Improvement Project of Comprehensive Traffic in Xi'an City
under Loans of the World Bank

Sub-item of Public Traffic

Framework of land Requisition and Relocation

April, 2007
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I. Introduction

Xi'an, an important supporting point for the Strategy of the Development of the Western Regions in China, is endowed with unique historic, economic, cultural and regional advantages and industrial advantages in fields of education, science research, equipment manufacturing, and high and new-technology. It has made big progress in social and economic development, becoming the most important central city in Northwestern China and the window for the reform and opening-up of Western China. Now under the guidance of the city development concept “internationalization, marketization, humanization and ecologicalization”, Xi'an is further enlarging its urban framework and accelerating the integration of urban and rural areas, advancing its urban function increasingly. Xi'an city is now progressing on a harmonious, stable express road.

By the year of 2004, the average trips every day in Xi'an has reached to 7.30 million person-times, and quantity of automobiles has amounted to 333,700, new cars increasing by 200 to 400 each day. The traveling demand of citizens increases tremendously. At the same time, with the huge investment in constructing infrastructure of urban traffic in Xi'an city, the backward situation of city's transportation has been improved greatly. The fast increasing demand for urban traffic makes the newly-built urban roads occupied at a tremendous speed by vehicles increasing continuously, traffic jams emerging repeatedly as a result. The current development methods may trap the city’s traffic system into such a vicious circle: construct new roads to relieve jams temporarily – entice more traffic – fall into jams again – road expansion impossible due to limited land for use. Therefore, it is only to change the mode of traffic development and to improve the efficiency of road utilization, shall the sustainable development of the traffic in Xi'an city come true.

By the end of 2004, there are 186 bus lines altogether and over 4,000 big and medium-sized buses in the city, which can bear the travel of nearly 2.50 million passengers; there are 10463 taxis, which bear the travel of more than 600,000 passengers; the two together bear 30% of the total trips of citizens. Xi'an has basically formed an urban traffic system with public buses and trolleys as the main body and taxis the complement. The investment in and operation of public traffic both increase quickly, but traffic jams caused the fall of the services provided by public buses. Premier Wen Jiabao, and Vice-Premier Zeng Yanpei both have given instructions of giving priority to public traffic, and Ministry of Construction have issued “the guideline of giving priority to the development of urban public traffic” [No. 38], and the General Office of the State Council has forwarded the notice (guobanfa[2005] No. 46) on “the guideline of giving priority to the development of urban public traffic” by Ministry of Construction and other ministries. From all of these, we can see the policy of giving priority to public traffic has gained the recognition of the government.
Base on the above reasons, Xi’an Municipal People’s government considers the
development of the public traffic of the city is now facing with an unparalleled opportunity.
It plans to make use of the chance of implementing the World Bank Loan’s project to carry
out the policy of giving priority to the public traffic. This time, it has made a special study
on the public traffic sub-item of the World Bank Loan’s project, which includes
demonstration Bus Rapid Transit (BRT) line, designated road system for public traffic,
 pivots of public traffic and the maintenance lot.

The majority of the improvement project of comprehensive traffic in Xi’an city this time is
to make improvement based on the original roads, basically reconstructing pavement along
the original roads. It is predicted that the influence caused by land requisition and relocation
will not be very big. However, it is necessary to compile a general framework of policies in
responding to possible land requisition and relocation, providing guidance for necessary
works concerning land requisition and relocation. Framework of land Requisition and
Relocation for Sub-item of Public Traffic of the Improvement Project of Comprehensive
Traffic in Xi’an City Under Loans of the World Bank is compiled in accordance with
national, provincial and regional laws and regulations concerned, and in the light of policies
of involuntary relocation operation of the World Bank and the requirements of the bank’s
procedure. The aims of the framework are to relocate properly the affected citizens, benefit
them, improve or at least resume their living standard as that before the construction, in the
construction of the project.

II. Overview

In accordance with the notice (guobanfa[2005] No. 46) on “the guideline of giving
priority to the development of urban public traffic” by Ministry of Construction and other
ministries the General Office of the State Council has forwarded, the “11th Five-year”
Traffic Development Plan of Xi’an, Plan of Bus Line Network of Xi’an, and Plan of Road
Transport Pivots and Line Layout of Xi’an, Xi’an compiled Special Plan of Urban Public
Traffic Of Xi’an and proposed key development projects of Xi’an in the “11th Five-year
Plan” in 2005. These projects include: constructions of No.2 subway, the demonstration
BRT bus line, public traffic yards and stops (including public bus pivots, maintenance lot,
parking lot, dispatching stations, etc.) and special public traffic roads, the optimization of
common public traffic line network, and the development of integration of the urban and
rural public traffic, taxis and informatization of public traffic. Therefore, the city can relieve
the problems existing in the current urban public traffic, and improve and upgrade the
service quality of the urban public traffic system in the city.
The project includes ten special public traffic roads 100.67 km long altogether (Hongqi Factory – Taihua Rd. – City Ring East Rd. – Taiyi Rd. – Qujiang, Zhuhong Rd. – Xinghuo Rd. City Ring West Rd. – Taibai Rd., Keji Rd. – Xixie Seventh Rd. – Jixiang Rd. – Xiaozhai East, West Rd. – Xiyang Rd., the whole Youyi Rd., the whole Laodong Rd. – Gaoxin Rd., Jiefang Rd. – Heping Rd. – the Big Wild Geese Pagoda, Hongguang Rd. – Fenghao Rd. – Xiguan Street – East, West Street – Shiyuan Rd. – huzhu Rd. – Hansen Rd., Hancheng Rd. – Zhangba North Rd., the whole Xingqing Rd., Weiyang Rd. – South, North Street – Chang’an Rd.), three public traffic pivots (North Train Station, Passenger Station of Spinning Town and South City Passenger Station), one maintenance yard (North Suburb Xinzhu Maintenance Yard), one Bus 20.1 km long BRT line along the East-west Fifth Rd., as well as the hi-tech information administration system, automatic location system of automobiles, etc. The total investment amounts to RMB 625 million Yuan, of which $35 million is loans from the WB.

Based on the function of the sub-item of BRT and the forecasting result of public traffic quantity, the BRT Special line should be enclosed completely. On the basis of a thorough consideration of demand forecast, economic analysis, technical feasibility and road condition, the special line shall be 3.5 m wide, and the designed speed in the corridor is 40km/h, designed transporting speed of the two lines 23km/h. In the BRT station, the road surface paving shall be asphalt concrete, and BRT pivot shall be built in the Spinning Town. A piece of land of 10 mu shall be requisitioned for building the BRT station.

The designed operation speed of special public traffic road is 20km/h, and at rush hours, the transportation capability is designed to reach 26,000 person/hour/direction.

Table 2-1 Project of Special Public Traffic Road

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Line</th>
<th>Length (km)</th>
<th>No. of Stops (pair)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Weiyang Rd. – South, North Street – Chang’an Rd.</td>
<td>17.84</td>
<td>22</td>
</tr>
<tr>
<td>2</td>
<td>Hongqi Factory – Taihua Rd. – City Ring East Rd. – Taiyi Rd. – Qujiang</td>
<td>14.65</td>
<td>23</td>
</tr>
<tr>
<td>3</td>
<td>Jiefang Rd., -- Heping Rd. – the Big Wild Geese Pagoda</td>
<td>5.87</td>
<td>18</td>
</tr>
<tr>
<td>4</td>
<td>Keji Rd. – Xixie Seventh Rd. – Jixiang Rd. – Xiaozhai East, West Rd. – Xiyang Rd.</td>
<td>13.22</td>
<td>25</td>
</tr>
<tr>
<td>5</td>
<td>the whole Laodong Rd. – Gaoxin Rd.</td>
<td>5.34</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>The whole Xingqing Rd.</td>
<td>3.07</td>
<td>6</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------</td>
<td>------</td>
<td>---</td>
</tr>
<tr>
<td>7</td>
<td>The whole Youyi Rd.</td>
<td>9.97</td>
<td>13</td>
</tr>
<tr>
<td>8</td>
<td>Zhuhong Rd. – Xinghuo Rd. City Ring West Rd. – Taibai Rd.</td>
<td>15.60</td>
<td>19</td>
</tr>
<tr>
<td>9</td>
<td>Hancheng Rd. – Zhangba North Rd.</td>
<td>9.29</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>Hongguang Rd. – Fenghao Rd. – Xiguan Street – East, West Street – Shiyuan Rd. – huzhu Rd. – Hansen Rd.</td>
<td>13.14</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>107.98</td>
<td>168</td>
</tr>
</tbody>
</table>

Construction size of planned public traffic pivots is given in the following table 2-2.

