VIETNAM RURAL DISTRIBUTION PROJECT
SUB PROJECT
TIEN TRUNG 110KV SUBSTATION
OF HAI DUONG PROVINCE

INVESTMENT CONSTRUCTION FILE

VOLUME 4

RESETTLEMENT PLAN
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TIEN TRUNG 110KV SUBSTATION
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INVESTMENT CONSTRUCTION FILE

VOLUME 4
RESETTLEMENT PLAN

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Hanoi, date month year 2007
D I R E C T O R

Nguyen Van Thanh
Table of Content

Table of Content...........................................................................................................1

Executive summary........................................................................................................5

1. Introduction ................................................................................................................5
   1.1 Project objective .......................................................................................................5
   1.2 Policy Framework ....................................................................................................5
   1.3 Principle and objective ...........................................................................................5
   1.4 Project description ..................................................................................................6

2. Institutional and legal framework ..............................................................................6
   2.1 Institutional framework ...........................................................................................6
   2.1. Legal Framework ..................................................................................................6

3. Entitlement policy ........................................................................................................7

4. Mitigation measures .....................................................................................................7

5. People’s Participation ..................................................................................................7

6. Baseline information ...................................................................................................7
   6.1 Data gathering activities ..........................................................................................8
   6.2 Socio-economic surveys ..........................................................................................8
   6.3 Economy ................................................................................................................8
   6.4 Census and Inventory .............................................................................................9

7. Project impacts .............................................................................................................9
   7.1 Project Impacted People .........................................................................................10
   7.2 Project impacted assets .........................................................................................10
   7.3 Mitigation measures ...............................................................................................11

8. Implementation arrangement .......................................................................................11
   8.1 Implementation schedule .......................................................................................11
   8.2 Institution arrangements .......................................................................................12
   8.3 Complaint and grievances .....................................................................................13
   8.4 Supervision, monitoring and evaluation ................................................................13

9. Costs and budget .........................................................................................................13
   9.1 Cost estimate ..........................................................................................................13

10. Disclosuře ....................................................................................................................14

Chapter I Introduction .....................................................................................................15
   1.1 Introduction .............................................................................................................15
      1.1.1 Project objective ...............................................................................................15
      1.1.2 Project scale .....................................................................................................15
   1.2 Policy Framework ...................................................................................................15
   1.3 Principles and Objectives .......................................................................................16
   1.4 Overall project description ....................................................................................16
      1.4.1 Project components ..........................................................................................16
      1.4.2 Project efficiency .............................................................................................16
      1.4.3 Project impacts ...............................................................................................17
      1.4.4 Mitigation measures .......................................................................................18

Chapter II Institutional and legal framework ...............................................................20
   2.1. Institutional framework .......................................................................................20
2.1.1 Overall responsibility........................................................... 20
2.1.2 Detail Responsibility........................................................... 20

2.2. Legal framework ...................................................................... 24
2.2.1 Vietnamese laws .................................................................... 24
2.2.2 World bank policies ............................................................... 27
2.2.3 Comparison of GOV and WB approaches .............................. 28
2.2.4 Required waivers ................................................................. 29

2.3. Definition of Eligibility and Limitation to Eligibility .................. 32
2.4. Resettlement and compensation principles .............................. 32
2.5. Eligibility to compensation entitlement .................................... 33
2.6. Compensation policy ............................................................... 34

Chapter III Entitlement Policy ......................................................35
3.1 Impact categories ...................................................................... 35
  3.1.1 Temporary impact within ROW ............................................. 35
  3.1.2 Permanent impact ................................................................. 35
3.2 Entitlement ................................................................................. 36
  3.2.1 Eligibility and Limitation to Eligibility .................................. 36
  3.2.2 Eligibility to compensation entitlement ................................. 37
  3.2.3 Resettlement and compensation principles ............................ 37
  3.2.4 Compensation policy .......................................................... 38
  3.2.5 Compensation Entitlement by Categories ............................... 39
  3.2.6 Allowances and assistances ................................................. 41
  3.2.7 Voluntary donation ............................................................ 43

Chapter IV Mitigation measures ......................................................44
4.1 Mitigation measures ................................................................. 44
4.2 Measures to minimize land acquisition and losses ..................... 44
  4.2.1 Consultation and participation .............................................. 44
  4.2.2 Impact limitation measures in design stage ............................ 44
  4.2.3 Impact mitigation measures in construction stage .................... 45
4.3 Result of mitigation measures ................................................... 45

Chapter V People’s participation .....................................................47
5.1 Community meetings ............................................................... 47
5.2 Phase 1: Information campaign, DPs and agency consultation during resettlement planning and RP preparation .................................................. 47
5.3 Phase 2: Information campaign and consultation during resettlement implementation ................................................................. 47

Chapter VI Baseline information .....................................................50
6.1 Data gathering activities ............................................................ 50
6.2 Socio-economic survey ............................................................ 50
  6.2.1 Agriculture and forestry ..................................................... 51
  6.2.2 Industry, small industry and handicraft ................................. 51
  6.2.3 Trade service ................................................................. 51
  6.2.4 Population ................................................................. 52
  6.2.5 Land ................................................................. 52
  6.2.6 Culture and education ..................................................... 52
  6.2.7 Healthcare ............................................................... 52
  6.2.8 Income ............................................................... 52
Chapter VII  Project Impacts ........................................ 54
7.1 Project impacts .................................................. 54
7.2 Displaced persons ................................................. 54
7.3 Types of impacts .................................................. 55
7.4 Affected people classified by types .............................. 55

Chapter VIII  Implementation arrangement ....................... 57
8.1 Measures for project implementation ............................ 57
8.1.1 Announcement to DPs .......................................... 57
8.1.2 Compensation deadlines ...................................... 57
8.1.3 Resettlement and Clearance deadline .......................... 57
8.2 RP implementation actions ...................................... 57
8.3 Implementation schedule ........................................ 58
8.4 Staffing for RP implementation .................................. 59
8.4.1 Proposed staffing for RP implementation .................... 59
8.4.2 Training and workshop ....................................... 60
8.5 Grievance and appeals ......................................... 61
8.6 Monitoring and supervision ..................................... 62
8.6.1 Internal monitoring .......................................... 62
8.6.2 External monitoring........................................... 63

Chapter IX  Costs and budgets ...................................... 64
9.1 Budgets .......................................................... 64
9.2 Compensation cost estimate ...................................... 64
9.3 Compensation unit price ......................................... 64
9.3.1 Compensation units prices for structures .................... 64
9.3.2 Compensation unit price for land ............................. 65
9.3.3 Compensation unit prices for Trees and Crops ................ 66
9.3.4 Flow of fund ................................................ 66
9.3.5 Inflation adjustment ........................................ 66
9.4 Cost estimation .................................................. 66
9.5 Total cost estimate for RP implementation ..................... 68
9.5.1 Preparation of RP and DMS ................................ 68
9.5.2 Compensation and rehabilitation ............................. 69
9.5.3 Management ................................................ 69
9.5.4 Monitoring ................................................. 70
9.5.5 Contingency ............................................... 70
9.5.6 Total cost for RP implementation ........................... 70

10. Disclosure ....................................................... 71

Appendices
1. Projects Areas
2. Policy framework for Compensation, Resettlement and Rehabilitation
3. Entitlement Matrix
4. Sample of ‘Pamphlet’
5. Inventory of Displaced Persons
6. Details of Entitlement of Displaced Persons
7. Minutes of Community Meetings
Abbreviations and Acronyms

CPC  Commune People’s Committee
CRC  Compensation and Resettlement Committee
T/L  Transmission line
DMS  Detailed Measurement Survey
DNRE  Department of Natural Resources and Environment
DOC  Department of Construction
DOF  Department of Finance
DOI  Department of Industry
DP  Displaced Person
DPC  District People’s Committee
EVN  Electricity of Vietnam
GOV  Government of Vietnam
HH  Household
IDA  International Development Association
IMA  Independent Monitoring Agency
LURC  Land Use Right Certificate
MOC  Ministry of Construction
MOF  Ministry of Finance
MOI  Ministry of Industry
MV  Medium Voltage
PCH  One member limited Power Company of Hai Duong
PCCC1  Power Construction Consulting Center No 1
PMB/PMU  Project Management Board/ Project Management Unit
PPC  Provincial People’s Committee
PRB  Provincial Resettlement Board
RD  Rural Distribution Project
RP  Resettlement Plan
RPF  Policy framework
RIB  Resettlement Information Book
ROW  Right of Way
ToR  Term of Reference
USD  US Dollar
VND  Viet Nam Dong
WB  World Bank
Vietnam: Rural Distribution Project (RD)
Sub Project: Tien Trung 110kV substation of Hai Duong Province

Executive summary

1. Introduction

1.1 Project objective

The overall development objective of the Viet Nam Rural Distribution Project would enable the supply of sufficient power of acceptable quality to the rural retail level.

The Project would focus on rehabilititating and increasing the capacity of existing distribution lines and substations and standardizing them to 110, 35 and 22kV to enable to them to meet the growing demand more efficiently, provide better quality and quantity of electric power productive uses, and reduce power system losses.

Tien Trung 110kV Substation Project is proposed to invest capital in newly building a 110 kV substation of Tien Trung to be enabling the supply of sufficient power of acceptable quality to the Nam Sach, Thanh Ha district. Tien Trung 110 kV Substation is built at Dong Lac Commune Nam Sach district.

The project components:

- Installation of 110kV substation: 2x40 MVA Tien Trung 110kV Substation
- Construction of 110 kV T/L: 20 m 110kV double line for connection to Tien Trung 110kV Substation

1.2 Policy Framework

This RP for sub-projects under One member limited Power Company of Hai Duong (PCH) is based on the Policy framework (RPF) for Compensation, Resettlement and Rehabilitation of the Displaced Persons (Pls. see Appendix 2 – RPF for Compensation, Resettlement and Rehabilitation of DPs). According to the Policy framework, eligibility for compensation and rehabilitation entitlement includes all affected persons, households and institutions with or without legal status on their assets included in the RP inventory prior to the RP cut-off-date. By the actual RP implementation, PCH/Compensation and Resettlement Committees will organize the survey for the actual prevailing prices for the adjustment of the compensation unit prices, if necessary and the amount of compensation will be displayed at the Communes’ PCs Office.

1.3 Principle and objective

The principles outlined in PO/BP 4.12 of the World Bank on involuntary resettlement (December 2001) have been adopted in preparing this RPF. This is the basis for the preparation of this RP.
Apart from the direct compensation, all DPs who permanently lose more than 10% residential/productive land or other incomes are entitled to trainings or other restoration measures and who required to be resettled will be entitled to receive transportation allowance, subsistence allowance for relocating, restoration allowance, training allowance.

However, in the Hai Duong's sub Rural Distribution Project, there is no DPs affected more than 10% assets or to be relocated.

The cut-off date is on 15 August 2007. Public dissemination of information of such cut-off date has been carried out prior to the socio-economic surveys and census covering the project areas by the competent local authorities.

1.4 Project description

Currently, Power supply capacity of Nam Sach and Thanh Ha district are provided from 35kV line - E81 (Dong Nien 110kV substation) with total capacity of 2x40MVA + 1x25MVA and 35 kV line - E86 (Lai Khe 110kV Substation) with total capacity of 2x25MVA.

Now, E81 and E86 substations are full of load and they will overload when the power requirement increase.

The efficiency improvement of the power distribution network in the project areas comprises of installation of Tien Trung 110kV substations totaling 2x40MVA and construction of 20 m of 110kV T/L.

By the completion of the project, Tien Trung 110kV substation will supply rural MV network of Nam Sach and Thanh Ha district with power. This substation will share power load with E81, E86 substations and decrease radius of power provision from power supply to center of load.

2. Institutional and legal framework

2.1 Institutional framework

The overall responsibility for enforcement of the Resettlement RPF (RPF) and for planning and implementing this RP’s rests with PCH and related institutions/departments (Provincial/district CRCs, Department of Finance, Department of Industry, Department of Construction ...).

PCH, PCCC1 are responsible for carrying out census, socio-economic surveys, population and inventories and preparing RP within their respective jurisdiction.

The District and Commune People’s committees will participate in the RP preparation and implementation.

2.1. Legal Framework
This RP has been prepared on the basis of the Project RPF with all GOV policies and WB policies related to land acquisition, compensation and resettlement (PO/BP4.12) are applied for this RP. Where GOV and WB policies are not compatible, the WB’s OP/BP 4.12 shall prevail with certain required waivers.

3. **Entitlement policy**

This RP has been prepared because of the PO/BP 4.12 of the WB on involuntary resettlement adopted in the RPF. The principle objective of the RPF is to ensure that all DPs will be compensated for their losses at replacement cost and provided with rehabilitation measures to assist them to improve, or at least maintain their pre-project living standards and income earning capacity.

The RPF lays down the principles and objectives, eligibility criteria of DP, entitlements, legal and institutional framework, modes of compensation and rehabilitation, people participation features, and grievances procedures that will guide compensation, resettlement and rehabilitation of DP.

Apart from the direct compensation, all DPs who permanently lose more than 10% residential/productive land or other incomes are entitled to trainings or other restoration measures and who required to be resettled will be entitled to receive transportation allowance, subsistence allowance for relocating, restoration allowance, training allowance.

4. **Mitigation measures**

Thanks to mitigation measures undertaken right from the initial design state through public consultation, close cooperation with various local authorities and related offices, the project impacts are almost marginal.

There are no DPs with their fixed assets being acquired more than 10% of their total holdings, therefore, no DPs required to be relocated and the development of resettlement site is not required.

5. **People’s Participation**

The consultation with DPs in getting their feedback will limit contradiction and avoid delays in project implementation. The RP is developed in close consultation with local authorities and DPs in order to maximize their participation in resettlement planning implementation and the socio-economic benefits of DPs to the project.

Local authorities and DPs were consulted through line alignments, drafts, resettlement policy, RP implementation, grievance mechanism, monitoring, and evaluation on the restoration of DPs’ livelihoods after the project implementation.

6. **Baseline information**
6.1 Data gathering activities

The census and inventory work of project impacts were carried during May and June 2007 by PCCC1 and under the assistance of the related local authorities.

6.2 Socio-economic surveys

Socio-economic surveys have been carried out aiming at providing baseline data on the localities traversed by the Tien Trung 110kV substation covering Dong Lac commune belong to Nam Sach District of Hai Duong province. The survey data cover the information on the characteristics of the communities, their sources of income, revenue, socio-economic situation. The surveys also aim at identifying the characteristics of the affected areas, assessing the development of population, houses, socio-economic etc. The survey data are used for preparing resettlement policy ad bases for evaluating restoration of living standards.

6.3 Economy

Hai Duong province is located in North-East Vietnam, about mid-distance from Hanoi to Haiphong. The province is known for its famous lychees and for the traditional sweet 'banh dau xanh' (green bean paste).

Hai Duong City is a center of Hai Duong province. Hai Duong City located on Highway 5. It is 70km far from Haiphong to the east, 57km far from Hanoi to the west and 80 km far from Ha Long. There are 20 km of highway 18 in the north of province. It connects Noibai International Airport to Cai lan port of Quang Ninh province.

Hai Duong located in monsoon tropical climate, which divided in to four private seasons (spring, summer, autumn and winter). Average annual rainfall is from 1,300 to 1,700 mm. Average temperature is 23.3°C. Climate is good for agricultural production including food-tree, fruit-tree especially vegetable harvest in winter season.

Natural area of Hai Duong province is 1,662 km quarter, divided into 2 regions: mountain and delta. Mountain region located in northern province which hold 11% of natural area including 13 communes of Chi Linh district and 18 communes of Kinh Mon district. It is low mountain region, so it good for fruit-tree, timber and short-day industrial crops. Delta region hold 89% of natural area. This region is raised by the Thai Binh river silt. It is good for much kind of trees and it produce many crops in year.

Tien Trung 110kV Substation is located in Dong Lac Commune, Nam Sach district.

- The northern of Dong Lac commune borders on Phu Dien and An Lam communes
- The western of Dong Lac commune borders on An Chau Commune
- The southern of Dong Lac commune borders on Nam Dong Commune
- The eastern of Dong Lac commune borders on Ai Quoc commune

Dong Lac Commune has 11 hamlets: Mieu Lang, Thap Phan, Dong duan, Hao Thon, Quan Dinh, Tram Kieu, Truc Khe, Nham Cat, Nhan Le, Cai La, La Xuyen.

