and land use approval process.</p> <p>Under the existing land acquisition procedures, the potential social and economic impacts caused by land acquisition are addressed by engaging affected villages in the process of land impact survey, confirming surveyed outcome, conducting public hearing, establishing unified compensation rates by provincial government, and providing employment opportunities and social security coverage for land loss farmers.</p> <p>The revised legal framework defines the scope land acquisition for public interest, requests a social stability risk assessment and creates a due process for land acquisition.</p> <p>For those affected people who may lack full legal rights to assets or resources they use or occupy, although the existing laws or regulations do not provide clear entitlements, in the actual implementation, depending on actual condition, certain level of compensation are often provided following negotiation with affected parties.</p>	<p>The activities supported under the PforR will not cause large-scale land acquisition that might result in emergence of landless farmers. There might be some potential small piece of land use for village roads improvement through land donation rather than land acquisition process.</p> <p>Consistent.</p> <p>Consistent.</p> <p>No house demolition and illegal buildings will be affected under the program</p>
Provide compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid before taking land or restricting access.	<p>The revised legal framework defines a principles of fair and reasonable compensation in the case of land acquisition for public interest only.</p> <p>It defines the right to compensation for any change on individual contracting rights on agricultural land.</p>	<p>Consistent.</p> <p>Land compensation is adequate at replacement cost. There is not a unified procedure on negotiating land mobilization and donation for village infrastructure projects, some villagers donate land without compensation, others receive compensations or alternative land. There are rarely land donation contracts, payment certificates or</p>

		record backups. To ensure that the works proposed under the operation do actually benefit those people who may donate small land proportions. Although the system is strong and adequate for “safeguarding”, the PAP will strengthen these systems further as people will be engaged through the project lifecycle (for small infrastructure etc).
Provide supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment)	The land policy system requests the use of multiple resettlement channels, including 1) agriculture-based resettlement; 2) employment-based resettlement; 3) shareholding-based resettlement; and 4) relocation-based resettlement. In addition, Policies have specified provision of endowment insurance and employment training to land-taken farmers. The rural land Contracting Law specifies that women enjoy equal rights as men to contracting rural land; no special regulations governing provision of assistance to vulnerable groups affected by land acquisition.	Consistent. Used multiple compensation and livelihood approaches during implementation.
Restore or replace public infrastructure and community services that may be adversely affected by the Program;	Public infrastructure and community services impacts should be surveyed and restoration approaches should be considered to ensure the public infrastructure and community services restoration.	Consistent.
e. give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups;		
Key Elements	National and Provincial Systems	Key Findings
Undertake free, prior, and informed consultations if the Indigenous Peoples are potentially affected (positively or negatively), to determine whether there is broad community support for the Program activities	The state and Hunan have formulated a series of policies on ethnic minority development, including respecting for minority views, safeguarding the political equality of ethnic minorities, respecting the customs of ethnic minorities, supporting the development of ethnic minorities, and planning the economic and social development of ethnic communities. The current legal framework supports the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China’s nationalities. The activities to be supported under the Program which may involve ethnic minority communities on a voluntary basis. The activities implemented in ethnic villages are identified and determined through consultation approaches. In addition, the cadres of the Ethnic and Religious Bureaus have been arranged to serve as the first secretary to help minority villages off poverty on site.	Consistent. A series of measures have been taken to conduct public consultation and participation activities.
Ensure that the Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or	Ethnic minority development and project management are responsibilities of Hunan Department of Ethnic and Religious Affairs and bureaus of ethnic and religious affairs of all counties in the province.	Consistent.

<p>indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples</p>	<p>During daily work, an organizational structure has taken shape, which comprises ethnic and religious affairs, finance, environmental protection and other relevant authorities, whose roles and responsibilities are clearly defined and who collaborate with each other, hold joint meetings every year, supervise and inspect implementation of relevant activities and address relevant issues.</p>	
<p>Give attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups; and, if necessary, take special measures to promote equitable access to the Program benefits</p>	<p>The National and Provincial Strategic Plan for Rural Revitalization (2018-2022)(2018) proposes to establish and improve a modern rural social governance system, with the government in charge, social coordination, public participation and legal protection to promote rural revitalization. The No. 1 National policy issued to increase the rural people ownership of community development. Hunan has set up a system of letters or calls for rural revitalization at all levels. In addition, the Legal Adviser participates in the petition work, mainly provides the legal consultation, answers the legal question, raises the legal opinion and assists the petition person to solve the problem through the legal way.</p> <p>Hunan province has formulated and implemented a series of development plans and policies for women, and women's economic and educational levels and participation in political affairs in Hunan province have gradually improved, narrowing the gender gap. Under the leadership of women's federations at all levels, they have taken an active part in rural development, poverty alleviation, rural compulsory education, road construction and rural governance activities. Women are both active participants and beneficiaries.</p> <p>Hunan's 13th five-year plan for poverty alleviation requires by the end of 2020, all 4.45 million people in the province need to be lifted out of poverty, all 51 poor counties and 6,924 poor villages need to be lifted out of poverty. By the end of 2018, there were still 0.58 million poor people and 718 poor villages in Hunan province. The activities under the PfoR boundary (8 counties) have 490 poor villages and 525436 poor people. Poor villages/communities are given priority in rural-revitalization projects</p> <p>In the process of rural revitalization strategy implementation Hunan province, County, township and government and community take a variety of public participation and consultation approaches, such as the relevant information of the public, in government websites, villagers' congresses and suggestion box measures, etc. Additionally, innovation of rural small the supervision model of public infrastructure is implemented.</p>	<p>Consistent.</p> <p>The survey found that a standardized rural revitalization community management manual needs to be established at the village level to ensure the full participation of village authorities and villagers in the program, especially women, ethnic minorities and the poor, and ensure that the planning system of compulsory education facilities and rural roads respond to local priorities.</p>

SECTION VII: STAKEHOLDER CONSULTATION

Despite the impact of the COVID-19 pandemic during the Program preparation, rounds of effective consultation was conducted during ESSA preparation to meet project and stakeholder needs following the World Bank's latest guidance notes²⁸ on public consultation in response to the outbreak. The key stakeholders were identified and consulted during the process, including both the project affected people in local communities and government departments (for example, bureaus of Transport, Education, Finance, Ecology and Environment, Agriculture and Rural Affairs, Natural Resources, Health, Housing and Urban-Rural Development, Legislative Affairs, Ethnic and Religious Affairs, Human Resources and Social Security, Women Federation, Grievance Redress Office, and Poverty Reduction Office at provincial and county levels, township and village government officers, etc).

As detailed in Annex 3, totally three rounds of stakeholder consultation were conducted to support the ESSA preparation. The first round was started during the Identification Mission in October and November 2019 with field visits to Liuyang City and Chaling County. During these consultations, the Bank task team provided introduction of PforR policies and safeguards requirements, and collected information on the environmental and social legal framework, implementation mechanism and institutional setup and performance.

The second round of stakeholder consultation for this PforR was conducted in April 2020 via online meetings with representatives from provincial bureaus, Rucheng county and Pingjiang county government as part of the virtual preparation mission. The team shared draft ESSA summary in Chinese before the mission, presenting ESSA principles, scope, proposed exclusion criteria, project-related E&S risk rating, assessment of Borrower's E&S management systems against Bank policy and directives, and recommended actions to address identified gaps. Feedbacks from the consulted stakeholders were included in the draft ESSA report.

After the draft ESSA report (in Chinese) was prepared and shared with eight counties governments in July 2020, the third round of consultation was conducted between July 21 and 22 in Changsha and Pingjiang, including field visits and a consultation meeting in Pingjiang County and virtual meetings with the stakeholders of the other seven program counties. The purpose of the consultation workshops was to: (a) introduce ESSA approach under the proposed PforR operation; (b) seek opinions and feedback on the key findings and recommendations of the draft ESSA; and (c) identify possible recommendations for the proposed program action plan.

Conclusions: The participants concurred with the findings of the draft ESSA and voiced their strong support in implementing the proposed Program. Some participants provided valuable opinions to improve the accuracy of the ESSA description in local context, which have all been reflected in the current version (See Table A3.4 of Annex 3). The recommendations in the draft ESSA report received broad concurrence among the stakeholders, and are considered to be highly relevant and valuable for strengthening the actual effectiveness of the implementation of the existing environmental and social system, particularly in relation to the enhancement of meaningful stakeholder consultation at local levels. In response to the received concerns during the draft ESSA consultation mission, a particular PAP on developing and implementing Community Engagement Plan has been proposed in the current revision.

Disclosure: The Chinese version of this ESSA is disclosed in the website of local government websites in October 2020, and the English version is disclosed on the Bank's external website on Sep. 11th, 2020.

²⁸ Technical Note: Public Consultation and Stakeholder Engagement in WB-supported Operations when there are Constraints on Conducting Public Meetings (dated Mar. 20th, 2020)

SECTION VIII: CONCLUSIONS AND RECOMMENDATIONS

The Hunan Subnational Governance and Public Service Delivery Program for Results (the Program) will focus on rebalancing the fiscal system from extensive investment and new road construction towards operation and maintenance, efficient asset management and service delivery and closing quality gaps in compulsory education by focusing on performance-based factors such as school management, teacher quality and educational outcomes rather than the input-based funding model.