**Table 2-2 Project Construction Size**

<table>
<thead>
<tr>
<th>Location</th>
<th>Area occupied (mu)</th>
<th>Vehicles in service</th>
<th>Area of plant building (m²)</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Railway Station</td>
<td>50</td>
<td>600</td>
<td>5000</td>
<td>30 bus lines and 600 vehicles in service</td>
</tr>
<tr>
<td>Passenger Station of the Spinning Town</td>
<td>30</td>
<td>450</td>
<td>8000</td>
<td>20 bus lines and 450 vehicles in service</td>
</tr>
<tr>
<td>South City Passenger Station</td>
<td>30</td>
<td>450</td>
<td>3000</td>
<td>20 bus lines and 450 vehicles in service</td>
</tr>
</tbody>
</table>

East City Passenger Station is located north of Fangbei Rd., east of Xinsi Rd. and west of Fangwei Rd., but its public traffic pivot station is situated in the north of the passenger station, covering an area about 30 m². South City passenger Station is located north of Yanhuan Middle Rd. and west of Chang’an Rd., and its planned area is about 30 m² together with its public traffic pivot station. North Railway Station is situated west of Wengjing Rd. and east of Weiyang Rd., and together with its public traffic pivot station, it takes an area about 50 m².
The construction of the Xinzhu Maintenance Yard shall include specific functional sub-areas like maintenance, refueling, parking, office, etc., and every sub-area is linked up with others. The specific locations of all sub-areas should meet not only the operation requirement of vehicles within, but also requirement of environment, security and so on. Passages within the yard should be designed to facilitate the smooth entrance and exit of vehicles and the operation within the yard. The yard, covering an area of 100 mu, should be able to take tasks of one guarantee, two guarantees and three guarantees and provide the second and third grade maintenance services for outside vehicles.

The functions of the public traffic sub-item are to improve the supply mode of traffic and transit the urban traffic construction from “vehicle-oriented” to “human-oriented”, realizing the smooth and sustainable development of the urban traffic. While proving better traveling choices for citizens, it also aims to enhance the government’s comprehensive administration in traffic and the operation management of the public traffic enterprise.

After completion of the project, the backward public traffic service will be changed completely, and the road network and public traffic system in harmony with the protection the ancient city will be established. The project shall improve the administration ability in public traffic, meet the demand of traveling of citizens and the traffic demands from urban expansion, and economic and social development, and thus form a scientific development node of urban traffic, invigorating and beautifying the city.

III. Law and Policy Framework of Relocation and Settlement

3.1 Main Laws and Policies Governing Relocation and Settlement

3.1.1 National Laws and Regulations


*Regulations for Management of Urban House Demolition* (Enforced on Dec. 1, 2001)

3.1.2 Laws and Policies of Shaanxi Province

*Implementing Measures of Shaanxi Province on ‘Law of Land Administration of the
People's Republic of China (enforced on Jan. 1, 2000)

Measures of Assignment and Transfer of the Right to the Use of National Land of Shaanxi Province

Detailed Implementing Rules of Shaanxi Province on Regulations on the protection of Basic Farmland (Enforced on Apr. 4, 1996)

Measures of Uniform requisition of Land for Construction Projects of Shaanxi Province (enforced on Mar. 1, 2002)

Regulation on the Administration of the Dismantlement of Urban Houses and Compensation of Shaanxi Province (enforced on Dec. 1, 2003)

3.1.3 Laws and Regulations of Xi'an


The Fourth General Urban Planning of Xi'an

3.1.4 Policies of the World Bank


Business Policy of the World Bank OP4.12 – Appendix A: Documents on Involuntary Re-settlers

3.2 Laws, Articles and Policies Concerning Relocation and Resettlement

3.2.1 Laws, articles and policies concerning the requisition of land

3.2.1.1 National laws and policies concerning requisition of land

Law of Land Administration of the People's Republic of China prescribes: any institution or individual in need of using land must apply for the use of national land in conformity with legal provisions.

Article 44: Whereas occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required. For projects of roads, pipelines and large infrastructure approved by the people's governments of provinces, autonomous regions and municipalities, land for construction has to be approved by the State Council whereas conversion of agricultural land is involved. Whereas agricultural land is converted into
construction purposes as part of the efforts to implement the general plans for the utilization of land within the amount of land used for construction purposes as defined in the general plans for cities, villages and market towns, it shall be approved batch by batch according to the annual plan for the use of land by the organs that approved the original general plans for the utilization of land. The specific projects within the scope of land approved for conversion shall be approved by the people's governments of cities or counties.

Article 45: The requisition of the following land shall be approved by the State Council:
1. Basic farmland; 2. Land exceeding 35 hectares outside the basic farmland; 3. Other land exceeding 70 hectares; ...

Article 47: In requisitioning land, compensation should be made according to the original purposes of the land requisitioned. Compensation fees for land requisitioned include land compensation fees, resettlement fees and compensation for attachments to or green crops on the land. The land compensation fees shall be 6-10 times the average output value of the three years preceding the requisition of the cultivated land. The resettlement fee shall be calculated according to the number of agricultural population to be resettled. The number of agricultural population to be resettled shall be calculated by dividing the amount of cultivated land requisitioned by the per capital land occupied of the unit whose land is requisitioned. The resettlement fees for each agricultural person to be resettled shall be 4-6 times the average annual output value of the three years preceding the requisition of the cultivated land. But the maximum resettlement fee per hectare of land requisitioned shall not exceed 15 times of the average annual output value of the three years prior to the requisition.

The standards for land compensation and resettlement fees for land requisitioned shall be determined by various provinces, autonomous regions and municipalities in reference to the land compensation fees and resettlement fees for cultivated land requisitioned. The standards for compensating for ground attachments and green crops on the land requisitioned shall be determined by various provinces, autonomous regions and municipalities. But the combined total of land compensation fees and resettlement fees shall not exceed 30 times the average output value of the three years prior to the requisition.

Article 58: In one of the following cases, the land administrative departments of related people's governments shall recover the land use right of State-owned land with the approval of the people's governments that originally gives the approval or the people's governments with the power of approval: 1. Use land for the sake of public interests; 2. Use land for adjustment in re-building old city districts in order to implement urban construction plans....

3.2.1.2 Laws and policies of Shaanxi Province concerning requisition of land

(1) Implementing Measures of Shaanxi Province on 'Law of Land Administration of the People's Republic of China'
Article 6: Anyone intending to change the ownership of, the right of use to, or the use of land in conformity with legal provisions, shall apply to the original land registration department for changing registration within 30 days of the approval.

Any mortgager and mortgagee mortgaging the right of use to land in accordance with laws, shall bring mortgage contract to the original land registration department applying for registering the mortgage of the right hereof.

Any owner, user of land changing his name or address, shall apply to the original land registration department for registering such change within 30 days of the change occurs.

Article 19: Where occupation of land is approved legally for non-agricultural purposes, the principle of reclaiming the amount occupied must be followed, and the occupier shall reclaim an area no more than and no better than that of the occupied in accordance with the requirement of the general planning of the use of land. If no reclaiming condition is available or the land reclaimed is not as required, the occupier shall pay the reclaiming fees to the competent administrative department for land of the city or county with more than one district where the occupied land is located, and the department thereof shall be responsible for organizing the reclaim of the farmland of such quantity and quality. If such city or county with no enough storage of farmland for reclaiming, the higher competent administrative department for land shall be responsible for collecting the fee for reclaiming land and organize the reclaim hereof.

The fee for reclaiming land shall be deposited in special account for the use of reclaiming new farmland, but no reduction and exemption, or embezzlement shall be allowed.

The administrating rules on farmland reclaim and collection criterion of fees for reclaiming farmland shall be formulated by the provincial people’s government.

Article 26: When any construction project conducts feasibility study or compile project proposals, the construction unit shall advance the beforehand application of the land used for construction to the competent administrative department for land of the same level to the approval department of the construction project. The department of land shall examine the matters in connection with the land hereof in accordance with the general planning of land uses, annul plan index of land uses and national policies of land supply, and present preliminary examination report of such construction project to the land-use unit of construction.

Article 27: After the approval of the report of the feasibility study of the construction project or the project proposal, the construction unit shall take the approval documents of
relative department and advance land use application to the competent administrative
department for land of the city or county with more than one district therein. The department
hereof accepting such application shall examine and submit to higher authority for further
examination and approval in accordance with legal procedure and authority.

The department of land hereof shall publish the procedure, criteria, foundation and result of
the examination and approval on the land for construction use.

Article 28: In reporting to a higher authority for examination and approval, the
competent administrative department of land with more than one district shall compile the
report description of the project of land for construction use, and draw out a plan in
accordance with the following prescriptions.