Tien Trung substation and 110kV transmission line are located in two hamlets: Hao Thon and Thap Phan. There are 19 DPs in Thap Phan hamlet.
6.4 Census and Inventory

The census and inventory show that:
- Number of DPs 19 HHs (76 persons)
- Number of DPs required to be resettled Nil
- Number and area of houses lost Nil
- Area of residential plots lost Nil
- Productive land lost as percentage of total productive land 6.4%
- Quantity of other fixed assets affected (various categories) Nil
- Business lost including structures, land and other fixed assets Nil
- Impact on tenants who leased the houses for residential purpose Nil
- Impact on sensitive areas Nil
- Impact on public works Nil

The census and inventory also show the household characteristics:
- Average family size 4 persons
  - Man 52%
  - Women 48%
  - Children (≤ 17 years old) 35%
  - Head of HHs Male: 85% - Female: 15%
- Education
  - High school 0.5%
  - Secondary 7.5%
  - Primary 39%
  - Elementary 53%
- Occupation DPs are mainly earning living by farming and Small-scale aquaculture/live-stock breeding
- Income (annual average income) 7,830,000VND/person/year

7. Project impacts
7.1 Project Impacted People

The DP’s include the following persons to be identified by the baseline information collected for each RP:

a) Persons whose houses are in part or in total affected (temporarily or permanent) by the project.

b) Persons whose houses residential and premise and/or agricultural land is in part or in total affected (temporarily or permanent) by the project.

c) Persons whose crops (annual and perennial) and trees are affected in part or in total by the Project.

d) Persons whose businesses are affected in part or in total (temporarily or permanent) by the project.

Results of the socio – economic surveys and census show that:

Total number of DPs is **19 HHs (76 people)**, of these:

- DPs with permanent acquisition of more than 10% of residential/productive land **19 HHs (76 people)**
- DPs with permanent acquisition of less than 10% of productive land. Nil
- DPs with permanent/temporary affected structures Nil
- DPs with totally/partially/affected structures Nil
- DPs with annual/perennial trees/crops affected in part or total **19 HHs (76 persons)**
- DPs with business partly or totally affected Nil
- DPs required to be relocated Nil

*Note: One household may be impacted by many types of impact.*

7.2 Project impacted assets

The project will impact on:

- Permanent land acquisition for tower foundations, and some access roads for the project construction

- Permanent impact on houses, structures, trees, crops and other assets in the proposed tower foundation area and in the ROWs.
Vietnam: Rural Distribution Project (RD)  
Sub Project: Tien Trung 110kV substation of Hai Duong Province  

- Assets on the service roads.
- All trees and crops or other assets surrounding the tower foundation and ROWs.
- Temporary acquired land required during construction of the project

Results of socio-economic survey and inventory show that:

- Permanent impacts:
  - Residential land: 0 m²
  - Paddy land: 12,000 m²
  - Garden land: 0 m²

- Temporary impacts:
  - Residential land: 0 m²
  - Paddy land: 4,638 m²
  - Garden land: 0 m²

- Affected houses and structures: Nil

Through consultation, DPs opted for cash compensation for their impacted assets at replacement costs for fixed assets and market rates for crops since the impact are marginal.

7.3 Mitigation measures

Thanks to mitigation measures undertaken right from the initial design stage through public consultation, close cooperation with various local authorities and related offices, the project impacts are almost marginal.

There are no DPs with their fixed assets being acquired more than more than 10% of their total holding, therefore, no DPs required to be relocated and the development of resettlement site is not required.

8. Implementation arrangement

8.1 Implementation schedule

Right after the investment for the project is approved, DPs in the project affected areas will be informed of their right, RP policy including legal framework, eligibility provisions, entitlements, rates and mode of compensation/assistance, implementation schedule and complaint and grievance rights mechanism. Such information will be delivered to DPs through community meetings, pamphlets etc.

Proposed project implementation schedule:
• **Schedule for PCH and project CRC**

1. Establishment of Project CRC (already exist)
4. Negotiation (Government and WB) Quarter 1/2008
5. Effectiveness Quarter 2/2008
7. Commencement of field works (DMS Quarter 2/2008 - Quarter 3/2008

• **Schedule for DPs**

1. Commencement of declaration of quantity and status of properties Quarter 1/2008

• **Civil works**


• **Monitoring**

Quarter 1/2008 - Quarter 3/2009

All RP activities must be satisfactorily completed before the WB issues a no objection for award of contract for sub – projects. Any changes for the RP after WB approval will be required to review by the WB office in Hanoi before commencement of construction.

The proposed implementation schedule has been held among the consultants, PCCC1 and PCH, taking into consideration the marginal impacts, without resettlement and possibility of parallel activities.

### 8.2 Institution arrangements

PCH assigned by EVN is responsible for all project activities as investment guidelines, investigation and design, project construction and monitoring of compensation and resettlement. PCH will directly guide the whole implementing process of the project including RP implementation. PCH will be assisted by the related departments of districts and communes. (Pls see Figure 2.1.2: RP implementation organization chart)
8.3 Complaint and grievances

During the project implementation, DPs' complaint and grievances will be adjusted by the Vietnamese laws and regulations. DPs raising complaint and grievance will be treated fairly and will be guided by the related agencies on the procedures and formalities for lodging their complaint and grievances of RP. They have to pay no administration fees during their complaint and grievance time.

There are four steps that DPs can complaint: Commune level, District level, Provincial level, district court

Pls. see Figure 8.5 for Grievance redress administrative and juridical structures available to DPs.

8.4 Supervision, monitoring and evaluation

RP implementation will be constantly supervised and internally monitored by the PCH and PPC. Moreover, an independent external monitoring agency will be entrusted with independent monitoring task. Just after the RP implementation is approved, PCH will select and contract with the independent external monitoring agency to implement the monitoring activities right from the beginning of RP implementation.

Result of selecting independent external monitoring agency will be sent to WB for review.

9. Costs and budget

9.1 Cost estimate

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<th>No</th>
<th>Item</th>
<th>Detail</th>
<th>Amount</th>
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<tr>
<td>I</td>
<td>Preparation of RP and DMS</td>
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<td>121,328,553</td>
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<td>Initial stage (Preparation of RP)</td>
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<tr>
<td>2</td>
<td>Implementation stage (DMS)</td>
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<td></td>
<td>+ DMS, negotiation with DP</td>
<td>Temporary</td>
<td>10,000,000</td>
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<tr>
<td></td>
<td>+ Resettlement Boards' expenditure</td>
<td></td>
<td>90,000,000</td>
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<tr>
<td>II</td>
<td>Compensation and rehabilitation</td>
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<td>Permanent productive land acquisition</td>
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<td></td>
<td>Compensation for rice/ crops</td>
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<td>Allowance: 7,000/m²</td>
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<td>2</td>
<td>Temporary productive land acquisition</td>
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<td>9,276,000</td>
</tr>
<tr>
<td></td>
<td>Compensation for rice/ crops</td>
<td>4638 m² * 2,000 VND/m²</td>
<td>9,276,000</td>
</tr>
</tbody>
</table>
III  Management cost | ![Image](image.png)
---|---
1  Management cost | 2%*(II) | 9,305,520
2  Training, workshop and information campaign cost | Temporary | 10,000,000

IV  Monitoring cost = 2% (I + II) | ![Image](image.png)
---|---

V  Contingency = 15% (I + II) | ![Image](image.png)
---|---

V  Grand total (I + II + III + IV + V) | ![Image](image.png)
---|---

10. Disclosure

Drafts of RPF and Entitlement Matrix have been disclosed at the People’s Committee of Dong Lac commune belong to Nam Sach district of Hai Duong’ project area.

Draft of RP has been sent to EVN and WB’ VDIC center in Hanoi, Vietnam.

The final RP will be cleared by WB and approved by EVN.
Chapter I  Introduction

1.1 Introduction

1.1.1 Project objective

- The Hai Duong - Rural Distribution Project is proposed to invest to newly building Tien Trung 110kV substation at Dong Lac commune of Nam Sach district, to improving the power-supplied quality to all power productive users in two districts of Nam Sach and Thanh Ha. The project components:

- Installation of 110kV substation: 2x40 MVA Tien Trung 110kV Substation
- Construction of 110 kV T/L: 20 m 110kV double line for connection to Tien Trung 110kV Substation

Current data shows that there is lack of quality electricity, particularly in the several future years and at that time; households are almost constantly overloaded with high electricity loss and low service quality.

Therefore, implementing this project will satisfy with the ever-increasing demand for infrastructure, small industries, handicraft, and aquaculture development.

1.1.2 Project scale

- Installation of 110kV substation: 2x40 MVA Tien Trung 110kV Substation
- Construction of 110 kV T/L: 20 m 110kV double line for connection to Tien Trung 110kV Substation

To newly building of Tien Trung 110kV substation, land acquisition will be required. However, construction of Tien Trung 110kV substation would not cause large scale of land acquisition and resettlement.

This Resettlement Plan is prepared to solve compensation for all losses related to the DPs affected by the Hai Duong RD Project.

1.2 Policy Framework

This RPF prepared based on the OP 4.12 of the World Bank on involuntary resettlement (December, 2001). (Pls see Appendix 2 - RPF for compensation, resettlement and rehabilitation of DP). The principle objective of this RPF is to ensure that all DP will be compensated their losses at the replacement cost and provided with rehabilitation.
measures to assist them to improve or at least maintain their pre-project living standards and income earning capacity.

The RPF lays down the principles and objectives, eligibility criteria of DP, entitlements, legal and institutional framework, modes of compensation and rehabilitation, people participation features, and grievances procedures that will guide compensation, resettlement and rehabilitation of DP.

1.3 Principles and Objectives.

The principles outlined in the World Bank’s Operational Policies 4.12 (OP 4.12) have been adopted in preparing this RPF. The principles will be provided to DP’s prior to expected start-up of works at the respective project site.

This RP preparation has been carried out by Power Construction Consulting Center No 1 (PCCC1) in accordance with the provisions of the RPF with consultation and participation of DP and local authorities.

In order to ensure that the objectives of this RP are met, compensation unit prices established by provincial and district CRC and approved by the Provincial People Committee (PPC) at rates warranting compensation at replacement/market cost... Provincial/district CRC, PPC, and independent external monitoring agency are responsible to check and propose or the adjustments to PCH (if necessary) the compensation unit prices at the time of RP implementation to ensure the compensation unit prices are at the replacement values.

This RP has been agreed upon by the local relevant authorities and will be valid after EVN’s and WB’s approval.

The compensation, resettlement, assistance and rehabilitation activities will be completed before awarding the contracts of civil works under each subproject.

1.4 Overall project description

1.4.1. Project components

- Installation of 110kV substation: 2x40 MVA Tien Trung 110kV Substation
- Construction of 110 kV T/L: 20 m 110kV double line for connection to Tien Trung 110kV Substation

1.4.2. Project efficiency

Currently, Power supply capacity of Nam Sach and Thanh Ha district are provided from 35kV line -E81 (Dong Nien 110kV substation) with total capacity of 2x40MVA + 1x25MVA and 35 kV line - E86 ( Lai Khe 110kV Substation) with total capacity of 2x25MVA.
Now, E81 and E86 substations are full of load and they will overload when the power requirement increase.

The efficiency improvement of the power distribution network in the project areas comprises of installation of Tien Trung 110kV substations totaling 2x40MVA and construction of 336.5 m of 110kV T/L.

By the completion of the project, Tien Trung 110kV substation will supply rural MV network of Nam Sach and Thanh Ha district with power, provide power to additional charge of Nam Sach and An Dong industrial zones. This substation will share power load with E81, E86 substations and decrease radius of power provision from power supply to center of load.

1.4.3. Project impacts

a) Displaced persons

Total number of DPs is 19 HHs (76 persons), of these:

- DPs with permanent acquisition of more than 10% of residential/productive land 19 HHs (76 persons)
- DPs with permanent acquisition of less than 10% of productive land Nil
- DPs with permanent/temporary affected structures Nil
- DPs with totally/partially/affected structures Nil
- DPs with annual/perennial trees/crops affected in part or total

19 HHs (76 persons)

- DPs with business partly or totally affected Nil
- DPs required to be relocated Nil

b) Project impacted assets

- Permanent land acquisition 12,000 m²
- Temporary land acquisition 4,638 m²
- Permanent affected structures Nil
- Temporary affected structures Nil
- Permanent affected paddy area 12,000m²
- Permanent affected perennial trees Nil
1.4.4. Mitigation measures

a) Consultation and participation

The PCCC1 survey teams have conducted discussions and consultations with the local authorities and local people on possible impact caused by the project, particularly the substation position. The selected substation position and DSSs location are the least impact option.

b) Design stage

- Substation location

The substation is designed to locate on the vacant land, low economic value or public land under the commune’s administration. The survey and design should be avoiding crossing to the markets, high-density residential areas, villages and historical places.

The substation is located nearby the roads, so the entry road is very short.

- Select route

The routine survey and design should be avoid crossing through markets, high density residential areas, villages, pagodas, and reserved nature...the T/L should also not go parallel with the communication system, petroleum and army stations.

In order to mitigate the adverse impacts, the routine direction is selected in the ROW, along to the existing roads or crossing over the agricultural or garden land. The turning angles are applied, in some cases, the direction of turning angles may be $35^0 - 85^0$. The turning angles may be about $90^0$, if needed. By this solution, the route will cross over the road some times for not impact on the houses or structures.

The selected T/L will not exceed 1Km compares with the existing national roads. The new roads are limited to build, try to use the existing ones. The temporary roads will be mainly built in the ROW area.

During the time of studying T/L route, PCCC1 has carefully studied the instead solution on map as well as at site for choosing the best solution for applied.

c) Construction stage

The suitable measures and construction arrangement are to be thoroughly considered as the construction period will be implemented after the harvest collection, and ended before the following harvest. To gain this target, some daily workings will be changed and planned in order to shorten the temporarily affected period.
The camps of the workers will be located at the vacant site or at the public land nearby the commune, steering board and will not be built near the residential areas.

Appropriate workforces with working shifts will be scheduled to shorten the temporarily affected period.
Chapter II  Institutional and legal framework

2.1. Institutional framework

2.1.1 Overall responsibility

The overall responsibility for enforcement of the RPF and for planning and implementing this RP's rests with PCH, Hai Duong PPC, and related institutions/departments (Provincial/district CRCs, Department of Finance, Department of Industry, Department of Construction,).

PCH, Hai Duong PPC, PCCC1 are responsible for carrying out census, socio-economic surveys, population and inventories and preparing RP within their respective jurisdiction.

The Nam Sach District and Dong Lac Commune People’s committee will participate in the RP preparation and implementation.

These administrative units will also ensure the active and effective participation of the DPs in RP preparation and implementation. In order to have RP acceptable to the WB and to implement RP smoothly, PCH is responsible for (i) hiring qualified consultants in preparing RP, (ii) appointing qualified social safeguard staff at EVN and PCH.

Funds for implementing RP will be from EVN

2.1.2 Detail Responsibility

a) Electricity of Vietnam

Electricity of Vietnam is the owner of the project and responsible in managing and organizing of investigation, design, budget arrangement, funding and supervision for RP implementation.

b) One member limited Power Company of Hai Duong (PCH)

PCH is responsible for entirely implementation of RP, including impact survey, delivery of entitlements, carry out for the restoration program, redress of complaints, internal monitoring. The main tasks of PCH will be:

- Set out the master plan, management and monitoring of RP implementation.
- Responsible for organizing information dissemination/disclosure, public meetings, disclosure RP to all relevant local authorities, Resettlement
- Disseminate DMS and Entitlement forms to all DPs.
Vietnam: Rural Distribution Project (RD)
Sub Project: Tien Trung 110kV substation of Hai Duong Province

- Organizing/Training the survey teams to carry out Detail Measurement Survey (DMS) and RP implementation for all levels of People's committees and relevant agencies.

- Supervision/monitor for compensation payment, land acquisition and land clearance.

- Report the RP implementation progress and land clearance work to WB and EVN.

c) **City/Provincial People’s Committee.**

The project PPCs are responsible for endorsing the RP and clearly direct/demarcate the responsibilities for their relevant institutions in implementing RP

Approve the compensation unit cost, allowances and establishing appraising committees, compensation committee at all different administrative levels and approve lands for compensation.

Redress complaints and grievances,

d) **RP related provincial departments**

The City/Provincial DOF is responsible for studying and issuing unit prices of compensation and submitting to PPCs for approval. Right from the initial stage of the RP implementation, the DOF will closely co-ordinate with DOCs, DCH, DARDs, District People’s Committees and independent external monitoring agency in order to evaluate the applicable unit prices in RP and submit to PPC for approval and ensuring the compensation unit prices to be at the replacement value at the time of compensation payment.

e) **City/Provincial compensation/Resettlement committee**

The City/Provincial CRCs are responsible for implementing RP according to the approved schedule. The City/Provincial CRCs will be headed by the Vice Chairman of the Provincial People’s Committees. The Provincial CRCs are responsible for:

- Assisting PCH and District CRCs in preparing detailed plans for compensation and resettlement.

- Checking all inventory of impacts and detailed implementation plans submitted by District CRCs. Approval the implementation plans submit by the District CRCs.

- Solving complaints if the redress is fail at the district level.