- (i) Based on an assessment of likely environmental and social impacts of the focus areas and of the environmental and social risk management system applicable to the proposed Program, it is concluded that a comprehensive set of environmental and social management systems is in place to address the environment, social risks, health and safety, as well as land acquisition and indigenous peoples concerns related to the proposed activities under the Program.
- (ii) Such systems are principally well-aligned with the core principles and key elements as defined in the World Bank's PforR Policy and Directive. The eligible physical activities under this Program are the rehabilitation and maintenance of existing rural roads and improvements of schools in non-sensitive environmental and social contexts, which are unlikely to have significant environmental and social impacts. The overall risk from environmental and social safeguards perspective is rated as moderate.
- (iii) Field surveys and assessment also reveal that:
 - Environmental and social performance is not adequately reflected in the supervision reports;
 - There is inadequacy found in the actual enforcement of occupational health and safety management in small-scale rural construction projects, especially for community workers in relation to road maintenance work, which generate specific risks in the event of floods and other extreme weathers;
 - County sectoral management staff (particularly county transport bureau and education bureau), township, and village government staff, who play an important role in township and village road and school projects supervision, may not have an adequate and systematic knowledge of environmental safeguards;
 - lack of standardized procedures for consultations, especially as relates to land donation. some villages provided the land without compensation, others paid compensations or provided lands elsewhere. And there are rarely land use contracts, payment certificates or record backups as well.
 - There is a lack of specification or approaches on consultation and participation with the community level, and with their vulnerable members including the poor and women;
 - Awareness on the protection of community workers' rights needs to be strengthened.
- (iv) With effective community engagement, input to decision-making and feedback mechanisms, opportunities exist to link the strengthening of intergovernmental fiscal management for rural road maintenance and compulsory education to tangible social development outcomes in an environmentally sustainable manner.

While general consistency of the environmental and social system with the Bank's policy is confirmed, there is room for improvement in certain aspects of implementation and enforcement, and an opportunity for capacity building identified through this ESSA. On this basis, the following recommendations are made.

Recommendations on Strengthening Environmental and Social Management System:

- (i) Strengthening the on-site environmental supervision: It is recommended that on-site environmental performance of contractors shall be more closely supervised by explicitly incorporating the environmental supervision responsibilities into the bidding documents and contracts of construction supervision consultants, with regular reporting to the project proponents. In addition, it is recommended to strengthen the environmental training of project proponents at the county level and below to enhance the coordinated and effective management and supervision of environmental performance during the construction/maintenance of rural roads and rural school under the PforR.
- (ii) Enhance labor management at local level: In the context of this PforR, attention should be given to the contracted and community workers that could be involved during the implementation of road maintenance and school construction works. Training shall be provided to the Project Implementation Units (PIUs), their contractors and workers on: a) rights of project workers and Grievance Mechanism available to the workers; and b) environmental protection and Occupational, Health and Safety (OHS) management during construction and maintenance works, along with the emergency response plan for flooding seasons and extreme weather. A set of Occupational, Health, and Safety (OHS) Guidelines were developed for the Program as in Annex 4.

- (iii) Specification of procedures on negotiated land donations in communities: To develop a standard procedure for negotiated land donations for village infrastructure projects, with documentation of land use contracts, payment certificates and the management of record backups. This procedure may include: (a) all tenure rights and claims (including those of customary and informal users) affecting the land in question are systematically and impartially identified; (b) potentially affected individuals, groups or communities are meaningfully consulted, informed of their rights, and provided reliable information concerning environmental, economic, social and food security impacts of the proposed investment; (c) community stakeholders are enabled to negotiate fair value and appropriate conditions for the transfer; (d) appropriate compensation, benefit sharing and grievance redress mechanisms are put in place; (e) terms and conditions of the transfer are transparent; and (f) mechanisms are put in place for monitoring compliance with those terms and conditions.
- (iv) Developing a procedure to ensure village committees and their members are able to participate in prioritizing investments and have equal access to benefit from the Program in an inclusive and culturally appropriate way, with special attention to ethnic minority communities, other remote villages, poor people and women.
- (v) Establishing an environmental and social internal supervision and reporting mechanism: The HPMO shall work directly with county implementation agencies and concerned township governments, to set up internal environment and social supervision and reporting mechanism. Provincial and county level PMOs need dedicated social and environmental expert to supervise and document the environmental and social performance of this PforR and regularly report it to the Bank.
- (vi) Ensuring rural residents have access to the citizen communication program on public budget transfers which is designed through the Program, with clearly defined target groups and messages, at province, county and township levels, and have the opportunity to provide feedback or complain on public budget related matters.

Proposed Action Plan (PAP):

In order to facilitate the implementation of these various measures in an effective manner, two integrated Program Action Plans (PAPs) are proposed and agreed with the Borrower, respectively: (i) formulating a Community Engagement Manual as a standalone chapter of the Program Implementation Manual (PIM) to support the stakeholder engagement at local levels; and (ii) Establishing an environmental and social supervision and reporting mechanism during the program implementation.

(i) Developing and Implementing a Community Engagement Manual

Objectives

The participation of communities and their members in the program planning, implementation and O&M process is an effective tool to allow their input in the prioritization of rural services, facilitate transparency, create ownership and therefore ensure long-term sustainability of rural services. To reinforce the link between improved fiscal transfer systems and improved services in rural communities in a tangible way, it is proposed that a "Community Engagement Manual" be developed, defining procedures which support the communities' and residents' meaningful engagement in the planning and delivery of rural services. The purposes of the CEM are: (i) to specify standard procedures on negotiated land use for the infrastructure projects of the villages, and documentation of land use contracts, payment certificates or record backups as well; (ii) ensure equal access to participate in the prioritization, planning and delivery of services, and benefit from the projects in an inclusive and culturally appropriate way, especially for ethnic minority groups, women, poor and disadvantaged groups; (iii) to understand workers willingness of participating in the program technical design, implementation, and subsequent roads/schools operation & maintenance, etc., and enhance residents, workers and women's awareness on roads safety, labor rights and protection through a training and education program; and (iv) to agree on actions to avoid or mitigate the risks and conflicts with relevant stakeholders affected by the program.

Main contents

The main contents of the Manual include: i) procedures for the community to be actively involved in the program design, implementation and operation and maintenance; ii) procedures of land donations/ negotiation of land use, iii) community labor training program ; iv) monitoring the performance of community participation. In addition, the manual will encourage the ethnic minority groups, women, and poor to participate the program, and citizen accountability, feedback and grievance redress mechanisms (the template of the manual is available in Annex 5).

Manual preparation and implantation

The HPMO will be responsible for preparation of the t CEM as part of the PIM and the appointment of a qualified and experienced social and community participation consultant/expert to lead the development of the manual. The respective counties will be responsible for implementation throughout the Program with support and guidance from the HPMO. The implementation of the manual will be internally monitored by HPMO and findings included in project level semi-annual reports. The expert will also provide ongoing capacity building support and training throughout the Program based on a training framework documented in the PIM.

Schedule

- A full time qualified and experienced environmental and social expert will be on board with Hunan PMO upon program effectiveness.
- The appointed staff /expert will prepare the working plan and submit to the bank for review after one month of the appointment.
- The manual integrated into PIM will be drafted by HPMO under the guidance of the community participation expert within two months of project effectiveness.
- After further consultation with communities and disclosure with communities and other stakeholders, HPMO will issue the final manual/PIM within three months of the draft manual being completed.
- Training workshops will be conducted in county and at community level to publicize and promote the manual to the broad communities. These workshops will be organized by HPMO and then CPMOs.

The implementation of the manual will be internally monitored by HPMO and findings included in project level semi-annual reports.

(ii) Establishment of an environmental and social internal supervision and reporting mechanism during the implementation of Program-supported activities.

Objectives

To enhance the supervision and improvements of program-related environmental and social performance at the county level and below.

Main contents

The HPMO shall strengthen the supervision of and coordination with the county PMOs and concerned town/township governments on environmental and social management by setting up internal environment and social supervision and reporting mechanism for this PforR, consisting of the following timebound actions:

- HPMO shall appoint a full time qualified and experienced environment and social expert to supervise and document the environmental and social performance of program activities during implementation. Each county PMOs shall appoint at least one dedicated environmental and social staff within three months of effectiveness, to act as a focal-point and be responsible for supervising and documenting the environmental and social performance within each county during implementation.
- The key findings on the Program's environmental and social performance should be reported to the Bank semi-annually in the implementation progress reports.