(I) Drawing out land supply plan by using national construction land or land used
beyond the national scope;

(II) In using national farmland, the consignment scheme of farmland, complementary
farmland scheme and land supply scheme shall be drawn out;

(III) Drawing up plan of land expropriation and land supply for expropriating
construction land owned by peasants collective or land without being used;

(IV) If the collective-owned land of peasants is expropriated, the land transfer scheme,
farmland supplementation scheme, land expropriation scheme and land utilization scheme
shall be proposed.

(V) If the collective-owned land of the peasants is utilized for the establishment of
township enterprises or the construction of residence, or for the construction of public
facilities and social public services, the land utilization scheme shall be proposed. If the land
is used for agricultural production, the farmland transfer scheme and farmland supplementation scheme shall all be proposed. If some national key construction programs
concerning cross-city (district) railways, highways, hydraulic works and others are
undertaken, the land shall be expropriated by the provincial people's government in uniform.

Article 29 The land compensation fee and relocation subsidies for land expropriation
shall be covered in line with the Article 47 of Land Administration Law of the Peoples
Republic of China. The land compensation fee, relocation subsidies for other lands and
compensation for expropriation of land appendage and young crops shall be covered
according the following standards:

(I) The land compensation fee for agricultural use shall be four to six times that the
annual average yielding output of the local county (city or district) in the first three years;
and the land compensation fee for other lands shall be one or four times that the annual
average yielding output of the local county (city or district) in the first one to four years;

(II) The relocation subsidies for other land that has been used shall be covered by 35% to 60% of the land relocation subsidies of the local county (city or district);

(III) The young crops compensation shall be covered by 40% to 90% of the annual average yielding output of ravaged land in the first three years. And the house and other land appendage shall be identified their classification, grade and compensation unit according their usage, structure and utilization period, and their value shall be appraised by the local municipal (district) people’s government.

Land compensation fee and relocation subsidies shall be covered according to the above articles. If they cannot maintain the previous living standard of the relocated rural households, with approval of the provincial people’s government, the relocation subsidies can be increased, but the total of land compensation fee and relocation subsidies shall not surpass 30 times that the annual yielding output in the first three years of land expropriation.

(2) Details of Regulations on the Basic Farmland Protection

Article 11 Once the basic farmland is allocated, no unit and person shall alter or occupy without permission. The major construction project concerning national energy resources, transportation, hydraulic work that will utilize lands of the basic farmland protection areas shall draw and fill out the Application Form for Basic Farmland Occupation Permit at the local county-level land administrative authority. After winning the approval, they can draw the Permit for Basic Farmland Occupation issued by the provincial land administrative authority. The following documents shall be presented when the permit is issued.

(I) The approval documents for the construction project;

(II) Application form for construction land or application form for reserved land use;

(III) Prior discussion materials on land reclamation of basic farmland protection areas.

Article 12 Within 15 days since it accepts the application form, the provincial land administrative authority shall come up with suggestions along with the provincial agriculture administrative departments, and then submit to the provincial people’s government for approval. After the approval, the provincial land administrative authority shall issue the Permit for Basic Farmland Occupation. With this Permit, the construction units shall implement the relevant familiarities according to the stipulation on the examination and approval procedures and entitlement of Implementation of Shaanxi Provincial Land Administration.

Article 13 The units that undertake non-agricultural construction with the approval for land expropriation and occupation of the protection areas shall pay the land reclamation fee, in addition to fees paid in compliance with the present laws and regulations, for the local land administrative authority of the county-level people’s government. The standards for land reclamation is as follows

Grade I basic farmland accounts for 80% to 100% of the land compensation fee and relocation subsidies; and Grade II basic farmland accounts for 60% to 80%.
3.2.2 Laws and regulations on house demolition
3.2.2.1 National regulations on house demolition

*Regulations on House Demolition* stipulates:

**Article 6** The house demolishing units shall not undertake their work until they get the permit of house demolition.

**Article 8** When the bureau of house demolition issue the permit for house demolition, it shall make public the demolishing units, scale and duration etc by an announcement. The bureau of house demolition and the house demolishing people shall work hard to publicize and explain their work to the demolished people.

**Article 22** The demolishing people shall compensate for the demolished people according to the present article.

**Article 23** The demolition compensation can be realized by either currency or exchange of the house ownership.

**Article 24** The amount of the money compensated shall be identified with appraised price of real estate market in accordance with factors including the location of the demolished house, its usage, construction area etc. The specific way of compensation shall be stipulated by people’s government of provinces, autonomous regions and municipalities.

3.2.2.2 Regulations on house demolition in Shaanxi province

(1) *Regulations on Compensation for Urban House Demolition of Shaanxi Province*

**Article 2** The present regulations shall be applied, provided that the house demolition is undertaken on the state-owned land within the provincial urban planning area, and the demolished people shall be compensated and relocated.

**Article 5** Urban house demolishing units shall obtain the permit for house demolition. The permit for house demolition shall be applied for, granted, examined and issued according to the stipulations of the *Regulations on Urban House Demolition*, so is the release of the demolition announcement.

**Article 12** The compensation for demolition shall comply with the principle of fairness and reasonableness. The compensation money for the demolished people shall be identified with the appraised price of the real estate market.

However, the compensation shall not cover the demolished illegal constructions or the temporary constructions with the utilization period already expired. Appropriate compensation shall cover the demolished temporary constructions within valid utilization period; if other regulations on the approval of construction are stipulated, they shall be complied with.

**Article 14** The demolishing people and the demolished people shall negotiate to enact an agreement on compensation for demolition and relocation within the period stipulated by the demolition announcement.
If currency is used for compensation, the agreement on compensation for demolition and relocation shall include the following items: basic information about the demolished house, compensation amount, subsidies amount for relocation, fees for dismounting domestic appliances, paying method and paying prompt, time limit on relocation, responsibilities for breach of contract, way of coping with the conflicts and other items agreed by people involved in house demolition.

If the exchange of house ownership is used for compensation, the agreement on compensation for demolition and relocation shall include the following items: basic information about the demolished house, place where the house is exchanged, the area of house, storey, surface utilization, transition period, fees for dismounting domestic appliances, relocation subsidies, allowance for temporary relocation, responsibilities for breach of contract, way of coping with the conflicts and other items agreed by people involved in house demolition.

If the house to be exchanged is under construction, the transition period for the multi-storied buildings shall not exceed 18 months, and that for high-rise buildings shall not exceed 24 months.

The model manuscript of agreement on compensation for demolition and relocation shall be stipulated by the provincial administrative departments of construction.

Article 15 If the demolishing people and the demolished people fail to negotiate and enact the agreement on compensation for demolition and relocation, they shall entrust a real estate appraisal institutes or more than two such institutes put forward by the demolishing people, or one institute by the demolished people, to appraise the price of the demolished house in real estate market. The demolishing people and the demolished people shall stipulate the agreement in line with the appraisal result.

If people involved in demolition have any objection to enacting the agreement, they shall apply for arbitrament to the bureau of house demolition of the city or the county; if the administrative bureau of house demolition of the city and the county belongs to the demolished people, they shall apply for arbitrament to the people's government of the city and the county. The arbitrament shall be made out within 30 days since the application form is accepted.

Bureaus of house demolition of the district or the county shall organize the expert committee for house demolition appraisal. People's government of the district or the county or bureaus of house demolition shall make out arbitrament according to the committee's appraisal.

If people involved in demolition don't agree with the arbitrament, they shall fill a suit to the people's court within three month since the day when the arbitrament document is delivered. The demolishing people shall compensate the demolished people with currency or by providing them with house for relocation or house transfer, and the relocation work shall not be suspended during the suing period.

(2) Enforcement Regulations on Xi'an Urban House Demolition
Article The present enforcement regulations shall be applied, provided that the house demolition is undertaken on the urban planning state-owned land within the city's administrative area, and the demolished people shall be compensated and relocated.

Article 3 The urban house administrative department is the chief institute in charge of the local house demolition. Xi'an House Demolition and Relocation Office shall be responsible for the urban house demolition work of the six districts, including Xinchen District, Belin District, Lianhu District, Yanta District, Weiyang District and Baqiao District.

The urban administrative departments of house demolition in Lintong District, Yanliang District, Chang'an District and other counties shall be responsible for the house demolition management within each district and shall accept the work guide by the chief departments of urban house demolition and bureau of house demolition.

The administrative departments in charge of planning, construction, land resources, civil engineering, public security, commerce and industry, education, labor, and social security, shall make joint effort with the people's government of districts and counties to properly undertake the house demolition management.

Article 13 The demolishing people shall stipulate the plan and scheme for demolition and relocation, which shall include the following items: demolition scale, the basic information about the demolished house (including utilization purpose, area and ownership), the demolishing unit, and the name list of relevant personnel, compensation scheme (including the budgetary compensation fee for demolition, source of compensation fee for relocation, house to be exchanged, transition house or other makeshift measures), demolition mode and duration, house demolition scheme (including safety work and environmental protection).