The City/provincial CRCs will consist the representatives of:

- Department of Finance and Pricing
- Department of Construction
- Department of Natural Resources and Environment (Cadastral and Housing section)
- Chairpersons of People’s Committees of related districts.
f) **Districts People’s committees**

The districts People’s committees are responsible for guiding the compensation and resettlement activities in their respective district areas:

- Direct the relevant institutions for carrying out impact survey; public consultation, information dissemination on the resettlement policy and RP implementation.
- Establishment of District CRCs.
- Responsible for settling complaints of DPs at districts levels.


g) **District Compensation/Resettlement Committees.**

The district CRCs are principal institutions responsible for the implementation of RP in their respective district areas. The district CRCs recruit experienced personnel for gathering of base-line information and inventory. The District CRCs are responsible for:

- Organizing the survey team to carry out Detailed Measurement Survey (DMS) for affected houses and assets; finalize DMS and Entitlement forms for each DP.
- Checking the unit prices of compensation as applied in RP, suggest for adjusting the unit prices in conformation with market prices/replacement costs (if required).
- In co - ordination with PCH, organize the meetings with DPs, communes; disseminate the RIB, DMS and entitlement forms to DPs.
- Based on the policy and approved process in RP, prepare the detailed implementation plan (quarterly, semi - annual, annual plans) and the together with PCH pay entitlements to DPs in a timely manner.
- Settling the complaints and grievances of DPs, solving any difficulties during the implementation period, and suggest the solutions for the outstanding issues to Provincial City/CRC.

The District CRCs will be headed by the Vice Chairmen of the District/ commune People’s Committees. The District CRCs will consist of the following representatives:

- Department of Finance and Pricing
- Department of Natural Resources and Environment (Cadastral and Housing Section)
- Department of Industry
- Affected Communes
- DPs

h) **Commune People’s Committees**

People’s Committees of communes will be responsible for

- Contributing to census and inventory surveys.
- In co-ordination with District CRC for public meetings, information dissemination, compensation/allowance payment to DPs.

- Transferring all feedback by DPs to District CRC and settle the complaints at the communal level. Suggesting the solutions for the outstanding issues (if any).

- Assisting local people in overcoming the difficulties during the construction require, assist DPs in repairing of affected houses. Arrange land in the case DPs require compensation by land for land.

\[i\) Displaced Persons (DPs)\]

DPs are ready with their necessary RP related papers i.e. LURC, ownership of other assets.

DPs are responsible for carefully checking on their lost assets, respective entitlements, and clear land in a timely manner once DPs receive full entitlements.

(Pls. see Figure 2.1.2 for RP implementation Institutional Organization Chart)

Figure 2.1.2 – RP implementation Institutional Organization Chart
2.2. Legal framework

The WB policy on Involuntary Resettlement OP 4.12 and GOV Laws on compensation and resettlement are applied:

2.2.1 Vietnamese laws

Compensation and Resettlement

The key national laws, decrees, circulars governing land acquisition, compensation and resettlement consists of the following:

- The Constitution of Vietnam, 1992 confirms the right of citizens to own a house and to protect the ownership of the house.
- The 2003 Land Law (passed by the National Assembly on November 26, 2003) regulates the land management and land uses, with effective date of July, 01, 2004, provides that: “the persons with land to be recovered shall be compensated with the assignment with new land of the same purposes; if having no land for compensation, shall be compensated with the land use right value at the time of issuance of the recovery decisions. The People’s committee of the provinces and centrally - run cities shall elaborate and execute resettlement projects before the land recovery for compensations with dwelling houses, residential land for persons having residential land recovered and having to move their places of residence. The resettlement zones must have development conditions being equal to resettlement zones, the persons having land recovered shall be compensated with money and given priority to purchase or lease dwelling houses under the State ownership, for urban areas; be compensated with residential land, for rural areas. In case of recovering land of households and/or individuals, that are directly engaged in production, but having no land for compensation for continued production, apart from pecuniary compensations, the persons having land recovered shall be supported by the state to stabilize their lives, with training for change of their production and/or business lines, with the arrangement of new jobs (Article 42).

Item 4 - Land Acquisition
Art.39 regulates the land acquisition for the purposes of national defense, security, national interests and public interests. Clause 2 of this Article clearly defined the public info. (at least 3 months prior to agricultural land acquisition and 6 months prior to non-agricultural land acquisition) on the reasons of land acquisition, time schedule, resettlement plan, compensation/ground clearance master plan for land acquisition.

Art.42 regulates the compensation and resettlement of the people who have land being acquired:

Clause 1 ...people, who have LURC of having sufficient conditions to have LURC, shall be compensated for their acquired land...
Clause 2  ...the acquired land shall be compensated with new land of similar using purpose; in case of lack of resettlement land, the compensation shall be equal to the value of land use rights at the time of land acquisition.....

Clause 3  ........Provincial People’s Committees and Cities directly under the central government prepare and implement the resettlement plans prior to the land acquisition........The resettlement sites planed for various projects in the same area and should have similar to or better development conditions than the old dwelling sites.

In case of lack of resettlement sites: (i) in urban areas’ DPs shall be compensated in cash and have the priority to buy or rent the state-owned houses’, and (ii) in rural areas ‘ in case the value of the acquired residential land is higher than that of the resettlement site, DPs shall be compensated in cash for the differences’.

Clause 4  ...in case DPs whose productive land being acquired and there is no productive land for ‘land for land’ compensation, apart from the cash compensation, DPs shall receive assistances for resettlement, training for new trades, employing in new trades.

Clause 49, 50 define the conditions for issuance of LURC to the extend that (i) ‘HH or individual who directly using the land for agricultural, forestry, aquaculture and salt production in the areas of socio-economic difficulties in the mountainous areas or islands and who have their residential registration and certification from their Commune People’s Committee that they have been using the land stably and without disputes are being issued with LURC and do not have to pay for the land use’, (ii) ‘ HH or individual who had been stably using the land before Oct.15,1993 but without any legal papers and their Commune People’s Committee certifies that their land is without disputes and apt to the approved local land use plan are being issued with LURC and do not have to pay for the land use’, (iii) ‘HH and individual who had been stably using the land from Oct.15,1993 till the effective of this Law, but without any legal papers and their Commune People’s Committee certifies that their land is without disputes and apt to the approved local land use plan are being issued with LURC and do have to pay for the land use’.

Clause 56 defines the State controlled Land Price: (i) the land price verification by the State should ensure the principles i.e. ‘close to the actual value of the transfer of land use rights on the market and when there is large difference between the verified land price and the actual value of the transfer of land use rights on the market, adjustment should be
carried out, (ii) 'Government regulates the method of land price verification adjustment and dealing with differences of land prices at the borders of the provinces and cities directly under the central government', (iii) 'Land price defined by the People’s Committees of the Provinces and cities directly under the central government is publicly announce on January 1st every year....”


- GOV Decree No.188/2004/ND-CP dt.16 November 2004 on methodology for price verification and price framework of various types and categories of land.

This Decree set forth the minimum and maximum prices of different types and categories of land covering the whole country. These prices have been established for the purpose of land acquisition by Government, tax value for transfer of land use rights, leasing government land and national and public purposes.

The methodologies for the land price verification elaborated in this Decree are to ensure the substitution cost of the land.

- Circular No.114/2004/TT - BTC dt.26 November 2004 of the Ministry of Finance guiding the implementation of Decree No.188/2004/ND - CP.

This Circular elaborates in details the methodologies (i.e. direct comparison method and income method) for the land price verification of different types and categories of land in different regions/areas to ensure the replacement cost.

- GOV Decree No.197/2004/ND - CP date. 03 December 2004 on the compensation, assistance and resettlement in case of land acquisition by the state.

Art. 6 ‘.....people who have land being acquired shall be compensated with land of similar land use purpose. If there is no land for compensation, cash compensation equal to land use rights value at the time of land acquisition shall be applied. If there is any differences in value, in case of compensation by new land or house, such differences shall be settled in cash.’

Art.19 ‘.....houses and structures of domestic use of the household or individual shall be compensated with the value of construction of new house, structures of similar technical standard...’

- Circular No116/2004/TT-BTC dt.07 December, 2004 of the Ministry if Finance guiding the implementation of Decree No.197/2004/ND-CP

- Decree 17/2006/ND-CP dated January 27, 2006 on revision and supplementation of some regulations in decrees guiding the implementation of the Land Law.
2.2.2 World bank policies

The legal framework governing the implementation of this RPF and the Inventories and RP are OP 4.12 on Involuntary Resettlement of the World Bank.

Involuntary resettlement (OP 4.12)

The primary objective of the World Bank policy is to explore all alternatives to avoid or at least minimize involuntary resettlement. Where resettlement is unavoidable, the living standards of displaced persons should be restored or improved relative to those conditions that prevailed prior to the project. The policy applies to the taking of land and other assets when land acquisition results in the loss of shelter, the loss of all or part of productive assets, or access to them and the loss of income sources or other means of livelihood.

According to the OP 4.12 on involuntary resettlement, DPs shall be compensated and assisted in such a way as to warrant the improvement or at least the maintenance of pre-project living standard condition.

Measures required ensuring that resettlement has a positive outcome include:

- Consulting with potential displaced persons on feasible measures for resettlement and rehabilitation;
- Providing DPs with options for resettlement and rehabilitation;
- Enabling their participation in planning and selecting these options;
- Providing compensation at full replacement cost for losses;
- Choosing relocation sites that at least guarantee the same benefits and services as the sites they replace;
- Providing allowances, training and income support to assist in making a smooth transition;
- Identifying vulnerable groups and providing special assistance to these groups and;
- Establishing an institutional and organizational structure that supports this process to a successful end.

The Eligibility Criteria and Compensation defines that the DPs eligible for compensation include:
Those who have formal legal rights to land or other assets;

Those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws of the country; upon the possession of documents such as land tax receipts and residence certificates; upon the permission of local authorities to occupy or use the project affected plots; and

Those who have no recognizable legal right or claim to the land they are occupying.

DPs whose houses are in part or in total affected (temporarily or permanently) by the project and whose houses are in part or in total affected (temporarily or permanently) by the project or whose residential and premise and/or agricultural land is in part or in total affected (temporarily or permanently) by the project are provided compensation for the land they lose, and other assistance as necessary to achieve the objectives set out in this policy, if they occupy the project area prior to the cut-off-date defined in this RP.

DPs whose business are affected in part or in total (temporarily or permanently) by the project are provided resettlement assistance and other supports as necessary to achieve the objectives set out in this policy, if they occupy the project area prior to the cut-off-date defined in this RP.

Persons who encroach on the areas after the cut-off-date defined in this RP are not entitled to compensation or any other form of resettlement assistance.

The methodology to be used in the valuation of losses for this project is based on their replacement cost. In this project, losses comprise land, structures and other assets. Replacement cost for land includes the value of land at market price plus the cost taxes and fees to get LURC. For houses and other structures, the market cost of the materials shall be used to calculate the replacement cost to build a replacement structure with an area and the quality should be at least as good as those affect. For both totally and partially affected structures, compensation includes market cost of material, plus the costs of materials transport, labor and contractor fees, and registration and transfer taxes.

Depreciation of the asset and amount saved in materials will not form a part of replacement cost.

2.2.3 Comparison of GOV and WB approaches

With the promulgation of

- The new 2003 Land Law,

- GOV Decree No.188/2004/ND-CP date on 16, November 2004 on methodology for price verification and price framework of various types and categories of land.

- Circular No.114/2004/TT – BTC date. 26 November 2004 of the Ministry of Finance guiding the implementation of Decree No.188/2004/ND – CP.

- GOV Decree No.197/2004/ND – CP date. 03 December 2004 on the compensation, assistance and resettlement in case of land acquisition by the state.
There are a number of ways in which the approaches of the Vietnam Government - in either policy or practice - are compatible with World Bank guidelines. The most important compatibilities are:

- Vietnam has a process whereby most people without legal land rights may meet conditions of legalization and receive compensation for losses.

- Permanent residents are provided with options that include relocation to an improved site, or cash, or a combination of the two.

- Resettlement sites offer not only better-improved infrastructure and services but represent a higher standard of living.

- Allowances are provided to help the DPs in the transition period and there is an institutional structure through which people are informed, can negotiate compensation, and can appeal.

- Differences between the approaches and measures that need to be addressed within the program also exist. However, in this context, procedures exist within national and city government that allow the granting of waivers of domestic law on specific projects that may be conflict with that of the funding agency.

- On the issue of land tenure and the legal right to compensation, the Government and World Bank approaches are compatible. The Government has its own process in place whereby land occupied without legal documentation can be legalized; this land, however, is compensated for at a rate equal to 100% of land price minus the taxes and fee for land use right registration from 15 October 1993 (Clause 49, 50 of Art.42 of the 2003 Land Law).

- Compensation at replacement cost is ensured in Art.6 of Decree 197/2004/ND-CP dt.03 Dec. 2004 that '.... People who have land being required shall be compensated with land of similar land use purpose. If there is no land for compensation, cash compensation equal to land use rights value at the time of land acquisition shall be applied. If there is any differences in value, in case of compensation by new land or house, such differences shall be settled in cash' and, Art. 19 of the same Decree that'.... Houses and structures of domestic use of the household or individual shall be compensated with the value of construction of new house, structures of similar technical standard…'

2.2.4 Required waivers

In order to meet the requirements of the World Bank OP 4.12 on Involuntary Resettlement a number of articles in various Vietnamese laws and regulations which do not ensure compensation at replacement cost or set eligibility provisions which do not extend the right to rehabilitation and or assistance to households without proper land paper, will be waived.
The articles of law and regulations that will be waived are mentioned below:

(i) **Eligibility to compensation and/or assistance**

Article 7 of the Decree 197/ND-CP (Cases where land is recovered without compensation) stipulates that any person whose land is recovered and who has not met one of the conditions of Article 8 of this Decree, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People’s committee shall consider and decide on a case-by-case basis.

Articles 18, 19, 20 of the Decree 197/ND-CP stipulate that:

- Houses and structures on non-eligible-for-compensation land, which have not violated announced land use plans or the right of way, shall be assisted at 80% of replacement.

- Houses and structures on non-eligible-for-compensation land but at the time of building violated announced land use plans or the right of way will not be assisted. If necessary, the PPC will consider on the case-by-case basis.

Article 28, 29 of Decree 197: DPs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance.

To ensure that the objectives of this resettlement policy are met, a special decision of the Government waiving Article 7, 18, 19, 20, 28, 29 of Decree 197 is needed to permit assistance and rehabilitation measures for illegal users of land as proposed in the policy.

(ii) **Land price for compensation calculation**

According to the Vietnamese regulation, calculation the unit price for land compensation will be based on GOV Decrees 188/2004/ND-CP, 197/2004/ND-CP with their Guidance (Circular No.114/2004/TT-BTC and No.116/2004/TT-BTC respectively)

**Decree 197/2004/ND-CP dt. Dec. 03, 2004**

**Article 7**

This article state that the Ministry of Finance is responsible for the establishment of a number or overall new land price framework to submit to the Government for adjustment when prevailing price of transfer of land use rights in the market in respect of a number of all types/categories of land listed in the land price framework continuously fluctuated (more than 60 days in many provinces, cities) that causes large differences in land prices (increasing from ≥30% compare to the max. price and decreasing from ≥30% compare to min. price attached to this Decree).
Article 9

This article states that land price for the compensation calculation is the land price in respect of land use purpose at the time of land acquisition, promulgated by the provincial People’s Committee in line with the Government regulation (within the GOV’s range of minimum and maximum prices).


This Decree promulgates the methodologies to define land price and, at the same time, set forth the land price framework (min. and max. unit price for various types of land) throughout the country.

Article 2

This Article states that the land price shall be defined by the Provincial People’s Committee and/or cities directly under the central government.

To ensure that the objectives of the resettlement policy are met, unit price for land compensation established by the Project Provincial/ city People’s Committees will be adjusted to meet the replacement costs.

The compensation unit prices established by the provincial/district CRCs, provincial DOFs, and DOCs and approved by the provincial People’s Committee may be adjusted to meet the replacement costs, by the time of compensation, to ensure the objectives of the RP policy are met.

iii) Assistance policy for DPs who rent houses from the Government.

Decree 197/2004/ND-CP date Dec. 03, 2004

Article 21

This article states that DPs who rent government houses and has to be relocated by self-relocation shall be assisted in cash at a rate to 60% of the cost of the currently rented house and 60% of the cost of the land value, in cases of no resettlement houses to be arranged for them.

iv) Assistance policy for rehabilitation

Decree 197/2004/ND-CP date Dec. 03, 2004

Article 28

This article states that DPs who directly do the agricultural production having agricultural land being acquired more than 30% shall receive rehabilitation assistance (cash value of 30kg of average rice in the location per head) for 3 months (if relocation is not required), 6 months (if relocation is required) and 12 months (if moving to the areas of specially difficult socio-economic conditions).

v) GOV commitments
To ensure that the objectives of the policy are met, the Prime Ministry of Vietnam and Chairpersons of the project related provinces in approving/adopting (prior to the project appraisal) the policies and objectives set forth in this RPF will grant the waivers to the above mentioned Article 7,8,18,19,21,28 and 29 of Decree 197/2004/ND-CP and Article 2 of Decree 188/2004/ND-CP, and any other laws or regulations which contradict this Project Resettlement Policy.

The waivers will be approved by GOV in the decision of project investment before negotiation. The Project Provincial People Committees will issue the official letter for their agreement in implementing the policies set forth in RP.