Annex 1: Environmental and Social Risk Screening

Program Activities	Associated or Likely Social and Environmental Effects	Environmental and Social Context	Program Strategy and Sustainability	Institutional Complexity and Capacity	Reputational and Political Risk Context	Overall Assessment
Rehabilitation and maintenance of existing rural roads	<ul style="list-style-type: none"> ✓ Benefits to rural communities through improving road and traffic safety ✓ Small scale civil works with limited and temporary environmental impacts ✓ OHS concern for workers, especially community workers, and road maintenance works during extreme weather or natural hazards ✓ Small land needs, no significant land acquisition or resettlement activities ✓ Need for community participation in transport sector planning to ensure priority needs are addressed 	<ul style="list-style-type: none"> ✓ Located in rural environmental settings ✓ Baseline environmental quality is relatively good, with rich water, mineral, forest, flora and fauna, and physical cultural resources ✓ Some projects may involve sensitive environmental or social areas ✓ 4 ethnic minority townships with 95,080 ethnic minority population ✓ 490 poor villages with 524,292 poor people 	<ul style="list-style-type: none"> ✓ Fit well into with the rural revitalization strategy of China's government ✓ Ensure sustainability through comprehensive regulatory framework governing environmental and social management ✓ Clear articulation of institutional responsibilities and resources 	<ul style="list-style-type: none"> ✓ Main implementation agency is county transport bureau ✓ A range of government institutions at province, county, township and village level participate in the environmental and social management and supervision ✓ Technical capacity, coordination, and performance will be assessed 	<ul style="list-style-type: none"> ✓ Political risk is not high and the sector is not known to be controversial ✓ Possible reputational risks if there are accidents, release of hazardous waste, water pollution, disease dissemination, or land acquisition. ✓ Moderate risk given the environmental and social management system in China. 	<ul style="list-style-type: none"> ✓ Suitable to be supported ✓ The environmental and social risks are moderate.
Rural school improvements (infrastructure or equipment)	<ul style="list-style-type: none"> ✓ Benefits to rural communities through improving village or township school facilities and access to quality education ✓ Small scale civil works with limited and temporary environmental impacts ✓ Small land needs, no significant land 	<ul style="list-style-type: none"> ✓ Located in rural environmental settings ✓ Baseline environmental quality is relatively good, with rich water, mineral, forest, flora and fauna, and physical cultural resources 	<ul style="list-style-type: none"> ✓ Fit well into with the rural revitalization strategy of China's government ✓ Ensure sustainability through comprehensive legislation framework governing 	<ul style="list-style-type: none"> ✓ Main implementation agency is county education bureau ✓ A range of government institutions at province, county, township and village level participate in the environmental and social 	<ul style="list-style-type: none"> ✓ Political risk is not high and the sector is not known to be controversial ✓ Possible reputational risks if there are accidents, release of hazardous wastes, water pollution, 	<ul style="list-style-type: none"> ✓ Suitable to be supported ✓ The environmental and social risks are moderate and can generally be managed under the current environmental management system.

Program Activities	Associated or Likely Social and Environmental Effects	Environmental and Social Context	Program Strategy and Sustainability	Institutional Complexity and Capacity	Reputational and Political Risk Context	Overall Assessment
	<ul style="list-style-type: none"> ✓ acquisition or resettlement activities ✓ Some projects may involve sensitive environmental or social areas (e.g. basic farmland) ✓ Need for community participation in compulsory education planning to ensure response to the needs of communities and their members 	<ul style="list-style-type: none"> ✓ Some projects may involve sensitive environmental or social areas ✓ 4 ethnic minority townships with 95,080 ethnic minority population ✓ 490 poor villages with 524,292 poor people 	<ul style="list-style-type: none"> environmental and social management ✓ Clear articulation of institutional responsibilities and resources 	<ul style="list-style-type: none"> management and supervision ✓ Technical capacity, coordination, and performance will be assessed 	<ul style="list-style-type: none"> disease dissemination, or land acquisition. ✓ Moderate risk given the environmental and social management system in China. 	
<p>Technical assistance and capacity building:</p> <ul style="list-style-type: none"> • Upgrading of subnational debt monitoring; • Reform of intergovernmental fiscal transfer system • Enhancement of budget transparency and citizen engagement • Development of road asset management approach and integrated program budgeting for rural transport; • Performance-based intergovernmental fiscal transfer reform for compulsory education and 	<ul style="list-style-type: none"> ✓ Unlikely to have adverse downstream environmental and social effects 	<ul style="list-style-type: none"> ✓ Urban-rural development gap ✓ Limited citizen participation 	<ul style="list-style-type: none"> ✓ Fit well into with the rural revitalization strategy of China's government ✓ Environment and social implications should be taken into account in the design and implementation of the capacity support ✓ To promote transparency through stakeholder participation and public information disclosure 	<ul style="list-style-type: none"> ✓ Implementation agencies include a range of government institutions at province and county level ✓ To build counterpart capacity for integrating environmental and social concerns 	<ul style="list-style-type: none"> ✓ Political risk is not high and the sector is not known to be controversial ✓ Measures have been included in the operation design to mitigate the identified risks 	<ul style="list-style-type: none"> ✓ Suitable to be supported

Program Activities	Associated or Likely Social and Environmental Effects	Environmental and Social Context	Program Strategy and Sustainability	Institutional Complexity and Capacity	Reputational and Political Risk Context	Overall Assessment
<ul style="list-style-type: none"> • annual comprehensive evaluation of education performance; Etc. 						

Annex 2: List of Applicable Environmental and Social Laws and Regulations

1. Main National Environmental, Health and Safety Laws and Regulations

- Environmental Protection Law (NPC, last amended in 2014)*
中华人民共和国环境保护法
- Environmental Impact Assessment Law (NPC, last amended in 2018)*
中华人民共和国环境影响评价法
- Wildlife Protection Law (NPC, last amended in 2016)*
中华人民共和国野生动物保护法
- Water and Soil Conservation Law (NPC, last amended in 2010)*
中华人民共和国水土保持法
- Water Pollution Prevention and Control Law (NPC, last amended in 2017)*
中华人民共和国水污染防治法
- Noise Pollution Prevention and Control Law (NPC, 1996)*
中华人民共和国环境噪声污染防治法
- Air Pollution Prevention and Control Law (NPC, last amended in 2018)*
中华人民共和国大气污染防治法
- Solid Waste Pollution Prevention and Control Law (NPC, last amended in 2020)*
中华人民共和国固体废物污染环境防治法
- Cultural Property Protection Law (NPC, last amended in 2017)*
中华人民共和国文物保护法
- Forestry Law (NPC, last amended in 1998)*
中华人民共和国森林法
- Grassland Law (NPC, last amended in 2013)*
中华人民共和国草原法
- Flood Control Law (NPC, last amended in 2016)*
中华人民共和国防洪法
- Work Safety Law (NPC, amended in 2014)*
中华人民共和国安全生产法
- Law of Prevention and Treatment of Occupational Diseases (NPC, amended in 2018)*
中华人民共和国职业病防治法
- Fire Prevention Law (NPC, amended in 2019)*
中华人民共和国消防法
- Road and Traffic Safety Law (NPC, amended in 2011)*
中华人民共和国道路交通安全法
- Emergency Response Law (NPC, 2007)*
中华人民共和国突发事件应对法
- Food Safety Law (NPC, amended in 2018)*
中华人民共和国食品安全法
- Special Equipment Safety Law (NPC, 2013)*
中华人民共和国特种设备安全法
- Regulations on Nature Reserves (SC, amended in 2017)*
自然保护区条例
- Regulations on Geological Hazard Prevention (SC, 2003)*
地质灾害防治条例
- Regulations on Basic Farmland Protection (SC, amended in 2011)*
基本农田保护条例
- Regulations on Wild Terrestrial Animal Protection (SC, amended in 2016)*
陆生野生动物保护实施条例
- Regulations on Wild Aquatic Life Protection (SC, amended in 2013)*
水生野生动物保护实施条例
- Regulations on Wild Plant Protection (SC, amended in 2017)*

野生植物保护条例
Regulations on Scenic Areas (SC, 2006)
风景名胜区条例
Regulations on Preparation and Approval of Water and Soil Conservation Plan (MWR, 2017),
开发建设项目水土保持方案编报审批管理规定
Regulations on Environmental Management of Construction Projects (SC, amended in 2017)
建设项目环境保护管理条例
Regulations on Quality Management of Construction Projects (SC, 2000)
建设工程质量管理条例
Regulations on Safety Management of Construction Projects (SC, 2003)
建设工程安全生产管理条例
Regulations on Supervision and Management of Three Simultaneousness for Safety Facility in Construction
Projects (SAWS, amended in 2015)
建设项目安全设施“三同时”监督管理办法
Regulations on Works Safety Incidents Reporting and Investigation (SC, 2007)
安全生产事故报告和调查处理条例
Regulations on Supervision and Management of Three Simultaneousness for Occupational Hygiene Facility in
Construction Projects (SAWS, 2017)
建设项目职业病防护设施“三同时”监督管理办法
Management Methods for Work Safety Emergency Response Plans (MER, amended in 2019)
生产安全事故应急预案管理办法
The Occupational Diseases Hazard Declaration Method (SAWS, 2012)
职业病危害项目申报办法
Categorization of Occupational Diseases Hazard Risks of Construction Projects (SAWS, 2012)
建设项目职业病危害风险分类管理目录
Supervision and Management Method on Occupational Health Protection of Employer (SAWS, 2012)
用人单位职业健康监护监督管理办法
Regulations on Safety Management of Dangerous Chemicals (SC, amended in 2013)
危险化学品安全管理条例
Regulations on Work-Related Injury Insurances (SC, amended in 2010)
工伤保险条例
Regulations on Labor and Social Security Supervision (SC, 2004)
劳动保障监察条例
Measures on the Management of Qualification Certificates for Construction Project Environmental Impact
Assessment
建设项目环境影响评价资质管理办法
Categorized Directory for Environmental Impacts Assessment of Construction Projects (MEE, 2018)
建设项目环境影响评价分类管理名录
Measures for EIA Registration of Construction Projects (MEP, 2016)
建设项目环境影响登记表备案管理办法
Public Consultation Method of EIA (MEE, 2018)
环境影响评价公众参与办法
Measures for Public Participation in Environmental Protection (MEP, 2015)
环境保护公众参与办法
Information Disclosure Mechanism for EIA of Construction Projects (MEP, 2015)
建设项目环境影响评价信息公开机制方案
Trial Management Measures for Post-assessment of Environmental Impacts for Construction Projects (MEP,
2015)
建设项目环境影响后评价管理办法（试行）
Measures for Environmental Grievance Redress (MEP, 2006)
环境信访办法
Measures for Supervision Management of Construction Projects Environmental Impacts Assessment Report
(Form) (MEE, 2019)