Article 15 The demolishing people shall sign the agreement on compensation for demolition and relocation with the demolished people in line with the present laws. The agreement shall include the following items:

The ownership of the demolished house, its location, area, utilization purpose and structure etc.

- compensation mode and standard, and settlement method;
- demolition duration;
- as to house for relocation, its ownership, location, area, utilization purpose, structure, transition way, and transition duration shall be illustrated;
- liabilities for breach of contract and way to cope with conflicts;
- and other items agreed by the people involved.

The model manuscript of the agreement on compensation for demolition and relocation shall be printed in uniform by the city's administrative bureau of demolition.

Article 25 Compensation for demolition can be realized by currency or by the exchange of the house ownership. Apart from the stipulations of the present regulations, the demolished people can choose another compensation way.

Article 26 If the demolition is compensated by currency, the location, utilization purpose,
ownership, and construction area of the demolished house shall be appraised by the price in real estate market. If the demolition is compensated by the exchange of house ownership, the dwelling house or non-dwelling house, apart from the rented private houses, shall be relocated according to the construction area of the demolished house. The price settlement shall be carried out in line with the following stipulations:

(I) Price of the house to be exchanged shall be evaluated according to the appraised price of demolished house as well as the appraised price of relocated house in real estate market.

(II) For leaseholders in charge of the houses under direct control of the state, and property owner that give up the property right, the price of the self-living area among the construction area of the relocated house shall be evaluated by cost price stipulated by the house reform bureau of the same year. If the price exceeds that of the original self-living area (the increased area stipulated in Article 34 of the present regulations is not included), it shall be evaluated by the appraised price of the relocated house in real estate market. The price appraisal of real estate market shall be implemented in line with the *Temporary Regulations on Price Appraisal for Xi'an Urban House Demolition.*

Article 38 If the demolishing people provide the transition house, house relocation or currency compensation, they shall not cover the transition subsidies. However, if the demolished house is mainly for production or operation, and will suspend the production or operation because of the demolition, the demolishing people shall, in line with the second item of Article 37 of the present regulations, pay for the corresponding transition subsidies during the suspension of work according to factors like demolition volume and the like.

If the demolishing people provide the leaseholder with transition house, the leaseholder shall pay for it.

Article 39 If the transition duration stipulated on the agreement is expired, from the expiration month, the demolishing people shall pay for the transition subsidies with no less than twice of the original; if the transition duration is expired over six month, from the seventh month, the demolishing people shall pay for the transition subsidies every month with no less than three times of the original. If the transition subsidies are paid by salary as described by the second item of Article 37 of the present regulations, the added transition subsidies shall be fulfilled according to the agreement.

If the demolishing people provide the transition house for the demolished people or leaseholder, since the expiration month, they shall stop paying for the lease. Since the expiration month, the demolishing people shall pay the demolished people 20% of the standard transition subsidies according to the stipulation of Article 37 of the present regulations.
Article 40 The demolishing people shall pay the demolished people or the leaseholder the relocation subsidies according to the following standards:

(I) They shall pay the demolished people, individual businesses the relocation subsidies of RMB 1,000 Yuan per household, and shall pay those who are compensated by currency or relocated to dwelling house RMB 500 Yuan per household.

(II) As for units, the demolishing people shall pay them in line with the stipulations of the national, provincial or urban price of freight transportation.

Article 41 The relocation fee for equipments shall be paid according to the national, province or urban price of freight transportation. If the equipments and materials need to be stored temporarily, the warehouse leasing subsidies shall be covered according to the storage volume.

Article 42 If the demolished people are relocated to a dwelling house, the relocation work shall be implemented according to the construction area and the flat type of the demolished house. The minimum construction area of the relocated house shall not be less than 45 m², and the difference of the construction area with different flat type shall not be less than 10 m². As to the house for two couples, each suit shall be relocated separately according to division of property rights. If the house has more area than is stipulated on the house ownership certificate, its price shall be appraised as a relocation house.

Article 43 Dwelling houses shall be chosen by the demolished people and the leaseholder according to the relocation order. If one household is relocated to more than two suits (including two suits) of houses, the houses shall be allocated on different stories.

The storey of multi-storied buildings can be classified as: for a three-storied building, the first and the second storey belong to the low storey, while the third storey belongs to the high storey; for a four-storied building, the first, second and third storey belong to low storey, while the fourth storey belongs to the high storey; for a five-storied building, the first to the fourth storey belong to low storey, while the fifth belongs to the high storey; for a six-storied building, the first to the fourth storey belong to low storey, while the fifth and the sixth belong to high storey; for high-rise buildings or skyscrapers, the storey can be classified according to different situations, and should be clarified in the relocation arrangement scheme.

3.3 Main tenets of the World Bank’s policies on involuntary relocation

1. Probe into the other possible program design schemes to avoid or decrease the involuntary relocation.

2. If failing, the relocation work will serve as the scheme for the sustainable
development, and provide abundant investment fund, so as to enable the people, who have to be relocated because of this program, to share the profit made by the program. And the relocation work will involve the immigrants for serious discussion and provide them with chances to participate in the scheme and implementation of the relocation work.

3. The livelihood or living standard of the relocated people shall be, or at least, be restored to the level before they are relocated or before the program is implemented, and should be kept at a high level.

4. People affected by the program are entitled to the following items:

(1) Being compensated before the relocation with the entire relocation cost;

(2) Receiving helps in the course of relocation and support in terms of arranging relocation site in transition period;

(3) Obtaining helps to improve their livelihood so as to increase their capacity or production expertise, which at least can reach the previous level. The impoverished family and family members to be relocated can receive more helps.

5. Those that are not entitled to the legitimate right and certificate for land or land structure can still be compensated or supported.

6. The disadvantage group of relocation shall be given special concerns, especially people that live beneath the poverty line, people from disabled family or single-parent family, and the widowed old people, or those who might not be entitled to the protection of the state law on land compensation.

7. The compensation standard will be enacted in the relocation plan, and it will be publicized to the relocated people due to the implementation of the program. The relocation compensation can be covered in full amount according to the announced standard.

8. The aim and principle of the relocation will be implemented in *The Immigrants Relocation Plan*, which will provide policy support for the realization of the relocation aim and principle.

9. *The Immigrants Relocation Plan* apply to every sub-program project and the relevant programs of the project for improving Xi’an urban comprehensive transportation.

3.4 Immigrant Resettlement Policy in This Project

Immigrant resettlement policy in this project is formulated in accordance with correlative policy of People’s Republic of China, Shaanxi Municipal People’s government, Xi’an Municipal People’s government and World Bank.
3.4.1 Compensation principles of permanent appropriated land

(1) Compensation of appropriated land should be given by usage. Compensation expense should include land compensation, resettlement subsidy and compensation of attachment and green plant on land, which should be given to the owner, without green plant on land there is no compensation.

(2) Compensation of farm land should be given by six times of average annual output of last three years. Land compensation is belong to collective economic organization of the village and paid directly to villager’s committee which should be used on developing production and resuming economic standard of the influenced ones.

(3) Subsidy of resettlement should be calculated by six times of annual output of farm land, with resettlement subsidy given to the one in cost. Generally, resettlement subsidy should be given to influenced villager’s committee or group and managed and distributed by them.

(4) Appropriated waste land should enjoy the same treatment with farm land.

(5) Pay land compensation and resettlement subsidy in accordance with the principles above. In case, some one’s standard of living can not be kept, the resettlement subsidy can be added up. But, land compensation and subsidy should not surpass 30 times of annual output of the appropriated land.

3.4.2 Immigrant resettlement principle

(1) To some one, who has lost land because of land appropriation but lives on the land, he may choose to transfer from agriculture residents to non-agriculture with his free will, with the permanent residence is changed to urban residence and is involve into urban social insurance system and he may enjoy Guaranteed Income Supplement (GIS) and he may be settled to be enterprise of the town. Besides, resettled farmers can establish village and town enterprise and agriculture and sideline products process etc. according to demand of local industry structure. And after training he may engage in service industry such as food and drink, sales, maintenance, transportation, production service (e.g. agriculture products supply), life service (e.g. hairdressing, housekeeping and remover etc.. To some towns with surplus land, immigrants can make other choice, to be allocated land of some acreage and fertility in order to help him recovery production and enhance output value of the land and finally strengthen standard of living.

(2) To some one, who has lost land because of land appropriation but not lives on the land, he may choose to become non-agriculture residents with his free will. Moreover, those people can be settled to be employed by enterprises in the town or after training he may engage in service industry such as food and drink, sales, maintenance, service etc.. To some one wish to do work outside, provide employment training, agriculture technology training and workforce demand and supply information.