2.3. Definition of Eligibility and Limitation to Eligibility

DPs are all individuals, firms or institution with or without land registration papers that owned, rented, or used land, properties and business, which are affected by the project.

All DPs will be entitled to full compensation for their respective losses as long as they are included in the RP inventory list or can prove that they owned the affected items before the cut – off date. The same applies to DPs whose incomes are affected by the project.

2.4. Resettlement and compensation principles.

The principles outlined in the World Bank’s OP 4.12 have been adopted in preparing this RPF. In this regard, the following principles and objectives would be applied:

a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

b) All DP’s residing, working, doing business or cultivating land in right of way (ROW) of transmission line (T/L), surrounding areas of tower foundation, the substation areas, in the service roads under the projects as of the date of the baseline surveys are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. *Lack of legal rights to the assets lost should not bar the DP from entitlement to such rehabilitation measures.*

c) The rehabilitation measures to be provided are: (i) compensation at replacement cost, without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land for land of equal productive capacity acceptable to the DP or in cash at replacement cost according to DP’s choice; (iii) replacement of residential/premise land or equal size acceptable to the DP or in cash at replacement cost according to DP’s choice; and (iv) transfer and subsistence allowances.

d) Replacement residential and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the DP.
e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the DP’s prior to the expected start-up date of work in the respective Project site.

f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultant with the DP’s, to ensure minimal disturbance. Entitlements will be provided by DP’s prior to expected start-up of works at the respective project site.

g) The previous level of community services and resources will be maintained or improved.

h) Financial and physical resources for resettlement and rehabilitation will be made available and as where and when required.

i) Institutional arrangements will ensure defective and timely design, planning, consultation and implementation of RP.

j) Effective and timely supervision, monitoring and evaluation of the implementation of RP will be carried out.

2.5. Eligibility to compensation entitlement.

The DPs eligible for compensation will include:

(a) those that have formal legal rights to land or other assets;

(b) those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws; upon the possession of documents such as land tax receipts and residence certificates; or upon the permission of local authorities to occupy or use the project affected plots; and

(c) those who have no recognizable legal right or claim to the land they are occupying – if they occupy area prior to the cut-off date defined in the RP.

The DPs are identified by the baseline information collected for RP:

(a) Persons whose houses are in part or in total affected (temporarily or permanent) by the project.

(b) Persons whose houses residential and premise and/or agricultural land is in part or in total affected (temporarily or permanent) by the project.

(c) Persons whose crops (annual and perennial) and trees are affected in part or in total by the Project.

(d) Persons whose businesses are affected in part or in total (temporarily or permanent) by the project.
2.6. Compensation policy

Compensation for crops will be provided at market price. Compensation for land, houses, buildings, trees, and other assets will be provided at the replacement cost.

Compensation for land losses:

- Compensation for productive land losses (less than 10% of total land DPs’ landholding) will be provided at the replacement cost for the equivalent arrear and all other losses will be provided in cash.

- Compensation for productive land losses (more than 10% of total DPs’ land holding) will be provided in terms of land for land at the equivalent area and quality of land acquired by the project or in cash at replacement cost according to DPs’ options.

Compensation for land, houses, structures, or trees will be provided in cash at the replacement cost.

Compensation for crops will be provided in cash at the current market rates calculated on the productive average of the last three years (according to Circular 145 of MOF).

Compensation price in this RP are tariffs established by the DOFs of the project related city/provinces and approved by their city/provincial People Committee based on the Decree 188/2004/ND-CP and the MOF Circular 114/2004/TT-BTC.

Since the time from RP preparation to time of project implementation may be long, at the implementation time, such prices may not correspond to market or replacement rates. Therefore, all applied prices will be checked again at the beginning of RP implementation and adjusted if necessary. The Detailed Measurement Survey (DMS) will be also carried out by Resettlement Committees at the beginning of project implementation. The evaluation of unit prices at the implementation time will be done by independent monitoring agency, provincial DOF. This activity will later be required in ToR for Independent Monitoring.
Chapter III  Entitlement Policy

3.1 Impact categories

By the nature of the project impacts as described above and based on the survey of the DPs, the impacted categories could be classified as bellow:

3.1.1 Temporary impact within ROW

All DPs who have productive land, crops, trees, or structures in the ROW of T/L, surrounding areas of pole foundations, in the temporary service roads, which are temporarily affected only during the construction period.

Category 1:
DP who has trees, crops, which are damaged by the project during the construction period due to construction of temporary access roads or conductor stringing.

Category 2:
DP who has residential, garden, productive lands, which are temporarily acquired during the project construction period.

3.1.2 Permanent impact.

All the DP who owned lands and properties on it, which will be permanently acquired for the pole foundations, the substation areas, the permanent access roads for construction and maintenance of the project. All DPs who have houses, other structures, or high trees in ROW, which need to be removed, demolished or cut.

Category 3:
DP who has houses/structures, which are partially damaged or cut, and the damaged portion or structure (the dismantled areas are ≤ 10% of total areas), and the lost house/structure portion could be rebuilt in adjacent areas already owned by the DP. Impact on cleared residential land in ROW could be temporary as it could be reused for restricted purposes.

Category 4:
DP who has houses, which are partially or totally damaged, and the damaged portion will affect to the safety or using purpose of the entire house or structure (the dismantled areas are more than 10% of the total areas or even less than 10% of the total area, but the remaining area cannot be used or inconvenient for using), so the house need to be totally removed and rebuilt in remaining adjacent areas already owned by the DPs. Impact on cleared residential areas will be temporary as it can be reused for restricted purposes.

Category 5:
DPs who have houses, which are partially or totally damaged and the damaged portion will affects to the safety or using purpose of the entire
house or structure, so the house/structure need to be totally removed and rebuilt. However, DPs do not have sufficient spare residential land for the reconstruction of a house of equal dimensions as the house lost. The threshold of sufficient residential land is at 100m$^2$ for rural areas.

Category 6:

DPs who have residential land, productive land that will be acquired permanently for the project, including for permanent roads construction and maintenance of the project.

a) Acquired productive land areas are more than 10% of total productive land DPs’ holding.

b) Acquired productive land areas are less than 10% of total productive land DPs’ holding.

c) The remaining residential – garden land areas are less than 100m$^2$ (in rural area).

d) The remaining residential – garden land areas are equal or more than 100m$^2$ (in rural area).

Category 7:

DP impacted permanently, temporarily on business, or other services.

Category 8:

Impacts on public works i.e. schools, water supply resources, sewage systems, roads...

3.2 Entitlement

3.2.1 Eligibility and Limitation to Eligibility

DPs are all individuals, firms or institution with or without land registration papers that owned, rented, or used land, properties and business, which are affected by the project.

All DPs will be entitled to full compensation for their respective losses as long as they are included in the RP inventory list or can prove that they owned the affected items before the cut-off date. The same applies to DPs whose incomes are affected by the project.

The sub-project surveys have been carried out; the sub-project issues have been communicated to the people in the project related localities along with community participation; and T/L routes have been approved by the local authorities. It is agreed between the local authorities and the PCH that the cut-off date shall be 15th August 2007. The cut-off date is officially declared by the competent local authorities.
Encroachers who settled into the proposed affected area after the cut-off date will have no entitlement to compensation and resettlement. They will be required to demolish their structure and cut the trees or harvest their crops for land clearance to the project. In case necessary, they will be forced to be removed out the proposed project area. Nevertheless, they do not have to pay any fine or sanction. The cut-off date and the provision of 'no compensation for encroachers' has been clearly declared in the community meetings and printed in the pamphlets.

3.2.2 Eligibility to compensation entitlement.

The DPs eligible for compensation will include:

(a) those that have formal legal rights to land or other assets;

(b) those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws; upon the possession of documents such as land tax receipts and residence certificates; or upon the permission of local authorities to occupy or use the project affected plots; and

(c) those who have no recognizable legal right or claim to the land they are occupying - if they occupy area prior to the cut-off date defined in the RP.

The DPs are identified by the baseline information collected for RP:

(a) Persons whose houses are in part or in total affected (temporarily or permanent) by the project.

(b) Persons whose houses residential and premise and/or agricultural land is in part or in total affected (temporarily or permanent) by the project.

(c) Persons whose crops (annual and perennial) and trees are affected in part or in total by the Project.

(d) Persons whose businesses are affected in part or in total (temporarily or permanent) by the project.

3.2.3 Resettlement and compensation principles.

The principles outlined in the World Bank's OP 4.12 have been adopted in preparing this RPF. In this regard, the following principles and objectives would be applied:

a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

b) All DP's residing, working, doing business or cultivating land in right of way (ROW) of transmission line (T/L), surrounding areas of tower foundation, the substation areas, in the service roads under the projects as of the date of the baseline surveys are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income
earning capacity and production levels. *Lack of legal rights to the assets lost should not bar the DP from entitlement to such rehabilitation measures.*

c) The rehabilitation measures to be provided are: (i) compensation at replacement cost, without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land for land of equal productive capacity acceptable to the DP or in cash at replacement cost according to DP’s choice; (iii) replacement of residential/premise land or equal size acceptable to the DP or in cash at replacement cost according to DP’s choice; and (iv) transfer and subsistence allowances.

d) Replacement residential and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the DP.

e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the DP’s prior to the expected start-up date of work in the respective Project site.

f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultant with the DP’s, to ensure minimal disturbance. Entitlements will be provided by DP’s prior to expected start – up of works at the respective project site.


g) The previous level of community services and resources will be maintained or improved.

h) Financial and physical resources for resettlement and rehabilitation will be made available and as where and when required.

i) Institutional arrangements will ensure defective and timely design, planning, consultation and implementation of RP.

j) Effective and timely supervision, monitoring and evaluation of the implementation of RP will be carried out.

3.2.4 Compensation policy

*Compensation for crops will be provided at market price. Compensation for land, house, buildings, trees and other assets will be provided at the replacement cost.*

Compensation for land losses:

- Compensation for productive land losses (less than 10% of total land DPs’ holdings) will be provided at the replacement cost for the equivalent area and all other losses will be provided in cash.

- Compensation for productive land losses (more than 10% of total DPs’ land holdings) will be provided in terms of land for land at the equivalent area and quality of land acquired by the project or in cash at replacement cost according to DPs’ options.

Compensation for land, houses, buildings and trees will be provided in cash at the replacement costs.
Compensation for crops will be given in cash at the current market rates calculated on the productive average of the last three years (according to the Circular 145 of MOF).

Compensation price in this RP are tariffs established by the DOFs of the project related city/provinces and approved by their city/provincial People Committee based on the Decree 188/2004/ND-CP and the MOF Circular 114/2004/TT-BTC.

Since the time from RP preparation to time of project implementation may be long, at the implementation time, such prices may not correspond to market or replacement rates. Therefore, all applied prices will be checked again at the beginning of RP implementation and adjusted if necessary. The Detailed Measurement Survey (DMS) will be also carried out by Resettlement Committees at the beginning of project implementation. The evaluation of unit prices at the implementation time will be done by independent monitoring agency, provincial DOF. This activity will later be required in ToR for Independent Monitoring.

### 3.2.5 Compensation Entitlement by Categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Entitlements</th>
</tr>
</thead>
</table>
| 1        | • Cash compensation for affected trees at the replacement cost plus cost for cutting trees, crops at market price. Number of crop patterns to be compensated based on the time of temporarily acquired of land.  
          |   • No compensation for land  
          |   • Rehabilitate land after the project construction. |
| 2        | • Cash compensation for affected fruit trees and trees at replacement cost.  
          |   • No compensation for land  
          |   • Rehabilitate land after the project construction. |
| 3        | **House/ building:**  
          |   • DP can opt for: i) Remain their houses or building in ROW with the conditions regulated by Article 6 of the Government Decree 106/2005/ND-CP dt.Aug 17th, 2005 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation for the directly affected rooms at the replacement cost and cost for demolishing an affected room.  
          |   • No compensation for land.  
          |   • Rehabilitate land after the project construction by contractors.  
          | **Tree and fruit tree**  
          |   • Compensation for affected trees and fruit trees at the replacement cost.  
          | **Allowances:**  
          |   • Relocating allowance of 30 kg of rice equivalent per person per month in six months. |
| 4        | **House/ building:**  
          |   • DP can opt for : i) Remain their houses or building in ROW with the conditions regulated by Article 6 of the Government Decree
<table>
<thead>
<tr>
<th>106/2005/ND-CP dt.Aug 17th, 2005 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation at replacement cost for full areas of impacted house/building and demolish DP’s house in ROW.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- No compensation for land.</td>
</tr>
<tr>
<td>- Relocate land after the project construction by contractors.</td>
</tr>
</tbody>
</table>

**Tree and fruit tree**

- Compensation for affected trees and fruit trees at the replacement cost.

**Allowances:**

- Relocation allowance of 30 kg of rice equivalent per person per month in six months.

---

| 
| --- |
| DPs can opt for one of the followings: |
| 1. Remain their houses or building in ROW with the conditions regulated by Article 6 of the Government Decree 106/2005/ND-CP dt.Aug 17th, 2005 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation for the whole residential area which DP occupied (not only for the impacted areas) and properties associated with occupied land at replacement cost. Impacted land will be obtained by local authorities; or iii) “Land for land” with the same area which DP occupied and cash at replacement cost for the affected assets associated with land. Land occupied by DP will be obtained by local authorities. |
| - Compensation for affected trees and fruit trees at the replacement cost. |

**Allowances:**

- Relocating allowance of 30 kg of rice equivalent per person per month in six months
- Transportation allowance for relocating DP according to the Compensation Decree 197/2004/ND-CP dated Dec 3rd, 2004 of GOV.
- Rehabilitation assistance if DPs permanently losing business or more than 10% of their incomes.
- Incentive for relocating in a timely manner: maximum 5,000,000 VND/HH

---

<table>
<thead>
<tr>
<th>For DP losing productive land:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Land loss less than 10% of their total landholdings</td>
</tr>
<tr>
<td>- Cash compensation for the lost area if the remaining plot is still economically viable.</td>
</tr>
<tr>
<td>- Cash compensation for the whole impacted plot if the remaining plot is not economically viable.</td>
</tr>
<tr>
<td>- Cash compensation for properties associated with land</td>
</tr>
</tbody>
</table>
Vietnam: Rural Distribution Project (RD)
Sub Project: Tien Trung 110kV substation of Hai Duong Province

b. Land loss equal or more than 10% of their total landholdings:
   
   DP can opt for the followings:
   
i) "Land for land" with the same area and productive of impacted area if the remaining plots are still economic viable and for the whole impacted plots if the remaining plots are not economic viable
   
   ii) Cash for land at the replacement cost.
       - Compensation for trees and affected fruit trees at the replacement cost.
       - Rehabilitation assistance.
   
   For DP losing Residential and garden land:
   
   i) If remaining land is sufficient for reorganizing (not less than 60 m²): Cash compensation for lost area and assets associated with land.
   
   ii) If remaining land is not sufficient for reorganizing: DP can opt for i) cash compensation at replacement cost for land and assets on land, or ii) "land for land" compensation for the whole residential area which DP occupied (not only for the impacted areas) and properties associated with occupied land. For affected house and building, the same entitlement to DP of categories 3 or 4 or 5.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>(a) Temporary impact on business or other services. Compensation for income lost in the affected time</td>
</tr>
<tr>
<td></td>
<td>(b) Permanent impact on business or other services.</td>
</tr>
<tr>
<td></td>
<td>(c) Rehabilitation assistance.</td>
</tr>
</tbody>
</table>

8

Temporary impact
- Alternative measures to maintain the normal functional of the public work (i.e. road, water supply, drainage system, telephone line etc)
- Reinstatement after the project construction
- All expense on alternative measures to maintain the normal functioning of the impacted system shall be born by Contractor (s)

Permanent impact
- Alternative measures to maintain the normal functional of the public work (i.e. road, water supply, drainage system, telephone line etc)
- All expense on alternative measures to maintain the normal functioning of the impacted system shall be born by Contractor (s)

3.2.6 Allowances and assistances

Transportation allowance

Art.27 of Decree 197/2004/ND-CP: all relocating DPs are entitled in one time:

- DPs relocating within the province/city max. 3,000,000 VND (per household)
- DPs relocating out of the province max. 5,000,000 VND (per household)
Vietnam: Rural Distribution Project (RD)
Sub Project: Tien Trung 110kV substation of Hai Duong Province

- Relocating DPs (while waiting for the establishment of new resettlement residences at resettlement sites) - to be provided with temporary residence, or - to be provided with temporary rent cost.

### Relocation subsidy

**Art.28 of Decree 197/2004/ND-CP¹:** all relocating DPs are entitled in one time:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPs relocating within the province</td>
<td>cash (equivalent to 30kg of rice per month x 3 months) per family member.</td>
</tr>
<tr>
<td>DPs relocating out of the province</td>
<td>cash (equivalent to 30kg of rice per month x 6 months) per family member.</td>
</tr>
<tr>
<td>DPs who are in a severe socio-economic difficulties or who relocating to areas of socio-economic difficulties.</td>
<td>cash (equivalent to 30kg rice per month x 12 months per family member.</td>
</tr>
</tbody>
</table>

### Restoration allowance

**Art. 29 of Decree 197/2004/ND-CP²:**

DPs who have more than 10% of productive land or incomes permanently affected are entitled to 3,000,000VND (per household)³

and

Other restoration allowance to be decided by the Provincial People’s Committee with the financial resource from the person who is going to use the acquired land.