建设项目环境影响报告书（表）编制监督管理办法

Circular on “Implementation Plan for EIA Reform during 13th Five-Year Plan” (MEP, 2016)

关于印发《“十三五”环境影响评价改革实施方案》的通知

2. Main Hunan Provincial Environmental, Health and Safety Laws and Regulations

Hunan Provincial Regulations on Environmental Protection (Hunan People’s Congress, 2013)

湖南省环境保护条例

Hunan Provincial Regulations on Air Pollution Control (Hunan People’s Congress, 2017)

湖南省大气污染防治条例

Hunan Provincial Regulation on Geological Environment Protection (Hunan People’s Congress, 2002)

湖南省地质环境保护条例

Hunan Provincial Regulations on Drinking Water Source Protection (Hunan People’s Congress, 2017)

湖南省饮用水水源保护条例

Hunan Provincial Regulations on the Protection of Ecological Green Heart Areas in Chang-zhu-tan City Cluster (Hunan People’s Congress, 2019)

湖南省长株潭城市群生态绿心地区保护条例

Hunan Provincial Regulations on Xiangjiang River Protection (Hunan People’s Congress, 2018)

湖南省湘江保护条例

Hunan Provincial Regulations on Dongjiang River Protection (Hunan People’s Congress, amended in 2018)

湖南省东江湖水环境保护条例

Hunan Provincial Regulation on Wetland Protection (Hunan People’s Congress, 2005)

湖南省湿地保护条例

Hunan Provincial Regulations on Work Safety (Hunan People’s Congress, amended in 2014)

湖南省安全生产条例

Hunan Provincial Regulations on Quality and Safety Management of Construction Project (Hunan People’s Congress, 2007)

湖南省建设工程质量和安全生产管理条例

Hunan Provincial Measures on Environmental Protection Management of Construction Projects (Hunan provincial government, 2007)

湖南省建设项目环境保护管理办法

Hunan Provincial Measures on Implementing National “Solid Waste Pollution Control Law” (Hunan People’s Congress, 2018)

湖南省实施《中华人民共和国固体废物污染环境防治法》办法

Hunan Provincial Categorized Directory for EIA Review and Approval of Construction Project (Hunan EEB, 2019)

湖南省生态环境主管部门审批环境影响评价文件的建设项目目录 Circular on Further Strengthening the Supervision and Management of Environmental Impact Assessment (Hunan EEB, 2014)

湖南省环境保护厅关于进一步加强环境影响评价监督管理工作的通知

Circular on “Interim Administrative Measures for Environmental Impact Assessment Experts in Hunan Province” (Hunan EEB, 2011)

关于印发《湖南省环境影响评价专家管理办法（试行）》的通知

Circular on “Interim Measures for the Evaluation and Assessment of Environmental Impact Assessment Institutions in Hunan Province” (Hunan EEB, 2018)

湖南省生态环境厅关于印发《湖南省环境影响评价机构评价考核暂行办法》的通知

Circular on “Ecological Redline in Hunan Province” (Hunan provincial government, 2018)

湖南省人民政府关于印发《湖南省生态保护红线》的通知

Circular on “Hunan Provincial Environmental Protection Responsibility Assignment” and “Hunan Provincial Accountability for Significant Environmental Incidents” (Hunan provincial government, 2018)

中共湖南省委湖南省人民政府关于印发《湖南省环境保护工作责任规定》和《湖南省重大环境问题（事件）责任追究办法》的通知

Circular on “Hunan Provincial Interim Measures for the Assessment of Eco-environment Quality in the State Key Ecological Function Areas and Counties” (Hunan EEB, 2013)

关于印发《湖南省国家重点生态功能区县域生态环境质量考核评估暂行办法》的通知

Implementation Plan for Promoting Spot Check in Environmental Supervision of Pollution Sources in Hunan Province (Hunan EEB, 2015)
关于在全省污染源日常环境监管领域推广随机抽查制度的实施方案

3. Main National Social Laws and Regulations

3.1 Land Acquisition and Transfer Laws and Regulations

Land Administration Law of the People's Republic of China (revised 2019, issued and in effect since January 1st, 2020)

中华人民共和国土地管理法

Rural Land Contracting Law of the People's Republic of China (in effect since March 1, 2003, revised 2018)

中华人民共和国农村土地承包法

Regulations Governing the Implementation of the Law of the People's Republic of China (State Council Decree No. 256, issued on December 27, 1998)

中华人民共和国法律实施条例

State Council Decision on Deepening Reform to Enforce Strict Land Administration (Document No. 28 issued in 2004 by the State Council)

国务院关于深化改革实施严格土地管理的决定

Guidelines on Improving Systems Governing Land Acquisition Compensation and Resettlement (Document No. 238 issued in 2004 by the Ministry of Land Resources)

关于改进土地征用补偿和重新安置制度的指导方针

Circular of the State Council General Office about Transmitting the Guidelines of the Ministry of Labor and Social Security on Providing Employment Training and Social Security to Land-taken Farmers (Document No. 29 issued in 2006 by the State Council General Office)

国务院办公厅转发劳动保障部关于做好被征地农民就业培训和社会保障工作指导意见的通知

Circular of the Ministry of Labor and Social Security and Ministry of Land Resources about Effectively Addressing Relevant Issues Concerning Social Security for Land-taken Farmers (Document No. 14 issued in 2007 by the Ministry of Labor and Social Security)

劳动和社会保障部和国土资源部关于有效解决土地占用农民社会保障有关问题的通知

Property Law of the People's Republic of China (in effect since October 1, 2007)

中华人民共和国物权法

Interim Regulations of the People's Republic of China Governing Tax on Occupying Cultivated Land (in effect since January 1, 2008)

中华人民共和国关于占用耕地的税收暂行条例

Regulations of the People's Republic of China Governing the Disclosure of Government Information (in effect since May 1, 2008)

中华人民共和国政府信息公开管理条例

Urgent Circular of the State Council General Office about Carrying out Stricter Administration of Land Acquisition and Structure Demolition Activities to Truly Protect Legitimate Rights and Benefits of the Affected People (Document No. 15 issued in 2010 by the State Council General Office)

国务院关于实施更严格的征地拆迁管理工作, 切实保护受影响人民合法权益的通知

Methods for Making Announcements about Land Acquisition (Decree No. 10 issued in 2001 by the Ministry of Land Resources)

征用土地公告办法

Categorization of Status Quo Land Use (GB/T21010-2007)

土地利用现状分类

Management measures for the transfer of rural land use rights

农村土地承包经营权流转管理办法

The Market Operation Code on Rural Land use Rights Transfer (trial)

农村土地经营权流转交易市场运行规范 (试行)

3.2 Main Ethnic Minority Laws and Regulations

Law of the People's Republic of China on regional ethnic autonomy

《中华人民共和国民族区域自治法》(1984年10月1日施行)
Regulations on administrative work of nationality townships of PRC
《中华人民共和国民族乡行政工作条例》(1993年9月15日)
The Administrative Procedure Law of the People's Republic of China
中华人民共和国行政诉讼法
The 12th five-year plan of ethnic minority undertakings
《少数民族事业“十二五”规划》
The 13th five-year plan on promoting the development of ethnic minority areas and ethnic minorities
《“十三五”促进民族地区和人口较少民族发展规划》(国发〔2016〕79号)
Views on helping to accelerate the development of ethnic and ethnic communities
《关于帮助少数民族和民族聚居地区加快发展的意见》
Summary of the utilization of funds for ethnic minority development
《少数民族发展资金管理使用情况总结》

3.3 Main Public Consultation and Grievance Redress Laws and Regulations

The government information disclosure ordinance
政府信息公开条例
Circular of the State Council on issuing the key points of 2016 government affairs public work
国务院办公厅关于印发2016年政务公开工作要点的通知(国办发〔2016〕19号)
The petition Ordinance
信访条例
Views of the State Council on further mobilizing social forces to participate in the development of poverty alleviation
国务院办公厅关于进一步动员社会各方面力量参与扶贫开发的意见(国办发〔2014〕58号)
Comments of the State Council on further perfecting the support system for needy persons
国务院关于进一步健全特困人员救助供养制度的意见(国发〔2016〕14号)

3.4 Main Poverty Alleviation Laws and Regulations

Circular of the State Council on adjusting the leading group of poverty alleviation development
国务院办公厅关于调整国务院扶贫开发领导小组组成人员的通知(国办发〔2013〕63号)
Opinions on the effective linking of the rural minimum living security system and the poverty alleviation development policy to enlarge the pilot work
关于做好农村最低生活保障制度和扶贫开发政策有效衔接扩大试点工作的意见(国办发〔2010〕31号)
13th Five-Year Plan of Poverty alleviation in China
“十三五”脱贫攻坚规划(国发〔2016〕64号)
The decision of the State Council to win the fight against poverty
中共中央国务院关于打赢脱贫攻坚战的决定
Views of the State Council on supporting the implementation of integrated use of financial agriculture funds in impoverished counties
国务院办公厅关于支持贫困县开展统筹整合使用财政涉农资金试点的意见(国办发〔2016〕22号)
Poverty alleviation and development Program for Rural Handicapped (2011-2020)
农村残疾人扶贫开发纲要(2011-2020年)
Views on the implementation of poverty alleviation projects in education
关于实施教育扶贫工程的意见(国办发〔2013〕86号)
Opinions on the implementation of the ingenious daughter-in-law's employment project and the action of promoting the poverty alleviation of the heroine
关于实施巧媳妇创业就业工程,推动巾帼脱贫攻坚行动的意见