(3) To some villagers, who have lost less land, help them to carry on industry structure adjustment in accordance with new socialist countryside construction and “one country one breed”. Fix on a main product to promote industrialized management in plan and procedure.
Trough make the project “one country one breed” stronger and larger, actualize enhance of villager’s standard of living.

(4) Influenced work force will be settled properly.

3.4.3 Resettlement principle of villager’s with dismantled house

Influenced villager’s and urban resident’s house, according to will of influenced villagers, he may choose one in the two ways namely, monetary compensation and property right exchange.

(1) Monetary compensation

Compensate under principle of replacement price. According to investigation opinion and practical status, monetary compensation is mainly adopted in this project.

(2) Property right exchange

In case the relocated households are not willing to monetary compensation, he could be compensated with the way of property right exchange. To calculate in accordance with counteract of evaluation price of real estate market of dismantled and reallocated house, more details please refer to correlative legal regulation.

3.4.4 Resettlement principle of traders and enterprises

Firstly, carry on technology and economic analysis on resettlement plan of enterprises. If under production and management condition, try to rebuilt, resume and recovery the production and operation function. In case production function can not be recovered at the original location, it needs to rebuild at other location. Dismantle and rebuilt should be executed by themselves. In order to avoid and reduce the lost of production and business stop, project office and urban planning department should provide proper location adjacent to or in Xi’an Industrial Park for enterprise to remove. Removal location should be under joint consultation of influenced enterprise and dismantling and removal office of the project and in accordance with urban planning. Arrange enterprise need to relocate at other place earlier in order to recovery rebuilt. Local government should coordinate and distribute resettlement land use for dismantling market place and traders, or give them some money for transition, to rebuilt at the original place or adjacent after complement of the project.

3.4.5 Compensation principle of influenced ground attachment

Compensate of influenced infrastructure and ground attachment is in accordance with principle of replacement.

IV. Compensation standard and Submitting Reports for Approval

4.1 Land Compensation and Resettlement Subsidy Standard

According to Land Administration Law of PRC, Instruction about Consummating Land Appropriation System by Department of Land Resources, Business Policy of involuntary immigrant business OP4.12 of World Bank and relevant regulations and policy of Xi’an Municipal People’s Government, we formulated land compensation and resettlement subsidy standard of World Bank Loan Xi’an Urban Comprehensive Transportation Consummation
Project - Public Transportation Subproject.

4.1.1 Land compensation standard

Compensation of appropriation land should be given by 16-28 times of annual output of the last three years.

4.1.2 Land resettlement subsidy standard

(1) Resettlement subsidy should be given by four to six times of annual output of the last three years.

4.1.3 Working procedure on submitting reports for approval

(1) Working procedure prior to submitting reports for approval of project construction land use

A. Notification of land appropriation status. Prior to submitting reports for approval, Land Management Office and Land Appropriation, Demolition and Resettlement Office of the country (town) should inform collective economic organization of the village and villagers’ household about usage of the land, location, compensation standard and resettlement methods etc. of the appropriation land.

B. Confirmation of land appropriation. Land Management Office and Land Appropriation of the country (town) should investigate property right, variety and acreage of the appropriation land and property right, variety and number etc. of ground attachment. The investigation result should be confirmed together with collective economic organization of the village, villagers’ household and property owner of ground attachment.

(2) Working procedure on submitting reports for approval of project construction land use

In view that there is no land appropriation in Sub-project of Urban Public Transportation, if there is a necessity to appropriate land, it should be carried on according to the following working procedure:

A. Land Appropriation, Demolition and Resettlement Office of the country (town) makes plan of land appropriation and compensation and resettlement, ensuring of legal right of collective economic organization of the village, villagers.

B. Land Appropriation, Demolition and Resettlement Office of the country (town) put forward Project Construction Land Use Allowance Application to Land Management Bureau. If it is in the authority limit approved by People’s Government of the district, Land Management Bureau will approve it. Otherwise, it may be hand to Land Management Bureau of the district and city, Provincial Land Resource Office in order and approved by the relevant department.

C. Land Appropriation, Demolition and Resettlement Office of the country (town) can implement land appropriation, removal and resettlement, with acquirement of Construction Land Use Allowance.

(3) Working procedure on submitting reports for approval of resettlement location
A. To farmer’s household which needs to build house because of construction, demolition, relocation and resettlement of the country and collective, local office should encourage villagers to plan in unit and resettle together. Resettlement location should be handed by Land Appropriation, Demolition and Resettlement Office of the country (town) to relevant department of the district.

B. To some farmer’s household who is not equipped with condition or unwilling to centralized resettlement, Land Appropriation, Demolition and Resettlement Office of the country (town) should assist the farmer to apply to collective of local village, after authorization and check of country (town) and relevant district department then execute the policy to the household.

4.2 Compensation Standard of House and Ground Attachment

4.2.1 Compensation standard of house

According to relevant laws, regulations and polices of our country and correlative business principles of World Bank, compensation Standard of house in World Bank Loan Xi’an Urban Comprehensive Transportation Consummate Project - Public Transportation Subproject is formulated by replacement price. During the course of house rebuilt, project owner should take all the cost of leveling up the land, power and water supply and road construction (shortened as three constructions and one level).

4.2.2 Compensation standard of green plant and other attachment

(1) Crop is given compensation by one time of average annual output of last three years, and by 60% of production cost to seed and young plant.

(2) Young forest in timber forest is given by two times of production cost, by 40%-60% of volume production value per mu of mature forest to the half-mature forest and 30% of volume production value per mu, to mature forest.

(3) To fruit tree and other economic forest, the one which has not produced fruits is given compensation by two times of production cost; the one which has matured is given compensation by four to seven of the output value according to growth period and status of the trees.

(4) Special utilization forest and shelter forest are compensated by four to seven times of the same timber forest.

(5) Crops that planted promptly after publish of the appropriation notice will not given compensation.

(6) Other ground attachment such as sty, well, wall and grave etc. is given compensation by the replacement price separately.

(7) Influenced infrastructure such as power line, broadcasting line, communication line, transformer, underground cable and channel etc. is given compensation by the replacement price.
4.3 Other Cost

Other cost include two items, namely administration cost, supervision cost of land appropriation, removal and resettlement, in which, the former one is drawn by 3% of total cost of land appropriation, removal and resettlement in the project and the latter one is drawn by 2% of the total.

Concrete compensation and resettlement subsidy standard is formulated by district people’s government of the project location and executed with approval of high level people’s government.

V. Resettlement and Recovery

5.1 Resettlement Objective

Make sure that immigrants can acquire compensation of their lost, get reasonable resettlement and well recovery and share benefit of the project. Provide subsidy to their temporary difficulty so as to make their income level, living standard and profit ability to be elevated or at least recover to higher level, before removal or beginning of the project.

5.2 Resettlement Principle

Demolition, relocation and resettlement of house should abide the following principles:

(1) House resettlement

Dismantled public and private-own residential house and non residential house is adopted two settlement ways, namely are settlement in the way of house by construction acreage (property right exchange and monetary style.

To monetary settlement method, compensation price of original house and attachment is evaluated by replacement price decided by evaluation institution of real estate management department of the city. Dismantling and removal compensation (including settlement subsidy, transition subsidy, moving subsidy and other cost should be compensated because of dismantling and removal) with basic price according to house use classification of residence, business house use and non-business house use, environmental adjustment rate adjusted by land section and range according to house use classification of residence, business house use and non-business house use. Concrete adjustment range is checked and approved by Xi’an Demolition, Relocation and Resettlement Administration Office in accordance with land section of the project). Calculation formula is given as follows:

(1) Resettlement cost of private own residential house = evaluated price of the house+ evaluated price of attachment + basic price of demolition and resettlement compensation× (1+environment adjustment rate) ×property right construction acreage of original living house

(2) Resettlement cost of public own residential house = basic price of demolition and resettlement compensation × (1+environment adjustment rate) ×construction
acreage of original renting house – second level house replacement price of brick and concrete structure apartment building
(3) Resettlement cost of business building = evaluated price of the house + evaluated price of attachment + basic price of demolition and resettlement compensation \((1 + \text{environment adjustment rate}) \times \text{property right construction acreage of original living house} \times \text{level adjustment rate (basement 40%, first floor 100%, second floor 80%, third floor and above forth floor 60%)}\).
(4) Resettlement cost of non-business building = evaluated price of the house + evaluated price of attachment + basic price of demolition and resettlement compensation \(\times (1 + \text{environment adjustment rate}) \times \text{property right construction acreage of original house}\)

(2) Compensation to demolition and relocation of squatter building
Squatter building should be given compensation suitably according to replacement price of this kind of building. Compensation will not be given to squatter building that constructed promptly after decision of project land use. After acquiring the compensation, the squatter building should be dismantled and resettled in regulated time.