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¹ **Art.28 of Decree 197/2004/ND-CP** defines that this subsidy is applicable to DPs who lost more than 30% of their agricultural land only. However, in line with the RP Policy Framework, this kind of subsidy is applicable to all DPs who required to be relocated. *Art.28 of Decree 197/2004/ND-CP* defines that this subsidy is applicable to DPs who lost more than 30% of their agricultural land only. However, in line with this RP Policy Framework, this kind of subsidy is applicable to all DPs who required to be relocated.

² **Art. 29 of Decree 197/2004/ND-CP** defines that DPs who lost more than 30% of their agricultural land will be assisted for changes of occupation (level of assistance will be decided by the provincial People’s Committee). However, in line with the RP Policy Framework for RE2 subprojects, the restoration allowance remains in conformation with the on-going RE2 subprojects throughout Vietnam.

³ The amount of 700,000 (VND/main labor is delivered directly to training or TA institutions/consultants and 800,000 VND for trainee as a subsidy allowance in training time (total is 1,500,000VND per trainee). For the sake of cost estimates, each household is estimated at having 2 main labors.
3.2.7 Voluntary donation

Results from the socio-economic surveys and community meetings show that the communities whole-heartedly welcome the efficiency improvement of RD project. There are many DPs who would be marginally affected on their residential/productive land and other assets would like to contribute their affected trees, crops, fences land and other assets to the project in lieu of cash contribution.

The procedure for determining and documenting the voluntary nature of the contribution are as follows:

*Step 1:*

Local authorities clearly inform to all DP about this project resettlement policy, and the actual entitlement to compensation.

*Step 2:*

Volunteer DPs sign in the DMS and entitlement forms for the affected assets and asset, which they choose to contribute for the project and these forms, will be filled in Provincial/District Compensation Committee’s offices.

*Step 3:*

A sample of about 20% of volunteer households will be checked by independent external monitoring agencies at the initial time of RP implementation and reports of independent external monitors on this matter will be submitted to IDA for its concurrence.
Chapter IV Mitigation measures

4.1 Mitigation measures

Thanks to mitigation measures undertaken right from the initial design state through public consultation, close cooperation with various local authorities and related offices, the project impacts almost marginal.

There are no DPs with their fixed assets being acquired more than 10% of their total land holding, therefore, no DPs required to be relocated and the development of resettlement site is not required.

All individuals, households or institutions (DPs) who are impacted temporarily or permanently by the project are owners of land and properties, land and house renters in ROW of T/L, in proposed areas for tower foundation and temporary service roads.

4.2 Measures to minimize land acquisition and losses

4.2.1 Consultation and participation

During the project preparation, PCH's consultant has conducted detailed survey on the project impacts. The survey teams have also conducted discussions and consultations with local authorities and local people on possible impacts caused by the project, particularly the alignment of T/L routes etc. so as the selected line route and DSSs locations are the least impact option.

The proposed layout of T/L routes are also displayed and discussed again in the RP community meetings.

The draft layout of routes have been communicated by PCH to the relevant bodies i.e. provincial, district and communes People's Committees, Dept. of Natural Resources and Environment, provincial, district and commune cadastral services etc. for comments and public display. The valuable feedback of local authorities and DPs were taken into account for design.

4.2.2 Impact limitation measures in design stage.

The mitigation measures for project impacts should be scrutinized during the design stage, especially for line route selection. A well-selected route and substation site would site would reduce much of the project cost as well as impacts on the locals and environment.

For complicated sections, two alternatives were chosen for investigation for comparison and the alternatives with least impacts were selected.
4.2.3 Impact mitigation measures in construction stage

During the detail technical design, PCH and its consultant would reinvestigate the routes and made certain modification, if necessary, for optimal results.

Suitable measures and optimum arrangements for the project construction are considered i.e. construction would be carried out right after the harvest of crops and terminated before the next sowing. To achieve such target, apt workforces with working shifts would be scheduled to shorten the temporarily affected period.

The construction camps for workers in the construction period shall be located on the bare of public near by headquarters of communes. The camps shall not to be built in populated areas.

If it is necessary to carefully investigate and select access roads to minimize their impact. For sections traversing forest, manual transport of materials should be considered to minimize impact on the environment.

4.3 Result of mitigation measures

Impact on land

<table>
<thead>
<tr>
<th>Area (m²)</th>
<th>% of total land holding</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Permanent impact on residential land</td>
<td>Nil</td>
</tr>
<tr>
<td>- Temporary impact on residential land</td>
<td>Nil</td>
</tr>
<tr>
<td>- Permanent impact on productive land</td>
<td>12,000</td>
</tr>
<tr>
<td>- Temporary impact on productive land</td>
<td>4,638</td>
</tr>
</tbody>
</table>

Impact on houses/structures

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Total affected houses/structures</td>
<td>Nil</td>
</tr>
<tr>
<td>- Partial affected houses/structures</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Other impacts

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Affected business</td>
<td>Nil</td>
</tr>
<tr>
<td>- Impact on natural preserving zones, sensitive areas</td>
<td>Nil</td>
</tr>
<tr>
<td>- Impact on tenants who leased house for residential purpose</td>
<td>Nil</td>
</tr>
<tr>
<td>- Impact on ethnic minorities</td>
<td>0HHs – 0 person</td>
</tr>
</tbody>
</table>

DPs
Vietnam: Rural Distribution Project (RD)  
Sub Project: Tien Trung 110kV substation of Hai Duong Province

<table>
<thead>
<tr>
<th>Household</th>
<th>Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Total DPs with more than 10% of productive land affected</td>
<td>19</td>
</tr>
<tr>
<td>- Total DPs with more than 10% of residential land affected</td>
<td>Nil</td>
</tr>
<tr>
<td>- DPs required to be relocated</td>
<td>Nil</td>
</tr>
</tbody>
</table>

DPs opted for cash compensation for their certain impacted assets at the replacement costs.

There are many DPs who would be marginally affected on garden, residential land and other assets volunteer to contribute their affected trees, crops, fences etc. of in significant values for the project construction.

Thanks to mitigation measures through public consultation from the initial stage and design stage of the project, the socio-economic surveys show that there are no DPs whose fixed assets being acquired more than 10% of their total holding and not required to be relocated; therefore, *development of resettlement site is not required*. 

- Power Company 1
- Power Construction Consulting Center No 1 - Tel: 04.7167951
Chapter V People’s participation

5.1 Community meetings

In the community meetings, DPs’ queries RP related issues i.e. entitlements, compensation etc are explained by PCH representatives and DPs’ options, including voluntary donation of their marginal impacts on trees, crops, bamboo fences etc of insignificant values were recorded.

The prevailing opinion of DPs in the project areas:

• The extension of the power supply networks are welcomed by all DPs, particularly people who have not yet enjoy the power supply and who are having the power supply but with too low service quality.

• DPs would like to be compensated at replacement cost for their assets losses and market price for their temporarily affected crops.

• DPs would like to be informed of the actual project implementation time – schedule well in advance to prepare them for the ground clearance.

There are two phases of the public information campaign and DP consultation:

5.2 Phase 1: Information campaign, DPs and agency consultation during resettlement planning and RP preparation.

A meeting between PCH, PCCC1 and related provincial/district People’s Committees was held. The relative issues were discussed: agreement on choosing project participation districts, project financial sources and even the compensation cost. The representatives of PCCC1 had presented the baseline data and policies of RP to these Provincial Committees and obtained their comments and suggestions.

PCCC1 has sent the Entitlement Matrix to related district and commune authorities on November 2007 for review and comments. PCCC1 and PCH have requested the Provincial/district People’s Committees and the related local authorities to review carefully for the requirements on waivers, eligibility to compensation, proposed entitlement policy, RP cost, taskforces, mechanism for complaint and applied unit costs in draft RP.

The draft RP has also been disclosed at the office of Hai Duong Provincial People’s Committee and at VDIC of the World Bank office in Vietnam.

5.3 Phase 2: Information campaign and consultation during resettlement implementation.
The implementation of RP and rehabilitation activities include: implementing resettlement policies; entitlement calculation and payment of compensation to DPs; finalize relocation plan; modes of compensation etc.

During this phase, the following activities were carried out sequentially:

Activity 1: Organizing CRC, disclosing the information and training staves for CRC.

After loan agreement signed, the first resettlement activity is the Provincial People’s Committee will organize the provincial/district CRC. PCH will supply to CRCs the copies of approval RP, train staves for CRCs on content and procedure to implement RP, disclose RIB for all DPs.

Activity 2: Distributing DMS and forms of entitlement to DPs.

CRC will implement DMS and disclose the DMS entitlement forms to all DPs. The list of DPs, affected assets, and their entitlements will be sent to the head office of commune.

CRC will calculate the entitlements and disclose the entitlement compensation forms to DPs. The entitlement compensation forms will be sent to the head office of commune.

After each times of disclosure RIB and entitlement compensation forms to all DPs, the DRCs and communes’ authorities will hold a meeting again at each commune in order to clearly explain the policy of RP to all DPs. During this meeting, DPs can make requests on any resettlement issues.

Activity 3: Meeting with DPs about compensation payment.

After having, the database of affected assets of the project, CRC and communes will hold a meeting with DPs to introduce the compensation unit price for each kind of affected asset. The compensation unit price table will be sent to the head office of commune.

At the meeting, DPs can comment to the released compensation unit price, the feedback information of the compensation unit price will be taken care and considered.

DPs who agreed with the compensation unit price for their affected assets will sign to the compensation forms. The feedback information will be recorded and submit to the authority agencies.

At the later meeting, DPs will be informed the time, place and modes of compensation for affected assets. The meeting may be held on May 2008

Activity 4: Information to the local authorities on implementation schedule

PCH will inform commune authorities and DPs about construction schedule and procedures as well as schedule of RP implementation.

Commune local authorities and district RCs must closely coordinate together for ensuring that all DPs are fully informed about compensation and project/RP implementation schedules.
There are some community meeting holding in Dong Lac commune.

<table>
<thead>
<tr>
<th>No</th>
<th>Title</th>
<th>Time</th>
<th>Participants</th>
<th>Content</th>
</tr>
</thead>
</table>
| 1  | Inform Dong Lac PPC of project | 6/2007 | PCH, Dong Lac authorities, PCCC1       | - Inform Dong Lac Commune of RD project  
- Agree that the position and area of substation  
- The quantity of DPs                                                                 |
| 2  | Inform DPs of project     | 8/2007 | Dong Lac authorities, DPs              | - Inform DPs of RD project  
- Distribution pamphlet                                                                 |
6.1 Data gathering activities

The census and inventory work of project impacts were carried out during July and August 2007 by PCCC1 and under the assistance of the related local authorities. The inventory work includes:

- Census of all DPs impacted by the project.
- Survey for DPs, who have houses in the proposed locations.
- Survey for DPs, who have trees impacted in the proposed locations or ROW (according to Decree 106/2005 – ND/CP)
- Survey for impacted public infrastructures, properties, and means of transport.
- Survey for land acquisition area for pole foundation.
- Survey for temporary land acquisition area.
- Survey for other affected area.

6.2 Socio-economic survey.

Hai Duong province is located in North-East Vietnam, about mid-distance from Hanoi to Haiphong. The province is known for its famous lychees and for the traditional sweet 'banh dau xanh' (green bean paste).

Hai Duong City is a center of politic, economy, culture, science and technology of Hai Duong province. Hai Duong City located on Highway 5. It is 70km far from Hai Phong to the east, 57km far from Hanoi to the west and 80 km far from Ha Long. There are 20 km of highway 18 in the north of province. It connects Noibai International Airport to Cai lan port of Quang Ninh province.

Tien Trung 110kV Substation Project is located in Dong Lac Commune, Nam Sach District. After project completing, Tien Trung 110kV substation will supply power to Nam Sach and Thanh Ha district.

Nam Sach district is located in northern of Hai Duong.
+ The northern of Nam Sach borders on Chi Linh district
+ The western of Nam Sach borders on Cam Giang district and Bac Ninh province
+ The southern of Nam Sach borders on Thanh Ha district and Hai Duong City.
+ The eastern of Nam Sach borders on Kinh Mon district, Kim Thanh district and Thanh Ha district

Thanh Ha district is located in eastern of Hai Duong province
+ The northern of Thanh Ha borders on Kim Thanh district and Nam Sach district
+ The western of Thanh Ha borders on Tu Ky district and Hai Duong City
+ The southern of Thanh Ha borders on Tu Ky district.
+ The eastern of Thanh Ha borders on Hai Phong province
Vietnam: Rural Distribution Project (RD) Resettlement Plan
Sub Project: Tien Trung 110kV substation of Hai Duong Province

Nam Sach and Thanh Ha district have potential development of economy: good soil, plentifully young labor source, traditional crafts, good traffic line and favorable geography position. Scale of economy branch is:
- Agriculture production account for 28%
- Agriculture industry account for 43%
- Trade and tourist services account for 29%

Tien Trung Substation is located in Dong Lac Commune, Nam Sach district.
+ The northern of Dong Lac commune borders on Phu Dien and An Lam communes
+ The western of Dong Lac commune borders on An Chau Commune
+ The southern of Dong Lac commune borders on Nam Dong Commune
+ The eastern of Dong Lac commune borders on Ai Quoc commune

Dong Lac Commune has 11 hamlets: Mieu Lang, Thap Phan, Dong duan, Hao Thon, Quan Dinh, Tram Kieu, Truc Khe, Nham Cat, Nhan Le, Cai La, La Xuyen.

Tien Trung substation and 110kV transmission line are located in two hamlets: Hao Thon and Thap Phan. There are 50 DPs in Hao Thon and Thap Phan hamlets. In which 6 DPs live in Thap Phan hamlets and 44 DPs live in Hao Thon hamlets.

6.2.1 Agriculture and forestry

Hai Duong located in monsoon tropical climate, which divided in to four private, seasons (spring; summer, autumn and winter). Average annual rainfall is from 1,300 to 1,700 mm. Average temperature is 23.3°C. Climate is good for agricultural production including food-tree, fruit-tree especially vegetable harvest in winter season.

6.2.2 Industry, small industry and handicraft.

Industry, small industry production is fast developing. Every year average development rate is 16.1%.

There are 23 companies, production business in Thanh Ha and Nam Sach districts, 4 handicraft villages of Thanh Ha districts (Phuong Hoang, Thach Hong, Truong Thanh, Thanh Son Communes)

Construction of industrial zones:
Nam Sach district: There are Nam Sach industrial zone – 64 hectares; An Dong industrial bases (Dong Lac communes) - 35.18 hectares

Thanh Ha district: There are programs of concentrated industrial bases: Lai Vu industrial base (Hong Thuy commune): 30 hectares, Tan Tien industrial base (Tan Tien Commune): 6 hectares, Thanh Cuong industrial base (Thanh Cuong Commune): 6 hectares, Thanh An industrial base (Thanh An commune): 6 hectares.

6.2.3 Trade service

In two district areas: There are 9,063 business households, 21 markets. Total trade service value is 370 billion VND (year of 2004)
There are some markets are programming to build such as: La market (Tan Minh), Quan Giai market (Van Phu), Lien Phuong market, Trat Cau market (Tien Phong)

6.2.4 Population
According to the data of 2006\textsuperscript{th} year, there are 1,722,394 people with living density is 1,043 people per one square kilometer in Hai Duong province. In which: rural people account for 86%. Anticipation of 2010\textsuperscript{th} year, there are 1,830 million people with 1.1 million employees.

Hai Duong people are hospitable, diligent, cultured, self-motivated.

Administratively, Hai Duong province has 11 districts and Hai Duong city.

Thanh Ha district has 162,778 people with 78,772 are male and 84,006 are female. Nam Sach district has 140,882 people with 67,409 are male and 73,473 are female.

Dong Lac commune has 7,810 people with 1,789 household. There are 1 household of Tay ethnic with 3 people live in Thap Phan hamlet.

6.2.5 Land
Natural area of Hai Duong province is 1,662 square of kilometer, divided into 2 regions: mountain and delta. Mountain region located in northern province which hold 11% of natural area including 13 communes of Chi Linh district and 18 communes of Kinh Mon district. It is low mountain region, so it good for fruit-tree, timber and short-day industrial crops. Delta region hold 89% of natural area. This region is raised by the Thai Binh river silt. It is good for many kinds of trees and it produce many crops in year.

Dong Lac commune has 801.42 hectares of natural land. Most of this area is agricultural land.

6.2.6 Culture and education
Hai Duong has newly built many classrooms, upgrading and investing the education infrastructure to meet the needs of education quality.

6.2.7 Healthcare
Hai Duong implement fairly well the National healthcare program by building and upgrading the local healthcare network, expanding the healthcare services for all kind of people.