3.5 Main Labor Management Laws and Regulations

Labor law of the People's Republic of China (5 July 1994)
中华人民共和国劳动法(1994年7月5日)
Labor contract law of the People's Republic of China (June 29, 2007)
中华人民共和国劳动合同法

Law of the People's Republic of China on labor dispute mediation and arbitration (29 December 2007)
 中华人民共和国劳动争议调解仲裁法

Law of the People's Republic of China on the prevention and treatment of occupational diseases (27 October 2001)
 中华人民共和国职业病防治法

Female worker labor protection regulation (July 21, 1988)
 女职工劳动保护规定

Provisions on the composition of gross wages (30 September 1989)
 关于工资总额组成的规定

Regulations of the state council on working hours of employees (25 March 1995)
 国务院关于职工工作时间的规定

Unemployment insurance ordinance (22 January 1999)
 失业保险条例

Prohibition of child labor (1 October 2002)
 禁止使用童工规定

Industrial injury insurance ordinance (27 April 2003)
 工伤保险条例

Regulation on supervision of labor security (November 1, 2004)
 劳动保障监察条例

Employment of persons with disabilities ordinance (5 February 2007)
 残疾人就业条例

Decision of the state council on the establishment of a basic medical insurance system for urban workers (14 December 1998)
 国务院关于建立城镇职工基本医疗保险制度的决定

Circular of the state council on further strengthening employment and reemployment (4 November 2005)
 国务院关于进一步加强就业再就业工作的通知

Some opinions of the state council on solving the problem of migrant workers (31 January 2006)
 国务院关于解决农民工问题的若干意见

Circular of the state council on the establishment of a system of subsistence allowances for rural residents throughout the country (1 July 2007)
 国务院关于在全国建立农村最低生活保障制度的通知

The ministry of labor and social security on doing a good job of land expropriated farmers employment training and social security work guidance (April 10, 2006)
 劳动保障部关于做好被征地农民就业培训和社会保障工作指导意见的通知

3.6 Main Laws and Regulations on Women and Children

Law of the People's Republic of China on the protection of women's rights and interests
 中华人民共和国妇女权益保障法（修正）（2005）

Protection law of the People's Republic of China on minors
 中华人民共和国未成年人保护法（1992年1月1日起施行）

Special provisions on labor protection for female workers
 女职工劳动保护特别规定（2012）

Regulations on health care for female employees
 女职工保健工作规定（2011年11月26日修订）

Program for the development of Chinese women (2011-2020)
 中国妇女发展纲要（2011-2020年）

4. Main Hunan Provincial Social Laws and Regulations

4.1 Land Acquisition and Transfer Laws and Regulations

Measures of Hunan province for the implementation of the Land Administration Law of the People's Republic of China (implemented on March 31, 2000)
 湖南省实施《中华人民共和国土地管理法》办法（2000年3月31日实施）

Measures of Hunan province for the implementation of the law of the People's Republic of China on urban and rural planning (implemented on May 1, 2016)

湖南省实施《中华人民共和国城乡规划法》办法（2016年5月1日实施）

Regulations of Hunan province on land supervision (implemented on January 1, 1998)

湖南省土地监察条例（1998年1月1日实施）

Regulations of Hunan province on land development and consolidation (implemented on March 1, 2007)

湖南省土地开发整理条例（2007年3月1日实施）

Notice of the people's government of Hunan province on the adjustment of compensation standards for land requisition in Hunan province (no. 5 [2018])

湖南省人民政府关于调整湖南省征地补偿标准的通知（湘政发〔2018〕5号）

4.2 Main Ethnic Minority Laws and Regulations

Notice of the people's government of Hunan province on certain preferential policies for accelerating the social and economic development of ethnic minorities and ethnic minority areas

湖南省人民政府关于加快少数民族和民族地区社会经济发展若干优惠政策的通知(2019)

Opinions of the general office of the CPC Hunan provincial party committee and the general office of the Hunan provincial people's government on solving the production and living difficulties of poor farmers in the high elevation mountainous areas in ethnic minority areas

中共湖南省委办公厅 湖南省人民政府办公厅关于解决少数民族地区高寒山区贫困农民生产生活困难的意见（2019）

Hunan provincial finance department notice of Hunan ethnic and religious affairs commission on the issuance of special fund management measures for provincial minority work in Hunan province

湖南省财政厅湖南省民族宗教事务委员会关于印发《湖南省省级少数民族工作专项资金管理办法》的通知（湘财行〔2019〕13号）

Implementation opinions of the people's government of Hunan province on accelerating the development of ethnic education

湖南省人民政府关于加快发展民族教育的实施意见（湘政发〔2017〕13号）

Notice on implementing the "one law and two regulations" on regional ethnic autonomy and doing a good job in personnel and talents work in ethnic minority areas

关于贯彻落实民族区域自治“一法两规定”做好民族地区人事人才工作的通知（2019）

Decision of Hunan provincial people's government on strengthening ethnic work

中共湖南省委 湖南省人民政府关于加强民族工作的决定（2019）

Opinions of the people's government of Hunan province on further prosperity and development of ethnic minority cultural undertakings

湖南省人民政府关于进一步繁荣发展少数民族文化事业的意见（湘政发〔2009〕41号）

4.3 Main Public Consultation and Grievance Redress Laws and Regulations

Measures of Hunan province for the implementation of the regulations of the People's Republic of China on the disclosure of government information (effective as of January 1, 2010)

湖南省实施《中华人民共和国政府信息公开条例》办法（2010年1月1日起施行）

Petition regulations of Hunan Province (effective as of October 1, 2006)

湖南省信访条例（2006年10月1日起施行）

4.4 Main Poverty Alleviation Laws and Regulations

Implementation plan of cement (asphalt) road construction in natural villages of poverty alleviation in Hunan province

湖南省人民政府办公厅关于印发《湖南省脱贫攻坚自然村通水泥（沥青）路建设实施方案》的通知（湘政办发〔2017〕65号）

Work plan for identifying people to be lifted out of poverty by social security in Hunan Province

湖南省人民政府办公厅关于印发《社会保障兜底脱贫对象认定工作方案》的通知（湘政办发〔2016〕56号）

Notice of the people's government of Hunan province on the issuance of the 13th five-year poverty alleviation plan

湖南省人民政府关于印发《湖南省“十三五”脱贫攻坚规划》的通知（湘政发〔2017〕12号）
Provisions on accountability for poverty alleviation work of municipal and county official posts
市县党政正职脱贫攻坚工作问责规定(试行)（湘办〔2017〕41号）
Opinions of CPC Hunan provincial committee and Hunan provincial people's government on thoroughly implementing the decision of the CPC central committee and the state council on winning the battle against poverty
中共湖南省委湖南省人民政府关于深入贯彻《中共中央国务院关于打赢脱贫攻坚战的决定》的实施意见（湘发〔2016〕7号）
Opinions of human resources and social security department, finance department and poverty alleviation office on accelerating the construction of poverty alleviation workshops to promote the employment of rural poor labor force
湖南省人力资源和社会保障厅湖南省财政厅湖南省扶贫开发办公室关于加快就业扶贫车间建设促进农村贫困劳动力就业的意见（2018）

4.5 Main Labor Management Laws and Regulations

Trial measures of Hunan province on the management of labor remuneration deposit for migrant workers in the construction field
湖南省建设领域农民工劳动报酬保证金管理试行办法（湘人社发〔2016〕24号）
Several standards for handling labor and personnel dispute arbitration cases in Hunan province (trial)
《湖南省劳动人事争议仲裁办案若干标准》（试行）（湘人社发〔2016〕48号）
Applicable standards for final adjudication of labor and personnel dispute cases
《劳动人事争议案件终局裁决适用标准》（湘人社发〔2016〕76号）
Notice of the people's government of Hunan province on the comprehensive implementation of the labor contract system
湖南省人民政府关于企业职工全面实行劳动合同制的通知
Notice on opinions on strengthening labor security work in response to the current economic situation
湖南省人民政府批转省劳动保障厅 省财政厅关于应对当前经济形势加强劳动保障工作意见的通知（湘政发〔2009〕6号）
General office of Hunan provincial people's government on strengthening the floating population services and management work
湖南省人民政府办公厅关于切实加强流动人口服务和管理工作的通知
Measures for temporary residence registration and residence permit issuance of floating population in Hunan province
关于印发《湖南省流动人口暂住登记与居住证发放办法》的通知（湘公通〔2011〕102号）

4.6 Main Laws and Regulations on Women and Children

Measures of Hunan province for implementing the law of the People's Republic of China on the protection of women's rights and interests
湖南省实施《中华人民共和国妇女权益保障法》办法（2006）
Notice of Hunan provincial department of finance and Hunan women's federation on printing and distributing the provincial special fund management measures for the development of women and children
湖南省财政厅湖南省妇女联合会关于印发《湖南省省级妇女儿童事业发展专项资金管理办法》的通知（湘财行〔2019〕1号）
Notice of the people's government of Hunan province on the issuance of Hunan provincial women's development plan (2016-2020) and Hunan provincial children's development plan (2016-2020)
湖南省人民政府关于印发《湖南省妇女发展规划（2016—2020年）》和《湖南省儿童发展规划（2016—2020年）》的通知（湘政发〔2016〕24号）
Measures for the management of special funds for the development of women's undertakings in Hunan province
湖南省财政厅湖南省妇女联合会关于印发《湖南省妇女事业发展专项资金管理办法》的通知（湘财行〔2015〕17号）

Annex 3: Summary of Consultation Workshop

Consultation Workshops during Identification Mission

From October 21 to 25, 2019, meetings were held with representatives from the Hunan provincial government and Liuyang county government to discuss the regional environmental and social baseline, environmental management and social agencies, implementation of the policies and requirements for projects/activities under rural revitalization program, and grievance redress. The team also conducted a field investigation in Dayao town, Gejia town, and Jinyuan village of Liuyang county, on the development of rural roads, schools and related environmental and social management. A summary of consultations is presented in Table A3.1.