5.3 Demolition and Resettlement Plan

(I) Resettlement plan of urban residents
To demolition and relocation of urban residents’ house resulting from the project, resettlement project mainly are monetary resettlement and allocation other construction land and it is planed to adopt the first one.

(II) Resettlement plan of suburban residents
1. Resettlement of suburban residents influenced greatly by land appropriation
   It is planed to adopt the way of transferring from agricultural to non-agricultural status. Remove country to establish residential building and allocate land to establish resettlement district. Beside land appropriation compensation which influenced villagers could get, his registered residence is changed to be urban residence and he is involved into urban social insurance system. Villagers transferred from agricultural to non-agricultural status are encouraged to engage in service industry combining with demand of local industry structure.

2. Resettlement of suburban residents influenced less by land appropriation
   To suburban residents influenced less by land appropriation, main influence of Construction Project of Road Infrastructure in Urban Area of Huxian County is reduction of villagers’ farm land. Compensate to this kind of villagers according to relevant standard and take the practical influence to him in the consideration.

(III) Resettlement of enterprises and stores
To influenced stores and enterprises that need to relocated, local government should assist on selecting an adjacent location and allocate land. The enterprise will build a new factory plant and resume production only. Despite that construction unit should pay
compensation cost of land, building and various institutions, it should pay compensation cost under the following three conditions according to Detailed Rules for Arrangement of House Demolition and Removal in Xi'an City: a. transition subsidy; b. Workers' salary during downtime; c. production lost resulting from production stop

5.4 Settlement of Influenced Disadvantage Group

Besides correspondent settlement standard and recovery measures enjoyed by immigrant classification above, the disadvantage group enjoys the following rights:

1. Difficult household who can choose monetary compensation or property right exchange, but fail to settle down residential problem, he can apply for renting low-rent house.
2. After resettlement, correlative community service department is contacted for introduction him to employment with priority.
3. Immigrant institution will help elder people living alone, and settle them in lower floor with their will.

5.5 Compensation to Influenced Infrastructure and Ground attachment

We adopt monetary compensation to influenced infrastructure and ground attachment. Property owning unit will resume and rebuilt it. On recovery measure of Demolition and Removal building, it is necessary to arrange before hand, take actions that suit local circumstances, come up to be safe, effective, timely and accurate and reduce influence bringing to nearby people. To influenced municipal public establishment, the one in charge should dismantled and relocated according to working drawing, try to reduce the moving under principle of no influence to project construction. Relocation of influenced pipelines, the one in charge should implement rebuilt (or remove) firstly then Demolition and ensure to keep the normal life of residents living along the pipelines (including residents needn't to resettle.)

5.6 Vocational Placement

Vocational placement is necessary as problems of partial labor left unused can be caused if road project construction expropriates land from peasants. It seems, according to current situation, that this problem can be solved by means of mainly adopting agriculture arrangement and assisting by arrangement of finding jobs by themselves.

5.6.1 Agriculture arrangement

Each arrangement institution may mainly undertake agriculture arrangement as peasants whose land is expropriated when work habits and work skills are concerned. In this process,
two methods are mainly adopted: first, assign partial reserved land to peasants whose land is expropriated on conditions that reserved land is available in the village or villager group to complement expropriated land and maintain agricultural production's normal operation; second, readjust distributed land by unit of village or villager group. As for affected peasants households recovering land contract management, their land contract formalities shall be handled by the village committee to insure the legality of their land contract management.

As to land readjusted by village or villager group, land compensation is to be discharged to villages by resettlement office. And the compensation shall be fallen into two parts: one part directly paid to peasants; another part handled by village or villager group to be used for agricultural infrastructures construction or exploring barren and waste land and land reclamation aiming at maintaining and improving agricultural production conditions and insuring yearly improvement of affected peasants households based on their original level.

5.6.2 Self-employment arrangement

Resettlement office shall adopt means of self-employment to help affected households by respecting their own willingness in places where awareness of peasants to start business, enter market, undertake circulation and non-agricultural occupation is strong. As for affected households want to undertake self-employment, township (town) resettlement office may report to county resettlement office to discharge land compensation and resettlement allowance in accordance with their own appealing. And affected households can be self-employed after obtaining compensation. Meanwhile, resettlement of each level shall pay attention to and monitor their living standard within three years to insure improvement of their living standards.

5.7 Training Plan of Production and Living Recovery for Affected Person

Trainings aiming at realizing production and living recovery of affected person as soon as possible are as follows:

(1) Project construction for absorbing people with low income in projected affected area to take part in including materials transportation, stone materials processing, rock excavator construction, etc.

(2) Plan to encourage low income population along the line to serve the project including house for rent, vegetable supply, retailing small wares, repairing of small-sized automobiles, etc.

(3) Undertaking issues of road hardening and drinking and power facilities' refitment
for convenient low income population’s production and living in affected villages with bad condition by combining with removing resettlement.

(4) Contacting with relevant service departments after resettlement to give priority to their job hunting.

(5) Poor families can enjoy free employment training and priority of obtaining employment.

5.8 Providing Conditions and Service

A. When removing compensations are same, project removing resettlement office should handle transitional period housing problems by renting nearby houses for removed households or rent by themselves, and the office shall discharge rent fees for their renting.

B. Removing are not allowed on conditions that transitional period houses and new houses are not available.

C. Township (town) resettlement office shall handle problems of land and procedures for resettlement with free taxation of land and construction or paid by project client.

D. Compensations of removing personnel’s (households) land grading, water supply, electricity supply and road passageway (so-called “three supply, one grading) are to be given directly to village committee or individuals and undertaken by village committee or individuals themselves.

E. Resettlement office of each level should take relevant measures to help removing personnel (households) with difficulties including the old, the weak, the sick, the handicapped and single female families by paying more attention to them to insure their normal production and living and aiding their removing and resettlement through organizing relevant labors.

VI. Public Participation and Consultation

6.1 Public Participation

6.1.1 Public Publicity
To insure the success of land expropriation, removing and resettlement, resettlement office should find best ways including means of broadcasting, posters and so on in accordance with practical situation to publicize route direction, geographical position of construction project, laws, policies, regulations and compensation standards concerned with land expropriation, means of complaining, OP4.12 guiding principles of World Bank, compensation and resettlement plans for project removing, etc. And suggestions from project affected personnel (units) during planning and implementation period of the project shall be given by encouraging them.

6.1.2 Field access to affected personnel

Suggestions and opinions from project affected personnel shall be summarized after publicity, and then relevant departments of project resettlement office shall practically visit affected families to communicate with them to discuss relevant things.

6.1.3 Holding public consultation conference

It is necessary to hold public consultation conference to make affected personnel take part in removing and resettlement work. Resettlement office of each level should always absorb representative personnel including affected personnel, representatives from rural enterprises, women, teachers from middle school and primary school, Members of CPPCC committees, relevant unit representatives and so on to undertake public consultation, widely ask for opinions for each link and detail work of removing and resettlement project and send relevant information to them in time to enable them to have a better understanding of policies, regulations and compensation standards. Meanwhile, suggestions and opinions from affected personnel and the public along the line should be handled during the project process.

6.2 Means for Affected Personnel Participation

Affected personnel have taken part in part of the project before it has been carried out, and it is to be continued future. And contents for participation are as follows:

(1) Choosing places for housing removed personnel;

(2) Affected personnel build houses on their own;

(3) Affected personnel confirm whether compensation they have received is replacement price and appealing their suggestions to higher level institutions;
(4) Discussing resettlement work with independent supervising institutions during the investigation;

(5) Township resettlement office shall be responsible for management and implementation of resettlement work supported by village committee and affected personnel.

6.3 Public Consultation and Participation Form

Modes for public participation in different stages during removing and resettlement process are mainly included: (1) participating in investigation of affected land, houses and property; (2) holding conference to discuss compensation standards; (3) choosing rebuilding places for each family; (4) collecting suggestions, opinions and requirements in conversazione held in the village and group during different stage of removing and resettlement project. As to the old, the weak, the sick, the handicapped and affected personnel with special difficulties, suggestions from them should be collected in personnel and solutions are to be decided by township (town) resettlement office and village committee. More information please refers to Table 7-1.