6.2.8 Income

Sources of income

- Agriculture, forestry 68%
- Construction 3.4%
Vietnam: Rural Distribution Project (RD)  
Sub Project: Tien Trung 110kV substation of Hai Duong Province

- Manufacturing 13,7%  
- wholesale and retail trade, repairs... 4,4%  
- Education and training 2,42%  
- Transport, storage and communication 1,76%  
- Others 6,32%

It is difficult to specify DPs’ exact source of income and income, since many DPs themselves could not point out their sources of income and income exactly. Many DPs have multi sources or mixed sources of incomes and their income changes following the fluctuation of agricultural and qua – product harvests and prices.

Average income

The average income of the overall population in the Dong Lac Commune is 7,830,000VND/person/year.
Chapter VII  Project Impacts

7.1  Project impacts

The project has the following impacts:

- Houses/structures in the ROW required to relocate or remain with restrict conditions.

- High trees planted in the pole foundation area of the ROW: the distance between the top of the tree to the lowest position of the T/L is not less than 3m.

- The structures outside the ROW but have potential impacts on the project as petroleum station, information center, etc will be relocated.

- Project permanent land acquisition.

- Project temporary affected land.

- Land around the pole foundation during the construction.

- Land uses for access road: transporting materials to the pole location. The land is affected in about 1-2 month.

- Land affected temporarily within the ROW.

7.2  Displaced persons

The following persons to be identified by the baseline information collected for this RP are Displaced Persons:

(a) Persons whose houses are in part or in total affected (temporarily or permanently) by the project;

(b) Persons whose residential and premise and/or agricultural land is in part or in total affected (temporarily or permanently) by the project;

(c) Persons whose businesses are affected in part or in total (temporarily or permanently) by the project;

(d) Persons whose crops (annual and perennial) and trees are affected in part or in total by the project;

(e) Persons whose rented houses for residential purpose are affected by the project.
7.3 Types of impacts

- Permanent impacts:
  - Residential land: 0 m²
  - Paddy land: 12,000 m²
  - Garden land: 0 m²

- Temporary impacts:
  - Residential land: 0 m²
  - Paddy land: 4,638 m²
  - Garden land: 0 m²

- Affected houses and structures: Nil

Total productive land holding: 54,640 m²
Permanent affected area by the project: 12,000 m²
Percentage of permanent affected area: 22%

7.4 Affected people classified by types.

Table 7.4 – Affected people classified by types

<table>
<thead>
<tr>
<th>No</th>
<th>Types (RPF)</th>
<th>Affected households</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Households</td>
</tr>
<tr>
<td>1</td>
<td>Temporary acquisition of productive land in ROW</td>
<td>Nil</td>
</tr>
<tr>
<td>2</td>
<td>Temporary acquisition of residential and garden land in ROW without house or structures in ROW</td>
<td>Nil</td>
</tr>
<tr>
<td>3</td>
<td>Temporary impact on residential and garden land. Partial house/building within ROW (area in ROW less than 10% of total area) and the demolished area does not impact to the remaining house/building. Residential land and garden land outside of ROW is sufficient for re-organizing (not less than 60 m²).</td>
<td>Nil</td>
</tr>
<tr>
<td>4</td>
<td>Temporary impact on residential and or garden land. Impact more than 10% of total house/building area but the demolished area will impact to the remaining of house/structure. Land outside of ROW is sufficient for reorganizing (not less than 60 m²).</td>
<td>Nil</td>
</tr>
<tr>
<td>5</td>
<td>Temporary impact on residential and or garden land in ROW. Full or partial house/building impacted and</td>
<td>Nil</td>
</tr>
<tr>
<td>Land outside of <strong>is not sufficient for reorganizing</strong> (less than 60 m²)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>6 Permanent acquisition of land for <em>tower foundations</em>, substation and access roads etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Land loss less than 10% of their total landholdings</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(b) Land loss equal or more than 10% of their total landholdings:</td>
<td>19</td>
<td>76</td>
</tr>
<tr>
<td>7 DP impacted on business or other services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Temporary impact on business or other services</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(b) Permanent impact on business or other services</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>8 Public Work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary impact</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Permanent impact</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

*Note: One household may be impacted by many types of impact.*
Chapter VIII Implementation arrangement

8.1 Measures for project implementation

8.1.1 Announcement to DPs

All DPs shall be thoroughly informed about the right and policies of RP including eligibility, entitlement policy, and modes and rated of compensation, schedules and complaint and grievances rights. The RIB will be prepared by PCH and then it will be delivered to all DPs or informed at the meetings in districts and communes; hung in public places such as administration quarters of communes and school.

8.1.2 Compensation deadlines

Compensation payment for land, houses at least five months before land clearance, payment for trees, crops, and other allowances will be paid at least one month before land acquisition date.

DPs who have to be relocated, the local authorities and PCH should make every effort to assist them in buying residential land and construction for the house and to ensure that no land clearance if these DPs have not completed their house building at new resettlement site.

However, in this project, there is not any impact on residential land and structures; therefore, there is not any DP who required to be relocated.

8.1.3 Resettlement and Clearance deadline

*DPs who have impacted houses and structures and have received full compensation and subsidies are requested to move out of the affected portion of the house or to cleared land at least 15 days before the commencement civil work.*

8.2 RP implementation actions

**Action 1:** Just after the award of capital borrows convention of WB, PCH will select and contract a qualified agency for independent monitoring.

**Action 2:** CRC carries out the DMS and inventory of the affected assets and together with the independent monitoring agency and related institutions evaluate the applicable compensation unit price in RP and propose to PPC for amendment of the applicable unit prices in RP, if necessary, to ensure that DP is compensated at replacement costs at the time of RP implementation.
Article 9 of Decree 197/2004/ND-CP states that land price for compensation calculation is the land price in respect of land use purpose at the time of land acquisition, promulgated by the provincial People's Committee in line with the Government regulation (within the GOV’s range of minimum and maximum prices).

Chapter 2 of Decree 188/2004/ND-CP promulgates the methodologies (i.e. 'direct comparison method' and 'income method') to define land price and, at the same time, set forth the land price framework (min. and max. unit price for various types of land) throughout the country.

**Action 3:** Just after finishing the DMS and inventory survey, CRC will check and define the official number of DPs, impacted properties, and total official compensation amount.

**Action 4:** CRC will officially announce the policy, schedule of RP to DPs at the public meetings, including the issues related to compensation, resettlement and land clearance.

**Action 5:** Compensation payment for houses/structures and other affected assets and other subsidies payment for DPs.

DPs who have productive land or income affected more than 10% will be provided allowances for rehabilitation. They will be assisted in training, agricultural and breeding technique or programs for none-land persons.

**Action 6:** During the project implementation, PCH and external monitoring agency will monitor all RP activities and rehabilitation program.

### 8.3 Implementation schedule

One of the RP provisions is that RP will be carried out in accordance with the mentioned process for the purpose of security for land clearance and implementation of civil work.

The implementation schedule must ensure the synchronized linkage between RP implementation and commencement of civil work i.e. the appropriate compensation and construction schedule. The compensation payment shall be completed prior to the commencement of the relevant project components.

Proposed project implementation schedule:

- **Schedule for PCH and project CRC**

  1. Establishment of Project CRC (already exist)
Vietnam: Rural Distribution Project (RD)
Sub Project: Tien Trung 110kV substation of Hai Duong Province

3. Review and approval/clear of RP by Hai Duong PC/WB
   Quarter 4/2007

4. Negotiation (Government and WB)
   Quarter 1/2008

5. Effectiveness
   Quarter 2/2008

6. Commencement of public information
   Quarter 2/2007 - Quarter 1/2008

7. Commencement of field works (DMS)
   Quarter 2/2008 - Quarter 3/2008

8. Commencement of compensation payment
   Quarter 3/2008 - Quarter 4/2008

- **Schedule for DPs**

  1. Commencement of declaration of quantity and status of properties
     Quarter 1/2008

  2. Commencement of receiving compensation and ground clearance
     Quarter 3/2008 - Quarter 4/2008

- **Civil works**

- **Monitoring**
   Quarter 1/2008 - Quarter 3/2009

*All RP activities must be satisfactorily completed before the WB issues a no objection for award of contract for sub-projects. Any changes for the RP after WB approval will be required to review by the WB office in Hanoi before commencement of construction.*

### 8.4 Staffing for RP implementation

#### 8.4.1 Proposed staffing for RP implementation.

Staffing for the RP implementation is proposed in the following table:

<table>
<thead>
<tr>
<th>No</th>
<th>Institutions</th>
<th>Number of staves</th>
<th>Total working time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PCH</td>
<td>1</td>
<td>4 months</td>
</tr>
<tr>
<td>2</td>
<td>Hai Duong PCH</td>
<td>1</td>
<td>4 months</td>
</tr>
<tr>
<td>3</td>
<td>Hai Duong CRC</td>
<td>1</td>
<td>4 months</td>
</tr>
<tr>
<td>4</td>
<td>District CRCs</td>
<td>1</td>
<td>4 months</td>
</tr>
<tr>
<td>5</td>
<td>PPC</td>
<td>1</td>
<td>4 months</td>
</tr>
<tr>
<td>6</td>
<td>PCCC1</td>
<td>10</td>
<td>4 months</td>
</tr>
<tr>
<td>7</td>
<td>Independent external monitoring agency</td>
<td>02</td>
<td>20 months</td>
</tr>
</tbody>
</table>
The independent monitoring agency has to appoint the qualified staff to satisfy with the requirements of the WB. This agency has to implement its work promptly at the time of RP commencement (public meetings and DMS) and last to 6 months later after the completion of the RP implementation. This is to survey how the DPs satisfy with the project. Total time to implement this action is about 9 months. The Independent external monitoring agency will be prepared the following reports: Inception report; Progress report and Final report.

8.4.2 Training and workshop

In order to carry out RP implementation smoothly and effectively, prior to RP implementation, organizing training, workshops for social safeguard staff of EVN, PCH and its PCCC1 and official of local authorities are necessary. The trainings, workshops will be held by PMU with technical assistance of the WB resettlement officers. The objectives of trainings, workshops are to guide all relevant agencies/people for taskforces, requirement for carrying out DMS survey, and steps of RP implementation as well as monitoring and evaluation, report preparation, base line data management.

One intermediate training course and one primary training course are proposed to be organized at the initial stage of the RP implementation.

One workshop for all RP implementation related personnel is proposed to be held by the initial stage of actual payment of compensation.

The training courses and workshops are to be organized in Hai Duong province within a short course of time i.e. 1 – 2 days.

Number of proposed trainees.

<table>
<thead>
<tr>
<th>No</th>
<th>Resettlement organization</th>
<th>Number of staff</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Intermediate training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>PCH</td>
<td>2</td>
<td>- DMS, entitlement determination</td>
</tr>
<tr>
<td>1.2</td>
<td>Hai Duong CRC</td>
<td>2</td>
<td>- Mechanism for redressing the complaints/grievances</td>
</tr>
<tr>
<td>1.3</td>
<td>District CRCs</td>
<td>2</td>
<td>- Internal and external monitoring and evaluation of RP implementation</td>
</tr>
<tr>
<td>1.4</td>
<td>PCCC1</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Primary training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Officers of communes</td>
<td>2</td>
<td>- DMS, entitlement determination</td>
</tr>
<tr>
<td>2.2</td>
<td>Internal monitoring officer</td>
<td>3</td>
<td>- Key RP policies</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Mechanism for redressing the complaints/grievances</td>
</tr>
</tbody>
</table>

The communes’ officers are one cadastral officer and one officer of labor bureau.

The independent monitoring agency is considered a professional agency in the field of external monitoring of implementation RP and their training is not required.
8.5 Grievance and appeals

Since the entire resettlement and rehabilitation program is being carried out with the participation of DPs and the impacted scale of this scale is relative small, it is expected that no grievance issue will arise. However, to ensure that the DPs have places to solve their grievance (related to the resettlement and compensation), the detail procedures for solving grievance are prepared for the project.

The mechanism is designed to be easy, transparent and fair. The procedures are as follows:

**First step:** If any person is aggrieved by any aspect of the resettlement and rehabilitation program, he/she can lodge an oral or written grievance with commune authorities. Commune People' Committee will resolve the issue within fifteen days from the date it receive the complaint.

**Second step:** If any aggrieved person is not satisfied with the decision in stage 1, he/she can bring the complaint to the District People’s Committee (DPC) or District Resettlement Committee (DRC) within fifteen days from the date of the receipt of the decision in stage 1. The District People’s Committee (DRC) of District Resettlement Committee (DRC) will reach a decision on the complaint within fifteen days.

**Third step:** If the DP is still not satisfied with the decision at district level, he/she can appeal to the Provincial People’s Committee (PPC) or Provincial Resettlement Committee (PRC) within 15 days of receiving the decision of the DPC or DRC. The Provincial People’s Committee or Provincial People’s Committee will reach a decision on the complaint within fifteen days.

*The Decree No.197/2004/ND-CP (Art.39) entitles DP to file complaint with the CRC or the People’s Committee at the same level, regarding decisions concerning damage to the property. The responsibility, time and procedures to settle the complaint shall be in line with Article 138 of the 2003 Land Law and Articles 162, 163, and 164 of decision 181/2004/ND-CP dt.29 Oct.2004 of the Government on the implementation of Land Law.

In extreme cases, the DP can bring the issues to Court by using the Bureau of Law Consultants, free of charge.

**Fourth step:** If the DP is not satisfied with the decision of the Provincial level, the case may be submitted for consideration by the District Court within 15 days of receiving the decision of the PPC or PRC. The district court’s decision will be a legal basis for compensation.

DP’s will be exempted from all administrative and legal fees.
DPs can make an appeal on any aspect of resettlement and rehabilitation program, including the compensation unit price.

The detail procedures of solving grievance will be disclosed to all DPs in the public meetings and at the CRC offices. This information also contains in RIB, and disseminates to all DPs promptly after the commencement of the project.

Figure 8.5 - Grievance redress administrative and juridical structures available to DPs.

8.6 Monitoring and supervision

The implementation of RP shall be constantly supervised and monitored by PCH in coordination with the local People’s Committees.

An independent consulting agency will be entrusted with external monitoring tasks. The selection of this agency will be submitted to the approval of PCH and WB.

The selected independent external monitoring agency shall be contracted by the PCH immediately after RP approval and shall begin supervision and monitoring activities from the beginning of the implementation phase.

8.6.1 Internal monitoring

Internal monitoring includes the following activities:

- Monitoring the population, socio-economic surveys, and inventory of DPs’ assets. Monitoring whether the implementation of compensation, resettlement and rehabilitation for DPs in accordance with the provisions that DPs agreed.
- Monitoring the implementation of compensation and resettlement tasks.
- Monitoring the availability of finance and schedule of implementation RP.
- Investigate and fairly assess each case of grievance and complaint.
- Preparing the quarterly report detailing the process of RP implementation. Such report should be made available to appropriate GOV authorities, WB and external monitoring agencies.

8.6.2 External monitoring

* In addition to verifying the information furnished in the internal supervision and monitoring reports of the respective PCs, the external monitoring agency will be responsible for the following:

- At the beginning of RP implementation, review compensation unit cost applied in RP, check at the site for ensuring that the compensation costs are at the replacement value, or otherwise recommend to PCH and Hai Duong PPC for adjusting.
- Evaluation of DMS, inventory and entitlement to DPs.
- Evaluation of socio-economic project impact on the DPs.
- Supervision of the implementation of RP to achieve the objectives of the RP in particular "to improve or at least maintain the incomes and living conditions of the DPs after resettlement".
- Putting forward the amendments for the implementation of RP to achieve the objective of this RP.
- Offering suggestions on how improve RP programs.
- Closely monitoring compensation activities and be prepared to give informed evaluation of complaint and grievances cases.
- Write working reports to be submitted to PCH and WB every 6 months to the appropriate GOV authorities, the WB and to the representatives of the DPs.
- Write final report (6 months after finishing entirely the resettlement program). This report shall provide detailed evaluation of RP and its implementation, including the content of interviewing DPs about the situation and their opinions after receiving compensation and resettlement.
- Finally, on the bases of RP implementation experience this final report shall provide suggestions to help enforce the local RP implementation experience and improve RP in the future.

Terms of reference for independent monitoring will be prepared by PCH and will be sent to WB for its concurrence prior to invitation the independent monitoring.
Chapter IX Costs and budgets

9.1 Budgets

For Rural Distribution sub-projects, funds for implementing RPs will be from counterparts:

- EVN will arrange budget for implementing RP of the RD project.

9.2 Compensation cost estimate

Compensation cost estimate for temporarily and permanently affected house, structures, agricultural land, forestry land, cultivated land, perennial trees, and crops based on:

- Decree No.197/2004/ND - CP date. 03 December 2004 on the compensation, assistance and resettlement in case of land acquisition by the state.

- Decision No.4420/2006/QD UBND date. 22 December 2006 for unit cost of compensation of Hai Duong Provincial People’s Committee.

- Survey for replacement cost and market price for structures, land, trees by PCCC1 in the period of carrying out impact survey.