Table A3.1 Summary of consultation activities during identification mission.

Stakeholder	Main Contents
Hunan provincial bureaus of Agriculture and Rural Affairs, Ecology and Environment, Natural Resources, Education, Transport, Health, Finance, Ethnic and Religious Affairs, Human Resource and Labor Security, the Women’s Federation, and Poverty Reduction Office	<ul style="list-style-type: none"> ● Projects/activities under rural revitalization program; ● Responsibility of each bureau in planning and implementing the activities; ● Implementation of rural revitalization program in the eight counties; ● Environmental and social baseline of Hunan province; ● Environmental and social management system, including the policies, procedures and institutional arrangements at provincial, county and town levels; ● Considerations for assessing the environmental and social risks and sensitivity of activities under rural revitalization plan; ● Land acquisition policies and practice; ● Labor management policies and practice; ● Ethnic minority baseline and development program; ● Women roles in rural revitalization; ● Guidelines on village planning and implementation; ● Participatory village governance and grievance redress system; ● Collaborative approval platform for construction projects.
Liuyang county bureaus of Agriculture and Rural Affairs, Ecology and Environment, Natural Resources, Finance, Ethnic and Religious Affairs, Human Resource and Labor Security, the Women’s Federation, Poverty Reduction Office, and Grievance Redress Office	<ul style="list-style-type: none"> ● Projects/activities implemented under rural revitalization program in Liuyang including: industrial prosperity, rural road construction, rural compulsory education, water supply, wastewater treatment, solid waste classification, septic tank, water body rehabilitation, soil remediation; ● Environmental and social baseline of Liuyang; ● Implementation of town, village, land use, natural resources, and other development plans in Liuyang; ● Environmental and social considerations for project site selection: avoid mountain areas with slope greater than 25 degree, mining subsidence, landslides; ● Policies and procedures for environmental and ecological protection, particularly “three lines and one list” (ecological redline, environmental quality baseline, resource utilization threshold, and environment negative list); ● Policies and practice in land acquisition and land use in rural roads and schools; ● Women’s roles in rural revitalization, in particular in rural roads O&M; ● Environmental and social management agencies: 69 staff at county’s Ecology and Environment Bureau; environmental protection stations at township level to conduct supervision; ● Complaints received by Petition Bureau, Ecology and Environment Bureau and other channels are addressed with high satisfaction. Complains mainly on land taken, livestock wastewater, VOCs, and noise; ● The rate of population in poverty is 0.4% in 2019.

Consultation Workshops during Identification Follow-up Mission

From November 25 to 27, 2019, the team had discussions with representatives from Chaling county government and visited Yantang town to have an understanding of the county’s environmental baseline and planning, and

implementation of the environmental safeguard system, particularly in rural roads and education projects. A summary of the consultations is presented in Table A3.2.

Table A3.2 Summary of consultation activities during identification follow-up mission.

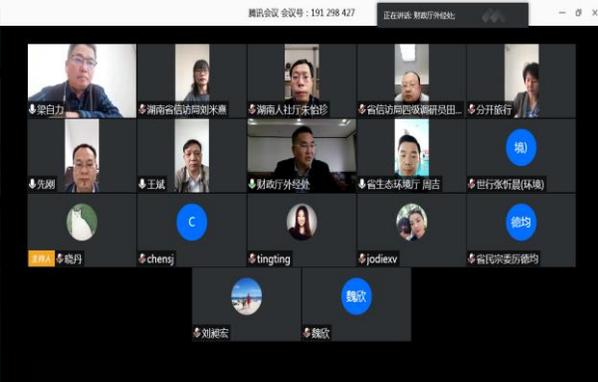
Stakeholder	Main Contents
Chaling county bureaus of Agriculture and Rural Affairs, Ecology and Environment, Transport, Natural Resources, Finance, Housing and Urban-Rural Development, Ethnic and Religious affairs , Human Resource and Labor Security, the Women’s Federation, Poverty Reduction Office and Grievance Redress Office	<ul style="list-style-type: none"> ● Projects/activities under rural revitalization plan include: supporting tea industry prosperity, rural environmental governance, Furong schools construction, integrated service platform construction, water supply and wastewater treatment facilities construction, road construction for tourism, etc.; ● The management institution and financing for rural road maintenance; ● Land planning and management (particularly “ecological redline”); ● Preparation and implementation of village plan; ● Environmental and social baseline in Chaling; ● Environmental and social challenges in rural areas include wastewater collection, operation and maintenance of wastewater treatment facilities, livestock and domestic pollution, scattered black-odor water bodies and land taken ; ● Quite a number of environmental complaints received each year; ● Women roles in rural revitalization, in particular in rural roads O&M; ● Environmental and social management agencies: no environmental protection stations at township or village level.

Virtual Consultations during Preparation Mission

From April 24 to 28, 2020, due to the COVID-19 pandemic, the team had online meetings with representatives from provincial bureaus, Rucheng county and Pingjiang county government. The team shared draft ESSA summary in Chinese before the mission, presenting ESSA principles, scope, proposed exclusion criteria, project-related E&S risk rating, assessment of Borrower’s E&S management systems against Bank policy and directives, and recommended actions to address identified gaps. A summary of the consultations is presented in Table A3.3.

Table A3.3 Summary of consultation activities during preparation mission.

Stakeholder	Main Contents
<p>At provincial level: 19 participants from the departments of finance, transport, education, ecology and environment, natural resources , legislative affairs , ethnic and religious affairs, the women's federation, GRM, poverty reduction, human resources and social security;</p> <p>At county level: 48 participants from the governmental departments of 2 counties (Rucheng and Pingjiang).</p>	<ul style="list-style-type: none"> ● Type of activities under rural road and compulsory education components; ● Occupational health and safety particularly for temporary community workers and road maintenance workers during emergencies; ● Environmental supervision in projects near sensitive areas or receiving public complaints; ● Key considerations in EIA review and approval for rural road and school construction projects; ● Land acquisition issues on roads and education projects construction ● Procedures of social stability risk assessment ● Social stability risk assessment department/agency, staffing and capacity ● Labor management policies and performance ● GRM department/agency, staffing and capacity ● Women’s roles in roads/education/administrative service programs ● Whether the identified gaps and recommended actions make sense in the project and local context.



汝城县参加4月27日下午14:30-17:30乡村振兴政府治理能力提升世行贷款项目(环境与社会)网络在线座谈会议人员名单

会议平台: 腾讯会议
会议号: 970367933
会议密码: 无

序号	单位	姓名	性别	民族	职务	手机号	签名
1	政法委	罗毅	男	汉族	副书记	13873582044	罗毅
2	交通运输局	黄文胜	男	汉族	总工程师	13649579618	黄文胜
3	交通运输局	苏红英	女	汉族	计划统计股股长	15973531004	苏红英
4	交通运输局	朱银	男	汉族	办公室主任	15873551587	朱银
5	教育局	曾志勇	男	汉族	副局长	13975709168	曾志勇
6	教育局	朱玉兴	男	瑶族	计财股股长	13975507115	朱玉兴
7	教育局	吕绍明	男	瑶族	项目办主任	13786581569	吕绍明
8	生态环境局	盛峰	男	汉族	审批股股长	13517359506	盛峰
9	生态环境局	何斌	男	汉族	固废站站长	15973592605	何斌
10	人社局	宋苗	男	汉族	规划财务股股长	13873513166	宋苗
11	人社局	朱颖	男	汉族	劳动监察大队长	13975753456	朱颖
12	人社局	袁俊星	男	汉族	政策法规与劳动关系股股长	13976581584	袁俊星
13	自然资源局	朱湘春	女	汉族	计财股股长	15773577999	朱湘春
14	信访局	何霞	女	汉族	副局长	15886529733	何霞
15	统战部/民宗局	范雪兰	女	汉族	副主任科员	13975561809	范雪兰
16	妇联	何秀英	女	汉族	主席	13517359193	何秀英
17	扶贫办	肖意萍	女	汉族	副主任	13973518819	肖意萍
18	财政局	郭敏	男	汉族	纪检监察组组长	13975519509	郭敏
19	财政局	何建群	男	汉族	行财股股长	13975558071	何建群
20	财政局	朱玉光	男	汉族	经建股股长	13975793435	朱玉光
21	财政局	周乃生	男	汉族	企业外经股股长	13975538859	周乃生