Table 6-1 Public Consultation and Participation Arrangement Form

<table>
<thead>
<tr>
<th>No.</th>
<th>Contents for public consultation and participation</th>
<th>Participants</th>
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<tbody>
<tr>
<td>1</td>
<td>Removing and resettlement investigation mobilizing meeting (village group)</td>
<td>Villager representatives</td>
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<tr>
<td>2</td>
<td>Social suggestions investigation before removing and resettlement (village group)</td>
<td>Villager representatives</td>
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<tr>
<td>3</td>
<td>Removing and resettlement investigation</td>
<td>Affected personnel</td>
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<td>4</td>
<td>Consultation of compensation standards</td>
<td>Affected personnel and department in charge of land</td>
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<td>5</td>
<td>Consultation of compensation of infrastructures removing</td>
<td>Units have ownership</td>
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<td>6</td>
<td>Choosing reconstruction places</td>
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<tr>
<td>7</td>
<td>Choosing reconstruction places for public housing</td>
<td>Affected personnel</td>
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<td>8</td>
<td>Housing building mobilizing meeting (village group)</td>
<td>Villager representatives</td>
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<td>9</td>
<td>Removing and resettlement</td>
<td>Affected personnel and</td>
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<td>Investigation (Village Group)</td>
<td>Representatives of Each Party</td>
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<td>10 Asking for Suggestions in Personnel</td>
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<td>11 Land Readjust (Village Group)</td>
<td>Villager Representatives</td>
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<td>13 Follow-up Investigation</td>
<td>Affected Personnel Representatives</td>
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</table>

VII. Appealing

Although the public are encouraged to participate in resettlement, there still exist more or less problems in actual operation. In order to resolve the problems timely and effectively and ensure the smooth implementation of removal and construction, a transparent and effective complaint channel should be set up for immigrants in addition to the existing appealing channels opened by local governments at all levels.

7.1 Accept and hear institution for appealing

To insure legal right of affected personnel, accept and hear group led by external monitoring institutions is to be established apart from village (residence) committee and immigrants resettlement group of each level which are composed of five people. And leader of independent monitoring institutions shall be pluralized as the group leader, and the other two from external monitoring institutions, one from project office and one comes from development and reform committee. Besides, one accept and hear liaison man for immigrants appealing in each area and county shall be responsible for appealing from nearby prefectures and keeping in touch with appealing groups.

7.2 Appealing Process

Stage 1: If immigrants feel unsatisfied with the RAP, they may put forward oral or written appealing to the villager’s (residents) committee or the township (street office) resettlement group or liaison man responsible for immigrants appealing issues; if it is the oral appealing, the village should handle it and record. The accept and hear institution should solve it and give feedback to it within 2 weeks with written records.

Stage II: If immigrants are unsatisfied with the results of Stage 1, they can put forward the appeal to immigrants resettlement office of Xi’an city by using loan project of World Bank or appealing accept and hear group led by external monitoring institutions and accept and hear institutions should handle it and give feedback to declarant within 2 weeks.

Stage III: If immigrants are still unsatisfied with the results of Stage II, they may appeal to Xi’an Land and Resources Bureau after receiving results from immigrants’ resettlement office of the project
office or appealing accept and hear group led by external monitoring institutions, and this should be solved within 10 days.

**Stage IV:** If immigrants are still unsatisfied with the results of the above three stages, they may appeal to People’s Court for relevant aspects related with immigrants removing after receiving administrative arbitration determination in accordance with *Civil Procedure Law*.

The appealing way: inform immigrants by holding villager’s meeting and other ways, thus they may fully understand that they have the appealing rights.

**VIII. Organizing Institutions**

8.1 Executing Agency

Executing agency of this project is Xi’an Development and Reform Committee. To insure the success of the project, Xi’an civic comprehensive traffic improvement project by taking advantage of credit loan leader group of World Bank composed of lead members of Xi’an Development and Reform Committee, Civic Construction Committee, Civic Bureau of Cultural Relics, Huxian County People’s Government, experts from research institution of immigrants resettlement policies and hard technology experts is to be established to undertake policies and coordinating work of important events and guide and supervise enforcement bodies to insure relevant policies, regulations and each legal right of immigrants are respected and protected. Offices led by leader group are to be set up to be responsible for the daily grind.

8.2 Executing Agency

The Executing agency of this project is Xi’an City Foundation Facilities Developments Investment Corporation to be responsible for implementing and coordinating of land expropriation, removing and resettlement and carrying out relevant polices. Land expropriation, removing and resettlement office is to be established inside the corporation. And its responsibilities include:

1. Be responsible for organizing and coordinating work of land expropriation, removing compensation and resettlement as well as signing removing and resettlement agreement with relevant office of each area;

2. Investigating and studying on removing and resettlement work; listening to suggestions from affected units and individuals; accept and hear appealing from immigrants and in respond to or handle in time;
3. Supervising and examining payment and service condition of fees for removing and resettlement;

4. Guiding relevant counties, towns (street office), villages and enterprises to draw up their economic recovery plan and summarize and exchange experiences.

8.3 Coordinating Institution

Coordinating institution of the project is removing, resettlement and coordinating office established in each county and area, and their responsibilities include:

1. Be responsible for tasks and requirements put forward by land expropriation, removing and resettlement office of Xi'an City Foundation Facilities Developments Investment Corporation to deal with verification of expropriated land, removing houses, special facilities and quantity of over-ground objects attached to the land;

2. Be responsible for evaluation of replacing values of expropriated special facilities and establishment of compensation standards;

3. Signing land expropriation, removing and resettlement agreement with affected units and individuals;

4. Compensation payment;

5. Be responsible for implementation work of land expropriation, removing and resettlement of local area (county) to insure appropriate construction of houses and progress of each resettlement work;

6. Investigating and studying on removing and resettlement work; listening to suggestions from affected units and individuals; accept and hear appealing from immigrants and in respond to or handle in time; immediately report difficult problems to project leader group to be dealt with;

7. Supervising and examining payment and service condition of fees for removing and resettlement;

8. Coordinating economic recovery plan among streets and towns, villager committee and enterprises, and examining and supervising them;

9. Report work situation to land expropriation office of Xi'an City Foundation Facilities
Developments Investment Corporation regularly; submitting relevant statistics materials on time.

10. Professional coordinating personnel are to be selected by all affected towns (street offices) and affected villager committees to work to deal with removing and resettlement work and work together with towns (street offices) governments and village(residence)committee to implement plans and measures of economic recovery.

8.4 Internal Supervising Institution

Removing and resettlement internal supervising office inside Xi’an City Foundation Facilities Developments Investment Corporation are composed of three people. And it is responsible for insuring good performance of removing and resettlement office of each level during the implementing process and supervising, investigating and dealing with bad phenomenon including violate relevant laws and regulations, encroaching on immigrants’ right and affecting project progress to insure plan of Land Expropriation, Removing and Resettlement Statement carried out on time and rights and benefits of affected personnel.

8.5 External Supervising Institution

External supervising institution of the project is Shaanxi Academy of Social Sciences, the largest professional institution of social science which owns plenty of experts’ resources of economy, sociology, Principles of Management, psychology, etc. Meanwhile, it owns rich experiences in aspect of external supervising institution of immigrant’s resettlement of credit loan project of World Bank an Asian Bank. The institution, directly led by project leading group, mainly responsible for: using professional methods to follow up monitoring and evaluation of land expropriation and immigrants’ resettlement activity all the way to examine participation situation of immigrants, their performance for compiling with laws and regulations of the project, evaluate influence of the project to immigrants and relevant units to examine work flow of the institution in a long run; releasing evaluation report and corresponding suggestions of the implementation and results of the whole process to provide pre-alarm system to construction administration section and feedback channel to suggestions from immigrants.

Diagram 8.1 Organization Chart for Immigrants Resettlement
Removing and resettlement institutions shall be withdrawn after all the work have been done, and its partial functions may be adopted in project construction and management institutions.

IX. Technical training for villagers

Generally speaking, Xi’an is characterized with more people and fewer lands, which is especially obvious to some villages with larger proportion of lands laid under requisition in the component. The real adjustment of lands can not meet the agricultural demand satisfactorily, so land requisition will have a greater impact on the villagers who are purely engaged in agricultural production. The local government should pay more attention to the technical training work for the affected villagers with the purpose of enriching their career options and therefore, regaining their living standards in a steady way. The Resettlement Office should be responsible for the job and a close coordination will be appreciated with the concerned divisions of the local government such as divisions of social security, finance, education, science and technology, agriculture and so on.