9.3 Compensation unit price

Decision for unit cost of compensation of Hai Duong Provincial People’s Committee is applicable for this subproject.

To ensure that the applicable unit costs for compensation are at the replacement costs, during the impact survey, PCCC1 had carried out the survey on unit prices in other provinces and compared them with the unit costs approved by the Provincial People’s Committee. It is noted that (i) the newly issued compensation unit prices for land (during december, 2006 in accordance to Art.56 of 2003 Land Law and Decision 197/2004/ND-CP date. 03 Dec. 2004 along with Circular 116/2004/TT-BTC date. 07 Dec., 2004 and Decision 188/2004/ND - CP date. 16 Nov., 2004 along with Circular 114/2004/TT-BTC date. 16 Nov., 2004) reflect the prevailing market prices in the project areas and, (ii) the construction prices given by contractors in the project related areas for recently structures are similar to construction price applied in this RP.

The contingency component would cover certain differences, if any, by the time of actual RP implementation.

9.3.1 Compensation units prices for structures
The compensation unit prices for structures are not applicable since there is not any house or other structures totally or partly affected in this project. Therefore, such rates are not applicable in this project.

9.3.2 Compensation unit price for land

Compensation for land shall be at replacement cost.

Land unit price is established separately conforming to the regulated price frame of the Decree No. 188/2004/ND-CP and Circular No.114/2004/TT-BTC.

Chapter II of Decree No.188/2004/ND-CP ‘Methods of Defining Land Price’, which is elaborated in Chapter i of Circular No.114/2004/TT-BTC (i.e. Art.1: ‘the direct comparison method’ and Art.2: ‘the income method’) ensure the unit cost to meet the replacement value at the time of issuance of unit cost. This unit prices are based on the replacement costs for land, house, trees, and market prices for crops.

However, the compensation unit costs will be reviewed by local authorities and Independent External Monitoring Agency at the initial stage of RP implementation and the amendment will be done by the Provincial People’s Committee (if required and to be used for calculation the entitlements of DP) to ensure that DP will be compensated at the replacement costs for land, house, trees and market prices for crops according to this RP policy.

Table 9.3.2 – Compensation Unit Prices for agriculture land

Unit: VND/m²

<table>
<thead>
<tr>
<th>No</th>
<th>Districts/ Communes</th>
<th>Unit price for agricultural land</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dong Lac</td>
<td>29,000</td>
</tr>
</tbody>
</table>

Allowance 7,000 VND per 1m² permanent land acquisition

Notes:

The newly promulgated land prices reflect the actual land value in the respective localities. However, the ‘Land Price Consultant’ (Art.57 of Land Law) or the Independent External Monitoring Agency shall utilize the ‘Direct comparison method’ and/or ‘Income method’ (Chapter I of Circular No.114/2004/TT-BTC date. 26 Nov., 2004) of defining land price to adjust the land prices to meet the replacement value by the time of issuance of unit cost for this RP implementation. The contingency

This RP has been revised to apply the newly promulgated PPC’ Decisions (Discission No 4420/2006/QD-UBND dt 22 December, 2006) for the Land Prices in accordance to Art.56 of the 2003 Land Law, Decree No.188/2004/ND-CP along with Circular No.114/2004/TT-BTC and Decree No. 188/2004/ND-CP with Circular No.114/2004/TT-BTC
component would cover such differences, if any, by the time of actual RP implementation.

9.3.3 Compensation unit prices for Trees and Crops

According to Circular 114/2004/TT-BTC of MOF, compensation for fruit trees is determined based on the remaining harvests, long-term trees to be compensated at the replacement cost and annual crops to be compensated at the average yields of three latest years.

On the reference of local unit prices, surveyed market prices and prices proposed by DPs are not much different.

Table 9.3.3 – Compensation unit prices for crops and long-term trees

<table>
<thead>
<tr>
<th>No Districts/Communes</th>
<th>Compensation unit price for crops VND/m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nam Sach District</td>
<td>2,000</td>
</tr>
<tr>
<td>1 Dong Lac</td>
<td></td>
</tr>
</tbody>
</table>

Note: The applied prices in this table basing on the price in the Decision No. 4420/2006/QD-UBND date. 22 December 2006 of Hai Duong Provincial People’s Committee.

9.3.4 Flow of fund

Fund for the implementation of RP will be from EVN

The EVN are responsible for:

- Payment of compensation and all entitlement allowances directly to DPs, and
- Payment to cover costs of overall RP activities.

9.3.5 Inflation adjustment

The rates of compensation and cash entitlements for rehabilitation and allowance payable to the DPs shall be reviewed and, if necessary, adjusted at the actual time of RP implementation based on the actual annual inflation rate upon request of the CRCs.

9.4 Cost estimation

Expenditures for RP comprising of:

- **RP准备**
All work in the office such as design study, preparation of statistic survey form.

Survey work: census and inventory, socio-economic survey.

Survey work is carried out in two stages: Preliminary stage (for RP preparation) and Implementation stage (DMS – at the early time of project and RP implementation)

**Compensation and rehabilitation**

Based on the impacted categories and extent of impacts, which described in the above chapters, compensation and rehabilitation costs are included:

- Compensation for permanently land acquisition.
- Compensation for temporary and permanently trees and crops (including the cost of cutting trees)
- Compensation for relocated houses and structures (including demolition cost and repair cost)
- Subsidy and allowance for rehabilitation consist of subsistence allowance for relocating, transportation allowance, restoration allowance, training subsidy etc.

**Management**

- Cost for staff of PCH and CRCs includes in physical basis, salary and allowance for administrative organization. PCH and CRCs shall undertake many activities during the project implementation. The rate for management cost is estimated about 2% of cost of compensation.
- Cost for training, workshop, information campaign, etc.

**Monitoring**

When carrying out the project, PCH will enter a contract with an independent external monitoring agency to carry out the external monitoring. Since cost of monitoring work has not yet been envisaged in detail, it is estimated at about 2% of the total cost of the compensation and RP preparation. The interested independent external monitoring agency will prepare the technical and financial proposals for bidding and actual cost will be decided through procurement for independent monitoring.

**Contingency**

- Based on the experience of implemented and on-going implementing projects, the rate for contingency is estimated about 15% of total cost of compensation and preparation of RP.
9.5 Total cost estimate for RP implementation

9.5.1 Preparation of RP and DMS

• **Initial stage - Preparation of RP**

At the initial stage of the preparation for the establishment of RP, a socio-economic survey workforce has to be established. This workforce will carry out:

- Studying the designs and field visits.
- Establishing the socio-economic survey forms (interview) and inventory forms (with preliminary measurements of fixed assets and counting of properties).
- Organizing community meetings and public consultation and distribution of project related Q & As, pamphlets....
- Socio-economic surveys by filling in the “Questionnaires” form and direct interview.
- Data processing and establishment of RP for approval.
- PCH has signed contract with PCCC1 and Hai Duong DOI to carry out the above-mentioned tasks.

Cost estimate for Initial stage 21,328,553 VND

• **Implementation stage – DMS**

Support working teams of the district CRCs are mobilized to do the following:

- Preparing DMS and inventory forms, RIB.
- Organizing community meetings.
- DMS and inventory work.
- Negotiation with DPs.
- Finalizing the DPs’ compensation and rehabilitation forms and submit to CRC for approval.

Support working teams: One team (4 staff/team) for one commune of the project.

Total Support working teams’ staff: 4 staff x 1 months = 4 m/m

The estimate also includes expenses on basic salary, per diem, accommodation, traveling of staff, printing of forms, Q & as/Pamphlets, community meetings.

*DMS, negotiation with DP* 10,000,000 VND
Vietnam: Rural Distribution Project (RD)
Sub Project: Tien Trung 110kV substation of Hai Duong Province

Resettlement Boards' expenditure = 1% x Construction Cost = 90,000,000 VND
(The applied expenditure basing on the content in the Decision No 2189/2006/CV-NLDK date. 28 April, 2005 of MOI and the Direction No 2272/2006/CV-EVN-KTDT date. 11 May, 2005 of EVN - Construction value approx. 5,500 million VND)

Cost estimate for implementation stage (DMS) = 100,000,000 VND

Total cost of RP implementation = 121,328,553 VND

In which:
- Initial stage (Preparation of RP) = 21,328,553 VND
- Implementation stage (DMS) = 100,000,000 VND

9.5.2 Compensation and rehabilitation

As already mentioned in the previous chapter, there are no residential land affected, no houses/structures affected and naturally no DP required to be relocated. Therefore, the following items will be compensated:

- Compensation for permanent land acquisition.
- Compensation for crops, trees in the permanent and temporary land acquisition.

<table>
<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Impact, quantity (m²)</th>
<th>Unit price (VND)</th>
<th>Compensation Payment (VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Permanent land acquisition</td>
<td>12,000</td>
<td>29,000</td>
<td>348,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Allowance</td>
<td>12,000</td>
<td>7,000</td>
<td>84,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for crops (permanent and temporary)</td>
<td>16,638</td>
<td>2,000</td>
<td>33,276,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td>465,276,000</td>
</tr>
</tbody>
</table>

9.5.3 Management

- **Management** (2% of Compensation Payment)

Cost for staff of PCH and CRCs include physical basis, salary and allowance for administrative organization. The PCH and CRC shall be undertaken many works during the project implementation and only some members will be contracted to work for a certain period of time.

Total management cost = 9,305,520 VND

- **Training, workshop, information campaign**
One intermediate training course and one primary training course are proposed to be organized right at the beginning of the RP implementation and one workshop is proposed to be held at the commencement of actual payment of compensation.

The training courses and workshop are to be organized in Hai Duong province within a short course of time i.e. 1 – 2 days.

**Total estimated cost of training courses and workshops**

(including TAs, documentations, administration fees)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>10,000,000 VND</td>
</tr>
</tbody>
</table>

9.5.4 Monitoring

The independent external monitoring of RP implementation is estimated at about 2% of total cost of compensation and RP preparation. The interested independent external monitoring agency will prepare the technical and financial proposals for bidding and actual cost will be decided through procurement for independent monitoring agency.

9.5.5 Contingency

The rate for contingency is estimated about 15% of total cost of compensation and RP preparation and implementation.

9.5.6 Total cost for RP implementation

Pls see Table 9.5.6 – Total cost for RP implementation

**Table 9.5.6 - Total cost for RP implementation**

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>Detail</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preparation of RP and DMS</td>
<td></td>
<td>121,328,553</td>
</tr>
<tr>
<td>1</td>
<td>Initial stage (Preparation of RP)</td>
<td>Temporary</td>
<td>21,328,553</td>
</tr>
<tr>
<td>2</td>
<td>Implementation stage (DMS)</td>
<td></td>
<td>100,000,000</td>
</tr>
<tr>
<td></td>
<td>+ DMS, negotiation with DP</td>
<td>Temporary</td>
<td>10,000,000</td>
</tr>
<tr>
<td></td>
<td>+ Resettlement Boards’ expenditure</td>
<td>1% * construction expenditure</td>
<td>90,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(9,000,000,000)</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Compensation and rehabilitation</td>
<td></td>
<td>465,276,000</td>
</tr>
<tr>
<td>1</td>
<td>Permanent productive land acquisition</td>
<td></td>
<td>456,000,000</td>
</tr>
<tr>
<td></td>
<td>Compensation for land acquisition</td>
<td>12000 m2 *29,000VND/m2</td>
<td>348,000,000</td>
</tr>
<tr>
<td></td>
<td>Compensation for rice/ crops</td>
<td>12000 m2 *2,000VND/m2</td>
<td>24,000,000</td>
</tr>
<tr>
<td></td>
<td>Allowance: 7,000/m²</td>
<td>12000 m2 *7,000VND/m2</td>
<td>84,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Temporary productive land acquisition</td>
<td></td>
<td>9,276,000</td>
</tr>
<tr>
<td></td>
<td>Compensation for rice/ crops</td>
<td>4638 m2 *2,000VND/m2</td>
<td>9,276,000</td>
</tr>
</tbody>
</table>
Vietnam: Rural Distribution Project (RD)  
Sub Project: Tien Trung 110kV substation of Hai Duong Province

III Management cost  
1 Management cost  
2 Training, workshop and information campaign cost

IV Monitoring cost = 2% (I + II)

V Contingency = 15% (I + II)

Grand total (I + II + III + IV + V)

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>III</td>
<td>Management cost</td>
<td>19,305,520</td>
</tr>
<tr>
<td>1</td>
<td>Management cost 2%*(II)</td>
<td>9,305,520</td>
</tr>
<tr>
<td>2</td>
<td>Training, workshop and information</td>
<td>10,000,000</td>
</tr>
<tr>
<td></td>
<td>campaign cost</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Monitoring cost = 2% (I + II)</td>
<td>11,732,091</td>
</tr>
<tr>
<td>V</td>
<td>Contingency = 15% (I + II)</td>
<td>87,990,683</td>
</tr>
<tr>
<td></td>
<td>Grand total (I + II + III + IV + V)</td>
<td>705,632,847</td>
</tr>
</tbody>
</table>

10. Disclosure

Drafts of RPF and Entitlement Matrix have been disclosed at the People’s Committee of Dong Lac Commune belong to Nam Sach district of Hai Duong’ project areas.

Draft of RP has been sent to the office of Provincial People’s Committee, EVN and WB’ VDIC center in Hanoi, Vietnam.

The final RP will be cleared by the WB and approved by EVN and Hai Duong PPC.
Vietnam Rural Distribution Project (RD)
Sub project: Tien Trung 110kV Substation of Hai Duong Province

Appendices

1. Project Area
2. Policy framework for Compensation, Resettlement and Rehabilitation of Project Affected Persons
3. Entitlement Matrix
4. Sample 'Pamphlet'
5. Inventory of Displaced Person
6. Details of Entitlement of Displaced Person
7. Minutes of Community Meetings
Appendix 1

Project Area
Appendix 2

Policy framework for Compensation, Resettlement and Rehabilitation of Project Affected Persons
POLICY FRAMEWORK FOR COMPENSATION, RESETTLEMENT AND REHABILITATION OF PROJECT AFFECTED PERSONS

(Final Version)

TABLE OF CONTENTS

Section 1: Introduction
A. The Project
B. Policy Framework
C. Project Affected People
D. Principles and Objectives
E. Inventories
F. Resettlement Action Plans

Section 2: Institutional and Legal Framework
A. Institutional Framework
B. Legal Framework

Section 3: Entitlement Policy

Section 4: Site selection, site preparation, and relocation

Section 5: People's Participation

Section 6: Baseline Information
A. Inventories
B. Resettlement Action Plans

Section 7: Implementation Arrangements
A. Implementation Schedules
B. Complaints and Grievances
C. Supervision, Monitoring and Evaluation

Section 8: Costs and Budget
SECTION 1
INTRODUCTION

A. The Project

1. Objectives: The objective of the proposed project would enable the supply of sufficient power of acceptable quality to the rural retail level.

2. Preliminary project description: The project would focus on rehabilitating and increasing the capacity of existing distribution lines and substations and standardizing them to 110, 35 and 22kV to enable them to meet the growing demand more efficiently, provide better quality and quantity of electric power for productive uses, and reduce power system losses.

Based on suitability and priority of the subprojects and the interest expressed by the PCs, the project would have up to 7 components, one per participating PC. The proposed project would cost about US$158.5 million, of which about US$107 million would be financed by IDA. It would be implemented by Power Companies (PCs) under the supervision of EVN.

3. To implement subprojects components, land acquisition will be required. However, rehabilitating and increasing the capacity of existing distribution lines and substations would not cause large scale of land acquisition and resettlement. For the ownership and implementation arrangements, separate Resettlement Plans (RPs) will be prepared prior to the appraisal one for each participating PC.

B. Policy Framework

4. This resettlement policy framework prepared based on the PO/BP 4.12 of the World Bank on involuntary resettlement (December, 2001). The principle objective of the Policy Framework is to ensure that all displaced persons (DP's) will be compensated for their losses at replacement cost and provided with rehabilitation measures to assist them to improve, or at least maintain, their pre-project living standards and income earning capacity.

5. The Policy Framework lays down the principles and objectives, eligibility criteria of DP's, entitlements, legal and institutional framework, modes of compensation and rehabilitation, peoples participation features and grievances procedures that will guide the compensation, resettlement and rehabilitation of the DP's.

C. The Displaced Persons (DPs)

6. The DP's include the following persons to be identified by the baseline information collected for each Resettlement Plans (RPs):

(a) persons whose houses are in part or in total affected (temporarily or permanently) by the project;

(b) persons whose residential and premise and/or agricultural land is in part or in total affected (permanently or temporarily) by the project;

(c) persons whose businesses are affected in part or in total (temporarily or permanently) by the project; and
(d) persons whose crops (annual and perennial) and trees are affected in part or in total by the Project.