世行结果导向型贷款项目环境和社会管理平江专题会签到表

2020年4月28日

序号	单位	职务	姓名	性别	民族	联系方式	提纲资料
1	司法局	社区矫正中心书记	陈伟	男	汉	1557460777	
2	司法局	社区矫正中心书记	王勃	男	汉	1377400928	
3	民政局	社区主任	王明华	男	汉	1577003020	
4	教育局	主任	李永华	男	汉	13786075808	
5	交通局	主任	杜强	男	汉	1327000899	✓
6	交通局	主任	程义	男	汉	157305520	
7	村委会	主任	袁海清	男	汉	15700971004	
8	村委会	主任	江江	男	汉	13907303618	
9	环保局	管理股股长	曹荣斌	男	汉	1576765558	✓
10	经信局	常务副局长	方勇	男	汉	18975023666	✓
11	环保局	科长	李勤	女	汉	1397400978	✓
12	自然资源局	主任	胡宇航	男	汉	1827005889	
13	民政局	社区主任	王明华	男	汉	1376202176	
14	住建局	分管副部长	王明华	男	汉	15773040678	
15	教育局	副局长	李刚	男	汉	13973009425	
16	住建局	财管股股长	王明华	男	汉	1730207886	
17	住建局	主任	王明华	男	汉	18216310703	
18	住建局	计财股副股长	王明华	男	汉	1370709516	

世行结果导向型贷款项目环境和社会管理平江专题会签到表

2020年4月28日

序号	单位	职务	姓名	性别	民族	联系方式	提纲资料
1	人社局	副局长	朱献忠	男	汉	13787980599	✓
2	人社局	科长	刘夏明	男	汉	18774084310	✓
3	财政局	局长助理	袁浩	男	汉	1357476298	
4	财政局	企业股	王明华	男	汉	13975055792	
5	财政局	企业股	吴霞	女	汉	18711248663	
6	财政局	预算股副股长	李方	男	汉	18273078653	
7	财政局	企业股股长	王明华	男	汉	1387406622	
8	县法院	常务副院长	陈斌	男	汉	1357409728	
9	县法院	审判庭副庭长	唐敬波	男	汉	1813014888	
10							
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Consultation Workshops on Draft ESSA

Draft ESSA consultation workshops were held during July 21-22, 2020, including one in Pingjiang County and three in Changsha, with the participation of county level stakeholders from bureaus of Transport, Education, Finance, Ecology and Environment, Agriculture and Rural Affairs, Natural Resources, Health, Housing and Urban-Rural Development, Legislative Affairs, Ethnic and Religious Affairs, Human Resources and Social Security, as well as the Women’s Federation, the Grievance Redress Office and the Poverty Reduction Office. Prior to the workshops, the Chinese version of the draft ESSA report was shared with the participants and distributed to all eight program counties.

The purpose of the consultation workshops was to: (a) introduce the ESSA approach under the proposed PforR operation; (b) seek opinions and feedback on the key findings and recommendations of the draft ESSA; and (c) identify possible recommendations for the proposed program action plan. Feedback was given by the various participants on the adequacy and accuracy of the ESSA report description, and relevance of the recommendations and suggestions for further improvement. The main points received are summarized in Table A3.4.

Table A3.4 Comments and revisions on the draft ESSA.

Comments on Draft ESSA	Response/Revision
Some names of government institutions are inaccurate.	Corrected names accordingly.
Table 3.2: The number of poor population in Liling County is wrong.	The number was corrected.
Section IV and V: Some legislation does not refer to the latest version, has been repealed or has limited applicability.	Updated or deleted the legislation accordingly.
4.3.2: The role of county education and construction bureaus in rural school projects implementation and management is not described in a precise manner.	Corrected the description accordingly.

<p>Section VIII: Recommendation on enforcement of alternative analysis: alternative analysis may not be necessary in all civil works under the Program. The EIA for small infrastructure projects with insignificant and limited environmental impacts normally focuses on the analysis of feasibility from an environmental perspective, and mitigation measures.</p>	<p>Revised the recommendation.</p>
<p>Section VIII: Recommendation on enforcement of public consultation: public consultation requirements from environmental and social perspectives could be addressed together. Given the environmental impact from rural road or school projects, villager consultation workshops could be an approach to gather public opinion from a broad number of participants.</p>	<p>Revised the recommendation.</p>
<p>Section 5.1 Recommendation on social risk assessment policy framework</p> <p><u>The <i>Provisional regulations on the major administrative decision-making procedures under the State Council</i> (No.713) stipulate that if there are adverse impacts on social stability and public security caused by the implementation of major administrative decisions, the decision-making agency shall organize the evaluation of the draft decision" (Article 22)</u></p> <p><u><i>Land Administration Law of the People's Republic of China</i> (August 2019): "Where a local people's government at or above the county level intends to apply for land expropriation, it shall conduct a survey on the current situation of the land to be expropriated and conduct a risk assessment of social stability"(Article 47).</u></p> <p><u><i>The Notice on Further Clarifying Matters related to the Application for Approval of Construction Land</i> issued by Hunan Provincial Department of Natural Resources (No. 65 [2020]) clearly stipulates that land requisition materials must be based on the social stability risk assessment report.</u></p>	<p>Revised as per suggestion.</p>

Overall, the report received full concurrence and acceptance in terms of key findings and recommendations, and is considered to be highly relevant and valuable for strengthening the actual effectiveness of the implementation of the existing environmental and social system.

世界银行PforR项目环境和社会系统评估工作签到表

单位	职务	姓名	联系方式
市财政局	黄组副组长	付和	13974139876
	办公室负责人	张发成	18173360513
市交通运输局	公路管理股	刘红	13467722299
		何得玲	1517275437
市教育局	副局长	张永强	18907414025
	计财股	谢小明	13974167990
	计财股	袁林	13789061813
市生态环境局		吴洋	13517418620
市自然资源局	总工程师	凌斌(请假)	13707418178
	土地征用安置所所长	袁旭	13574261116
市政法委	综治办主任	张磊	

市民宗局		张敏	1750742056
市妇联	办公室主任	李京	18007417373
	宣传股	(无姓名)	1397413028
市信访局	主任科员	文喜良	1771630558
市扶贫办	副主任	李永辉	13367415566
	主任科员	杨佳	15115308049
市人社局	副局长	刘磊	13974115418
	李胜股股长	彭强	13873386960

汝城县参加7月22日下午15.30:-18:00乡村振兴政府治理能力提升世行贷款项目(环境与社会系统评估会议)参会人员名单

参会地点:汝城县财政局二楼视频会议
 会议平台:腾讯会议
 会议号:300732890
 会议密码:无

序号	单位	姓名	性别	汉族	职务	手机号	邮箱	签名
1	政法委	朱志峰	男	汉族	政法委反邪教协理室主任、政治安全室副主任	13873582044		朱志峰
2	交通运输局	黄文胜	男	汉族	总工程师	13549579618		黄文胜
3	交通运输局	苏红英	女	汉族	计划统计股股长	15973531004		苏红英
4	交通运输局	朱钊	男	汉族	办公室主任	15873551587		朱钊
5	教育局	曾志勇	男	汉族	副局长	13975709168		曾志勇
6	教育局	朱玉兴	男	瑶族	计财股长	13975507115		朱玉兴
7	教育局	吕绍明	男	瑶族	项目办主任	13786581569		吕绍明
8	生态环境局	盛峰	男	汉族	审批股长	13517359306		盛峰
9	生态环境局	何斌	男	汉族	固废站站长	15973592605		何斌
10	人社局	宋苗	男	汉族	规划财务股长	13873513166		宋苗
11	人社局	朱颖	男	汉族	劳动监察大队长	13975753456		朱颖
12	人社局	袁俊星	男	汉族	政策法规与劳动关系股长	13975581584		袁俊星
13	自然资源局	朱湘春	女	汉族	计财股长	15773577999		朱湘春
14	信访局	何霞	女	汉族	副局长	15886529733		何霞
15	统战部/民宗局	曾文英	女	瑶族	副主任科员、民族工作室主任	13873571309		曾文英
16	妇联	严辉琴	女	汉族	县妇工委办主任	13873592590	4479051@qq.com	严辉琴
17	扶贫办	肖意萍	女	汉族	副主任	13973518819		肖意萍
18	财政局	郭敏	男	汉族	原纪检组组长	13975519509		郭敏

浏阳市“世行贷款项目环境和社会系统评估”工作视频会议签到表

序号	单位	姓名	职务	联系方式
1	教育局	陈永	科长	13974996118
2	交通局	潘海新		15874170870
3	农村公路养护中心	潘海新		
4	生态环境局	陈永		13508555998
5	自然资源局	陈永		13755048886
6	法制办	陈永		13508555998
7	维稳办	陈永		13755048886
8	民宗局	陈永		13755048886
9	妇联	陈永		1521179661
10	信访局	陈永		13925150718
11	扶贫办	陈永		1871158066
12	人社局	陈永		1574166681
13	财政局	陈永		13098220556

世行湖南省乡村振兴地方治理能力提升项目环境和社会系统评估工作会议签到表

2020年7月21日

序号	单位	职务	姓名	性别	民族	联系方式	签到资料
1	如东	副局长	王刚	男	汉	18930992000	
2	交通局	常务副局长	杜军	男	汉	13808409279	
3	信访局	副局长	陈永	男	汉	13574008999	
4	生态环境局	副局长	陈永	男	汉	13780033111	
5	自然资源局	副局长	陈永	男	汉	13709973618	
6	法制办						
7	维稳办						
8	民宗局						
9	妇联						
10	扶贫办						
11	财政局	企业外经股	吴霞	女	汉	18711248663	
12	财政局	企业外经股	陈永	男	汉	15197015307	
13	财政局	企业外经股	王刚	男	汉	13973515712	
14	财政局	副局长	陈永	男	汉	13574762193	
15	财政局	企业外经股	陈永	男	汉	1597006222	
16							
17							
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Annex 4: Occupational Health and Safety Guidelines for Civil Works

1. Background and Scope of application

The Occupational, Health, and Safety (OHS) Guidelines were developed for the Hunan Subnational Governance and Public Service Delivery Program (the Program) to secure a safe, healthy and environmentally friendly working environment. These guidelines were developed based on existing national legislation and Good International Industry Practice (GIIP), such as applicable Environmental, Health and Safety (EHS) Guidelines of the World Bank Group (WBG) and the World Health Organization. The guidelines are applicable to all types of workers (direct workers, contracted workers, community workers, primary supply workers) involved in the small-scale civil works of the Program, which include rural road and school rehabilitation and maintenance.