The content and aim of the technical training for the villagers should take into consideration the local economic structure adjustment, the market changes for labor-force, and the requirements of labor-using units. A practical and effective principle should always be carried out. The main content is as follows:

1. Practial technical training. It is to carry out the scientific practical training for agriculture and animal husbandry. Planter industry training will focus on how to hold the productivity of grain and oil, how to increase the yield, quality and market competitiveness of agricultural products, and how to improve the knowledge in the respects of modern agricultural new technics, zero-damage production and standardized production. The cultivation industry training will focus on the prevention against epidemic deseases, raising management and feed production.
(2) Career guidance training. It is to improve the knowledges in the respects of the protection of basic rights and interests, the legal knowledge, the common sense for urban living, the skills for seeking a job and so on. The aims of the training is to improve the awareness of the affected villagers in observing the legal laws and regulations and maintaining legally their own rights and interests, to enhance their ability to prevent and handle eventualities, set up the new employment ideas, get to know employment channels and enhance the employment ability.

(3) Professional skill training. It is to improve the affected villagers’ non-agricultural professional skills. According to the National Occupation Classification Standard and Occupation training standard as well as the basic skills and technical operation requirements to jobholders of different professions, different kinds of work and various posts, the relevant courses will be arranged. Combined with the local rural economy unique features, the following skills will be raised in the respects of, such as the construction, the household management service, the dining service, the estate management service, the health care nurses, the security maintains and cleanliness, vehical repairing and other occupational skills.

(4) Undertaking training. It is to start the training of undertaking awareness and plans for the affected villagers who wish to start an undertaking. The government will encourage and guide them to start an undertaking independently, help them to establish the development project, organize the small businesses and raise the local undertaking leaders.

X. Surveillance and report

During the whole implementation of placement and resettlement regular check will be carried out on the land use, resettlement and restoration. The surveillance work will be divided into the internal surveillance and independent supervision

10.1 The internal surveillance

This part of job will be undertaken by the Xi’an Infrastructure Company, which will specially set up an supervision office to make an overall supervision and management.

10.1.1 The method and the content of the surveillance

The internal surveillance will adopt the method of sampling by convening the symposium of representatives of various aspects, investigating the affected villagers in the homes, and by ways of visiting and soliciting. This part of surveillance will include the following:

(1) The progress of replacement and resettlement

(2) The assignment and designation of building reconstruction addresses

(3) The reconstruction of personal houses
(4) The readjustment of land for the land-losing villagers
(5) The restoration of the living standard for the affected villagers belonging to vulnerable communities and national minorities
(6) The restoration of infrastructure and public works
(7) The restoration and employment replacement of the affected enterprises
(8) The indemnity for the possibly affected persons or units

10.1.2 The implementing procedure

During the implementation, the DPCs at all levels, the placement offices will compile the current situation and progress of placement in order to report it to the World Bank office under Xi’an DPC. The DPCs of every county or area will have a consecutive supervision. The Xi’an DPC will take random sample to certify the placement progress. The content for different stages can refer to table 10-1.

<table>
<thead>
<tr>
<th>No.</th>
<th>phase</th>
<th>content</th>
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<tbody>
<tr>
<td>1</td>
<td>Prepwork</td>
<td>1. According to the requests of the World Bank, the affected people and the concerned personnels understand clearly or not about compensation standard, the placement means, the policy, the laws and regulations and so on? 2. Are the affected people willing to carry on the placement or not? 3. Whether or not the reconstruction addresses have been decided?</td>
</tr>
<tr>
<td>2</td>
<td>Implementation</td>
<td>1. The arrival of compensation funds 2. The placement situation of the affected people 3. The attendance to the vulnerable groups and minorities 4. infrastructure migration situation</td>
</tr>
<tr>
<td>3</td>
<td>Implementation</td>
<td>1. Reconstruction and resettlement 2. Reconstruction and dismantlement of public building 3. The completion situation of infrastructure migration 4. Land adjustment 5. Any appeals? How about the result?</td>
</tr>
<tr>
<td>4</td>
<td>Acceptance</td>
<td>1. The completion situation of relocation and placement 2. the arrival situation of the compensation fund 3. other opinions of the</td>
</tr>
</tbody>
</table>
10.1.3 The internal supervision report

The internal supervision report work at all levels should be responsible by specialists of all levels of placement organizations. The lower-level placement organization should report timely the current placement situation to the higher-lever placement organization. When the world bank offices under the DPC at all levels of counties or areas send the city spot check, at the same time send on copy in the form of table to the internal surveillance (see table 10-2). The Xi’an DPC, according to the job requirements, will compile all the appraisal opinions by the above internal surveillance table to submit to the World Bank.

### 10-2 Internal surveillance report for placement and resettlement

<table>
<thead>
<tr>
<th>Project locus</th>
<th>Project name</th>
<th>project serial number</th>
<th>newly-drafted land (mu)</th>
<th>relocation of house (M²)</th>
<th>compensation money (yuan)</th>
<th>affected household (household)</th>
<th>suggestions</th>
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</table>

10.2 Independent supervision

Shaanxi Province Academy of Social Science will undertake this part of work. The whole implementation progress will be supervised from an objective independent and long-term perspective. The social economic influence appraisal will be done during the period of the implementation as well as the appraisal of the living standard for the affected people.

10.2.1 The basis for the independent supervision
The independent supervision office as well as the other placement offices at all levels will base on the investigation data, and to conclude whether to reach the requirements according to the following three aspects:

(I) The national legal laws and regulations concerning placement and resettlement;
(2) The principle OP4.12/BP4.12 from the World Bank about non-voluntary immigration placement;
(3) The affected people’s living standard at least maintains the level before the project construction;

10.2.2 The responsibilities for the independent supervision office

According to the objective laws of social economy development, national relevant laws and regulations, and the specific request from the World Bank, it will carry on the technical guidance and surveillance. The range of the work will include the placement network situation, the affected people’s compatibility to the new life and so on. The detailed responsibilities include:

(1) The investigation of living standard

Before the placement, the office will take the area or county as a unit to make a random sample and a comparison group’s basic living standard investigation in order to set up a living standard datum before the placement implementation. After the placement, a summary report will be submitted by an area or county as a unit aiming at measuring the changes of the affected people’s living standard. Random talks and observations with the affected people will be the important supplementary ways besides questionnaire survey.

A. To formulate the questionnaire of living standard. The formulation of questionnaire will take into fully consideration the economic situation and cultural factors of different rural regions in order that the investigated data should suit the actual local situation. After finishing the formulation of the questionnaire, its effectiveness will be examined in the concrete implementation, and revise it (if necessary) more realistic according to the real situation,

B. To train the investigator. The key factor for a successful investigation lies in that investigators must be skilled in the investigation method and the application method of the examination table. The office will take an active part in the preparation work about the training of the investigators before the implementation to ensure investigators can correctly grasp the method and make fewer mistakes.

C. Exterior assistance. During the investigation of living standard period, the office should earn the necessary assistance from the the Work Bank Office under Xi’an DPC as well as the other placement offices at all levels, and they should provide the convenient working conditions for the independent supervision office.
(2) Public consultation. The Office will assign representatives to join the public consultation conferences at both village and town levels in order to gain a comprehensive picture about the affected people’s opinions to the placement, about their ideas how to restore their living standard. At the same time considering the effect of their participation and cooperation, the Office will report the current situation to the higher lever office with the purpose of a better carry-out of the plan and a more effective public participation. If the Office thinks that the public consultation openness and the validity are insufficient, it will put forward the improvement proposals to the consultative conference constitution and the procedure.

(3) Appeal mediating
The Office will get to understand the affected peoples’ dissatisfaction, supervise the working routine about handling dissatisfaction, and promote its effective movement. Through the regular visit to the places influenced by the project, and through the direct meeting with the affected people proposing different opinions as well as diect discussion with the staff of the sued local placement office without satisfactory service, the Office will try to understand their opinions and the handling results. The Office should reflect those unsatisfactory opinions to the local office for a timely management. Meanwhile, the Office will carry on the uninterrupted surveillance about the validity of dealing with the unsatisfactory sues. If necessary, the independent supervision office will suggest improving the procedure in order to make it more effectively.

(4) other responsibilities
During the period of the placement and resettlement, the independent supervision office will make proposals to the Work Band Office under the Xi’an DPC, and also supervise the following activities by means of site visits and talks with the affected people at will.

A. The readjustment of the land
B. The preparation of the placement site and its reliability
C. Rebuilding of the houses
D. The restoration of vulnerable groups
E. Migration of the infrastructure
F. The standard and payment of indemnificatory money
G. Enterprise movement, compensation and reliability
H. Property damage compensation
I. Transition-period subsidy

10. 2. 3 Independent supervision report
Shaanxi Province Academy of Social Science as the office of independent supervision will submit the independent supervision report about PTcomponent as a part of the whole
project to the Work Bank.

The program for the independent supervision
(1) Project survey
(2) The establishment of the organization and the provision of the personnels
(3) House compensation and placement
(4) Land and the related attachment compensations
(5) Infrastructure compensation and restoration
(6) Placement for the
(7) Employment placemeny
(8) The public participation and consultation

(9) Conclusion