2. General

All parties who employ or engage project workers will develop and implement OHS procedures and measures to address:

- a) Identification of potential hazards (including those relating to chemical, physical and biological substances and agents) to workers, particularly those that may be life threatening;
- b) Provision of preventive and protective measures against hazardous conditions or substances in the following order of priority: eliminating the hazard, controlling the hazard, minimizing the hazard, providing appropriate personal protective equipment;
- c) Provision with facilities appropriate to the circumstances of their work and services that accommodate their physical, social and cultural needs;
- d) Active collaboration and consultation with workers in promoting understanding, and methods for, implementation of OHS requirements;
- e) Training of workers on OHS and maintenance of training records;
- f) Workplace processes for workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health;
- g) Documentation and reporting of occupational accidents, diseases and incidents;
- h) Emergency prevention and preparedness and response arrangements to emergency situations;
- i) Remedies for adverse impacts such as occupational injuries, deaths, disability and disease;
- j) Regular review of OHS performance and the working environment.

3. OHS Guidelines

3.1 Physical Hazards

Vibration

- Exposure to hand- arm vibration from equipment such as hand and power tools, or whole-body vibrations from surfaces on which the worker stands or sits, should be controlled through choice of equipment, installation of vibration dampening pads or devices, and limiting the duration of exposure. Exposure levels should be checked on the basis of daily exposure time and data provided by equipment manufacturers.

Electrical

- Marking all energized electrical devices and lines with warning signs;
- Checking all electrical cords, cables, and hand power tools for frayed or exposed cords and following manufacturer recommendations for maximum permitted operating voltage of the portable hand tools;
- Double insulating / grounding all electrical equipment used in environments that are, or may become, wet;
- Conducting detailed identification and marking of all buried electrical wiring prior to any excavation work.

Vehicle Driving and Site Traffic

- Emphasizing safety aspects among drivers;
- Training and licensing vehicle operators in their driving skills and safe operation of specialized vehicles, including safe loading/unloading, load limits;
- Ensuring drivers undergo medical surveillance;
- Ensuring moving equipment with restricted rear visibility is outfitted with audible back-up alarms;
- Adopting limits for trip duration and arranging driver rosters to avoid overtiredness;
- Establishing rights-of-way and speed limits;
- Regular maintenance of vehicles and use of manufacturer approved parts to minimize potentially serious accidents caused by equipment malfunction or premature failure;
- Minimizing interaction of construction vehicles with pedestrians or private vehicles;
- Employing safe traffic control measures, including road signs and flag persons to warn of dangerous conditions.

Working Environment Temperature

- Monitoring weather forecasts for outdoor work to provide advance warning of extreme weather and scheduling work accordingly;
- Adjustment of work and rest periods depending on the temperature and workloads;
- Providing temporary shelters to protect against the elements during working activities or for use as rest areas;
- Providing easy access to adequate hydration such as drinking water.

Ergonomics, Repetitive Motion, Manual Handling

- Use of mechanical assists to eliminate or reduce exertions required to lift materials, hold tools and work objects, and requiring multi -person lifts if weights exceed thresholds;
- Selecting tools that reduce force requirements and holding times, and improve postures;
- Incorporating rest and stretch breaks into work processes, and conducting job rotation;
- Taking into consideration additional special conditions such as left handed persons.

Working at Heights

- Installation of guardrails at the edge of any fall hazard area;
- Proper use of ladders and scaffolds by trained employees;
- Use of fall prevention and protection devices, including safety belt, lanyard travel limiting devices, full body harnesses, etc.

Illumination

- Supplementary illumination should be adequate for the general purpose of the location and type of activity at night or when there is inadequate natural light;
- Emergency light intensity should be at least 10 lux.

Personal Protection Equipment

- Employer should ensure provision of appropriate PPE that offers adequate protection to the worker, co-workers, and occasional visitors;
- Employer should ensure proper maintenance of PPE, including cleaning when dirty and replacement when damaged or worn out.

3.2 Chemical Hazards

- Hazardous chemicals should be marked appropriately. Signage should be in accordance with international or national standards and be well known to, and easily understood by workers, visitors and the general public as appropriate;
- Avoid utilization of hazardous chemicals. Developing and implementing work practices to minimize release of contaminants or hazardous chemicals into the work environment;

- Flammables should be marked, stored away from ignition sources and oxidizing materials, and equipped with fire extinguishing devices;
- Corrosive, oxidizing and reactive chemicals should be segregated from flammable materials and from other chemicals of incompatible class, stored in ventilated areas and in containers with appropriate secondary containment to minimize intermixing during spills;
- Ensure that the packaging, containers and vehicle used for transport are appropriate for the hazardous material, and train employees involved in the transportation of hazardous materials regarding proper shipping procedures and emergency procedures;
- The use of asbestos containing materials (ACM) should be avoided as a new material in remodeling or renovation activities. Existing facilities with ACM should develop an asbestos management plan.

3.3 Biological Hazards

- Avoid utilization of biological agents. Developing and implementing work practices to minimize release of hazardous biological agents into the work environment;
- The employer should closely cooperate with local health authorities to review and assess known and suspected presence of disease agents or vectors at the place of work and implement appropriate hygiene improvement and safety measures;
- The employer should at all times encourage and enforce hygiene and personal protection;
- The employer should ensure workers could have access to appropriate care and medical treatment in on- site or community health care facilities.

3.4 Training

- A basic occupational training program and specialty courses should be provided, as needed, to ensure that workers are oriented to the specific hazards of individual work assignments. Training should generally be provided to management, supervisors, workers, and occasional visitors to areas of risks and hazards;
- Provisions should be made to provide OHS orientation training to all new employees (including community workers) to ensure they are apprised of the basic site rules of work at / on the site and of personal protection and preventing injury to fellow employees;
- Training should consist of knowledge of materials, equipment, and tools, basic hazard awareness, site/operation specific hazards and how they are controlled, potential risks to health and precautions to prevent exposure, safe work practices, hygiene requirements, wearing and use of personal protective equipment, and emergency procedures for fire, evacuation, and natural disaster, as appropriate;
- If visitors to the site can gain access to areas where hazardous conditions or substances may be present, a visitor orientation and control program should be established to ensure visitors do not enter hazard areas unescorted;
- Workers with rescue and first-aid duties should receive dedicated training so as not to inadvertently aggravate exposures and health hazards to themselves or their co-workers. Training would include the risks of becoming infected with blood –borne pathogens through contact with bodily fluids and tissue.

3.5 Emergency Response Plan

The eight pilot counties under the Program are located in Eastern Hunan Province, neighboring Jiangxi. They have a subtropical monsoon climate with abundant rainfall, with a mostly mountainous and hilly landscape. The occupational health and safety of road maintenance workers is of particular concern in the rainy season (about three months in summer), when there is possible occurrence of heavy rainfall, storm, mudslides, landslides, and other geohazards.

An effective way of protecting workers health and safety, and preventing injury or loss of life, is to provide for an emergency response plan in which personnel and equipment can be mobilized as needed on short notice.

Necessary items to include in the emergency response plan include:

- A system to collect and analyze weather, soil, and road conditions: Weather data should be collected daily and should include daily amounts of precipitation, cumulative precipitation per storm, total per season, month, etc. Any information indicating run-off amounts, temperature changes, wind and barometric pressure should be noted. Additional or more frequent information updates can be requested as conditions warrant. A rating system for storms can be developed based on historical data and/or local knowledge. For each condition, a specific set of activities ranging from observation to full region-wide patrols and work teams will be identified.

- Establishment of organization and responsibilities for plan activation, implementation, monitor and evaluation.
- Establishment of emergency response procedures including risk estimation, conditions of work termination and evacuation.
- Documented availability and cost of resources (e.g., vehicles, equipment, materials, tools, personnel, medical stations, funds).
- A communication and reporting system which provides emergency contacts to employer, workers, communities and public agencies.
- Provisions for training, drills, and periodical plan review and updates.

3.6 Monitoring and Supervision

The monitoring and supervision plan of OHS should include:

- Regular inspection, testing and calibration of all safety and hazard control measures (including engineering measures, work procedures, installations, equipment, tools and PPE) and keep the record;
- Regular surveillance of the working environment features;
- Regular surveillance of workers' health;
- Monitor and document training activities for employees and visitors;
- The employer should establish procedures and systems for reporting, recording, and investigation of occupational accidents and diseases, dangerous occurrences and incidents.

Annex 5: Template of the Community Engagement Manual (CEM)

- (i) Purpose of the manual
- (ii) Scope of application
- (iii) Methodology
- (iv) Procedures for community involvement in the design, implementation, operation and maintenance of rural schools and rural roads, including participation of the poor , women and ethnic minority groups
- (v) Procedures for negotiated land donations for small village infrastructure
- (vi) Training and education program for road maintenance workers in rural communities
- (vii) Access to citizen communication on public budget transfers
- (viii) Grievance redress mechanisms
- (ix) Monitoring community participation