D. Principles and Objectives

7. The principles outlined in the World Bank's Operational Policies 4.12 (OP/BP 4.12) have been adopted in preparing this Policy Framework. In this regard the following principles and objectives would be applied:

(a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

(b) All DP's residing, working, doing business or cultivating land in right of way (ROW) of transmission line (T/L), surrounding areas of tower foundation, the substation areas, in the service roads under the project as of the date of the baseline surveys are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. **Lack of legal rights to the assets lost should not bar the DP from entitlement to such rehabilitation measures.**

(c) The rehabilitation measures to be provided are: (i) compensation at replacement cost, without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land for land of equal productive capacity acceptable to the DP's or in cash at replacement cost according to DP's choice; (iii) replacement of residential/premise land of equal size acceptable to the DP or in cash at replacement cost according to DP's choice; and (iv) transfer and subsistence allowances.

(d) Replacement residential and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the DP's.

(e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the DP's prior to the expected start-up date of works in the respective project sites.

(f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the DP's, to ensure minimal disturbance. Entitlements will be provided by DP's prior to expected start-up of works at the respective project site.

(g) The previous level of community services and resources will be maintained or improved.

(h) Financial and physical resources for resettlement and rehabilitation will be made available and as where and when required.

(i) Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of RPs.

(j) Effective and timely supervision, monitoring and evaluation of the implementation of RPs will be carried out.
E. Resettlement Plan (RP)

8. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement.

Abbreviated Resettlement Plan

9. In case impacts on the entire displaced population are minor, 3 or fewer than 200 people are displaced, an Abbreviated Resettlement Plan (ARP) will be prepared by the respective PCs (under EVN) and consolidated by the project provinces for any given project phase and furnished to the World Bank for its concurrence.

10. Each Abbreviated Resettlement Plan will cover the following minimum elements: (1) a census survey of displaced persons, and valuation of assets; (2) description of compensation and other resettlement assistance to be provided; (3) consultation with displaced persons about acceptable alternatives; (4) institutional responsibility for implementation and procedures for grievances redress; and (5) a timetable and budget. In the case some displaced persons, lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.

11. The Abbreviated Resettlement Plan will be completed by no later than four months prior to the estimated date for commencement of the works under the project phases. Each Abbreviated Resettlement Plan will be furnished to the World Bank for consideration no later than three months prior to the actual initiation of the works under the Project. Compensation, resettlement and rehabilitation activities will only commence after the World Bank has found acceptable the respective Abbreviated Resettlement Plan and the EVN has approved it. *The compensation, resettlement and rehabilitation activities will be completed before awarding the contracts of civil works under each sub-project.*

Resettlement Plan

12. In case more than 200 people are affected by the project, a full Resettlement Plan (RP) will be prepared by the respective PC in accordance with the provisions of this Policy Framework. The RP will be furnished by PC under EVN to the World Bank for its concurrence.

13. Each RP will include: (1) description of the project; (2) project potential impacts; (3) objectives; (4) socio-economic studies; (5) legal framework; (6) institutional framework; (7) eligibility; (8) valuation and compensation for losses; (9) resettlement measures; (10) site selection, site preparation and relocation; (11) housing, infrastructure, and social services; (12) environmental protection and management; (13) participation and consultation; (14) integration with host populations; (15) grievances procedures; (16) organizational responsibilities; (17) implementation schedule; (18) cost and budget; and, (19) monitoring and evaluation.

14. *Each RP will be completed by no later than six months prior to the estimated date for commencement of the works. Each RP will be furnished to the World Bank for consideration by no later than three months prior to the actual initiation of the works under the Project. Rehabilitation and assistance activities will only commence after the World Bank has found acceptable the respective RP and EVN has approved it. Rehabilitation and assistance activities will be completed before awarding contracts of civil works under each sub-project.*
SECTION 2
INSTITUTIONAL AND LEGAL FRAMEWORK

A. Institutional Framework

15. The responsibility for preparing and implementing the Policy Framework and RPs are as follows:

(a) The overall responsibility for enforcement of the Policy Framework and for planning and implementing RPs rests with PCs under EVN. The PCs and their Project Provincial Powers (PPPs) are responsible for carrying out census, socioeconomic survey and inventories and preparing RPs and for the day-to-day implementation thereof within their respective jurisdictions. The people's committees at the district and commune levels will participate in the RP preparation and implementation. These administrative units will also ensure the active and effective participation of the DPs in the RP preparation and implementation. In order to have RPs acceptable to the World Bank and to implement RP smoothly, PCs under EVN are responsible for i) hiring qualified consultants to prepare RPs; ii) appointing qualified social safeguard staff at each PC and its Project Management Board (PMB) and Compensation and Resettlement Committees at provincial and district levels.

(b) Funds for compensation will be from EVN and budgetary requirements for economic restoration, other assistance would be either from counterpart funds or from IDA.

B. Legal Framework

16. This section reviews the legal framework and policies of the Government of Vietnam and IDA policies related to land acquisition, compensation and resettlement. It then compares the two approaches. Since there are differences between the WB’s policy and the Vietnamese’s, the project requires a waiver of the Vietnamese Government articles of decrees and regulations concerning compensation and resettlement. Subsequently, compensation and resettlement plans will be implemented according to the project policies.

17. The Legal Framework of the Government of Vietnam: The key national laws, decrees governing land acquisition, compensation and resettlement in Vietnam consists of the following:

- The Constitution of Vietnam, 1992 confirms the right of citizens to own a house and to protect the ownership of the house.
- Decree 197/2004/ND-CP issued on December 3, 2004 on compensation, support and resettlement when land is recovered by the state.
- Circular 116/2004/TT-BTC issued on December 7, 2004 guiding the implementation of compensation, support and resettlement when land is recovered by the State.
• Decree 188/2004/ND-CP issued on November 16, 2004 on methods to determine land prices and assorted land price brackets.

• Circular 114/2004/TT-BTC issued by November 26, 2004 guiding the implementation of the Government’s decree No 188/2004/ND-CP

• Decree 17/2006/ND-CP dated January 27, 2006 on revision and supplementation of some regulations in decrees guiding the implementation of the Land Law.

• Decree 84/2007/ND-CP dated May 25th 2007 on revision of issuing LURC, land acquisition, implementation of land use right, procedure for compensation, resettlement when land acquired by State and grievance redress.


18.1 The primary objective of the World Bank policy is to explore all alternatives to avoid or at least minimize involuntary resettlement. Where resettlement is unavoidable, the living standards of displaced persons should be restored or improved relative to those conditions that prevailed prior to the Project. The policy applies to the taking of land and other assets when land acquisition results in the loss of shelter, the loss of all or part of productive assets, or access to them, and the loss of income sources or other means of livelihood.

18.2 Measures required to ensure that resettlement has a positive outcome include:

• Consulting with potential Project-affected people on feasible measures for resettlement and rehabilitation;

• Providing Project-affected persons with options for resettlement and rehabilitation;

• Enabling their participation in planning and selecting these options;

• Providing compensation at full replacement cost for losses;

• Choosing relocation sites that provide, at a minimum, the same benefits and services as the sites they replace;

• Providing allowances, training and income support to assist in making a smooth transition;

• Identifying vulnerable groups and providing special assistance to these groups; and,

• Establishing an institutional and organizational structure that supports this process to a successful end.

18.3 Eligibility Criteria and Compensation:

18.3.1 The displaced or project-affected people eligible for compensation will include: (a) those who have formal legal rights to land or other assets; (b) those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws of the country; upon the possession of documents such as land tax receipts and residence certificates; or upon the permission of local authorities to occupy or use the project affected plots; and (c) those who have no recognizable legal right or claim to the land they are occupying.

18.3.2 Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance. Persons covered under (c) are provided resettlement assistance.
lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date defined in RPs. Persons who encroach on the areas after the cut-off date defined in RPs are not entitled to compensation or any other form of resettlement assistance.

19. Valuation of and Compensation for Losses: The methodology to be used in the valuation of losses for Bank-associated Projects is based on their replacement cost. In this Project, losses comprise land, structures and other assets. Replacement cost for land includes the value of land at market price plus the cost taxes and fees to get Land Use Right Certificate (LURC). For houses and other structures, the market cost of the materials should be used to calculate the replacement cost to build a replacement structure with an area and the quality should be at least as good as those affected. For both totally and partially affected structures, compensation includes market cost of material, plus the costs of material transport, labor and contractor fees, registration and transfer taxes. Depreciation of the asset and amount saved in materials will not form a part of replacement cost.

20. Comparison between Government of Vietnam and World Bank Approaches

There are a number of ways in which the approaches of the Vietnam Government – either in policy or practice – are compatible with World Bank guidelines. The most important compatibilities are:

- Vietnam has a process whereby most people without legal land rights may meet conditions of legalization and receive compensation for losses.
- Permanent residents are provided with options that include relocation to an improved site, or cash, or a combination of the two.
- Resettlement sites offer not only better improved infrastructure and services but represent a higher standard of living.
- Allowances are provided to help the DPs in the transition period and there is an institutional structure through which people are informed, can negotiate compensation, and can appeal.
- Differences between the approaches and measures that need to be addressed within the program also exist. However, in this context, procedures exist within national and City governments that allow the granting of waivers of domestic law on specific projects that may be in conflict with that of the funding agency.
- On the issue of land tenure and the legal right to compensation, the Government and World Bank approaches are compatible. The government has its own process in place whereby land occupied without legal documentation can be legalized; this land, however, is compensated for at a rate equal to 100% of land price minus the taxes and fee for land use right registration from 15 October 1993 (Item 49, 50 of Article 42, of 2003 Land Law)
- Compensation at replacement cost is ensured in Art 6 of Decree 197/2004/ND-CP dt. Dec 3rd 2004 that "...people who have land being acquired shall be compensated with land of similar land use purpose. If there is no land for compensation, cash compensation equal to land use rights value at the time of land acquisition shall be applied. If there is many differences in value, in case of compensation by new land or house, such difference shall be settled in cash" and Art 19 in the same Decree states that "...house and structure of domestic use of household or individual shall be compensated with the value of construction of new house, structures of similar technical standard".
23.4 To ensure that the objectives of the project resettlement policy are met, unit price for land compensation established by Project Provincial/cities People's Committee will be adjusted to meet the replacement cost.

The compensation unit price established by provincial/district CRCs, provincial DOFs, DOCs and approved by provincial People's Committee may be adjusted to meet the replacement cost, by the time of compensation, to ensure the objectives of RP policy are met.


24.1 Article 21: This article states that the DP who rent GoV house and has to be relocated by shelf relocation will be assisted by cash at rate equal to 60% of the cost of currently rented house and 60% of the cost of land value, in case of no resettlement houses to be arranged for them.

24.2 To ensure that the objectives of the policy are met, a special decision of the Government of VietNam regarding waiver of Article 21 of Decree 197/2004/ND-CP is needed to permit assistance and rehabilitation measures for DPs who share rented government housing as proposed in this policy.


25.1 Article 2 (item 2.5) of Decree 131/2006/ND-CP: This article states that "in the case of international agreement ODA have been signed between Government and Sponsor stipulate other contents, the international agreement will be prevail."

25.2 Article 1 (item 2) of Decree 19/2001/ND-CP states that: "in the case of international agreement ODA have been signed between Government and Sponsor stipulate other contents, the international agreement will be prevail."

25.3 The waiver will be approved by Government in the decision of the project investment before negotiation. The Project Provincial People's Committee will issue official letter for their agreement in implementing the policies set forth in RP.

**SECTION 3 ENTITLEMENT POLICY**

26. DPs will be entitled to the following types of rehabilitation and assistance measures:

(a) DPs losing agricultural/productive land and crops

(i) if the portion of the land to be lost represents 10% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost for the acquired area may be provided to the DP

(ii) if the portion of the land to be lost more than 10% of the total area of the landholding and the remaining holding is not viable then the project will acquire the entire landholding and provide "land for land" arrangements
of equal productive capacity, satisfactory to the DP. However, if the DP prefers to receive cash instead of land, then cash compensation at replacement cost is applied.

(iii) DP’s will be compensated for the loss of standing crops at market price, productive trees will be compensated at replacement cost.

(iv) DP’s whose land is temporarily taken by the works under the project will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure. Land will be rehabilitated after the project construction by each PC and its PMB.

(b) DPs losing residential land and house/structure

(i) The mechanism for compensating loss of residential land and structures will be: (1) the provision of replacement residential land (house site and garden) of equivalent size, satisfactory to the DP or cash compensation at replacement cost according to DPs’ choice; and (2) cash compensation reflecting full replacement cost of the house/structures, without deduction for depreciation or salvage materials or compensate in kind according to DPs’ options.

(ii) If residential land is only partially being affected by the project and the remaining areas are not sufficient for reorganizing DP’s house then at the request of the DP, the entire residential land will be acquired at full replacement cost.

(iii) If house/other structure is only partially being affected by the project and the remaining areas are not convenient to using, the house/structure will be acquired at full replacement cost, without depreciation.

(iv) Tenants, who have leased a house for residential purposes will be provided with a cash grant of six months rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.

(c) DPs losing business

(i) The mechanism for compensating loss of business will be: (1) the provision of alternative business site of equal size and accessibility to customers, satisfactory to the DP; (2) cash compensation for lost business structure reflecting full replacement cost of the structures, without depreciation; and (3) cash compensation for the loss of income during the transition period.

(d) DPs will also be provided compensation at full replacement cost, without deduction for depreciation and salvage materials for any other fixed assets affected in part or in total by the project, such as tombs and water wells, etc.

27. In cases where community infrastructure such as schools, factories, water sources, roads, sewage systems is damaged, the PPC of the project provinces and EVN will ensure that these would be restored or repaired as the case may be, at no cost to the community.

28. Besides the direct compensation for the losses, DPs also will be entitled to additional assistance (subsidies/allowances) as stipulated in the Decree No.197/2004/ND-CP. These subsidies/allowances are as below:
a) Transportation allowance

Article 27, all DPs relocating within the province are entitled to a maximum allowance of 05 million VND. All DP relocating out of the province are entitled to a maximum allowance of 0.5 million VND. This subsidy allowance is for the transportation of their salvageable materials and living facilities. All DP relocating and while waiting for establishment of new resettlement residences at resettlement sites are (i) to be provided with temporary residence or (ii) temporary rent cost.

b) Subsistence allowance for relocating

Article 28: (i) all DPs relocating within province shall receive a cash allowance equal to 30 kg of rice per month in uninterrupted 03 months; (ii) all DPs relocating out of province shall receive a cash allowance equal to 30 kg of rice per month in uninterrupted 06 months; (iii) All DPs who are in a severe socioeconomic difficulty or who relocating to areas of socioeconomic difficulty shall be receive cash allowance equal to 30 kg of rice per month in uninterrupted 12 months.

c) Restoration allowance

DPS, who are permanently affected more than 10 % of productive land or incomes, will be entitled to trainings or other economic restoration programs at about VND 1,500,000 for household.

d) Relocation bonus

A bonus of maximum 5 million will be awarded to DP who dismantle their houses and vacate their premises in accordance with the resettlement schedule of will get a maximum bonus of 5,000,000 VND/ HH.

29. By the nature of the project impacts, the potential impacted categories are classified into seven (07) categories. The entitlement matrix is attached (see Annex 1)

30. Voluntary Donation: For the rehabilitation/expansion of Low Voltage System, where there are DPs who would be marginally affected on residential land/other assets and who may choose to contribute affected land/assets in lieu of a cash contribution for the project construction, a procedure for determining and documenting the voluntary nature of the contribution are as follows:

- step 1: Local authorities clearly inform to all DP about this project resettlement policy, and the actual entitlement to compensation.
- step 2: Volunteer DPs sign in the DMS and Entitlement forms for the affected assets and asset(s) which they choose to contribute for the project, and these forms will be filed in Provincial/District Compensation Committees' offices.
- step 3: a sample of about 20% of volunteer households will be checked by independent monitoring agencies at the beginning times of RPs implementation and reports of independent monitors on this matter will be submitted to IDA for its concurrence.

The above procedure will also be clearly guided in Project Implementation Manual (PIM).

SECTION 4: SITE SELECTION, SITE PREPARATION, AND RELOCATION
31. If there are families have to be relocated because of the project impacts and resettlement sites are required. The PCs and local authorities will clearly describe in RP about alternative relocation sites considered and explanation of those selected, covering:

   (a) institutional and technical arrangements for identifying and preparing relocation sites, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

   (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

   (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and

   (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

   (e) housing, infrastructure, and social services. Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

   (f) a description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

SECTION 5
PEOPLE'S PARTICIPATION

32. The local authorities and its relevant organizations, DPs and host communities will participate throughout the various stages of the planning and implementation of RPs. The DPs will be fully informed of the provisions of this Policy Framework at public meetings held by the respective PC, its PMB and local authorities.

33. Each DP will be fully informed and consulted by the relevant District Peoples' Committee and/or Communes Peoples' Committees of their entitlements and rehabilitation choices under the respective.

SECTION 6
BASELINE INFORMATION

A. Census and Inventory

34. The baseline information will include the following information for each household:

   (a) number of persons and names;

   (b) number, type, and area of the houses lost;
(c) number and area of all the residential plots lost;
(d) number, category and area of agricultural land lost;
(e) quantity and types of crops and trees lost;
(f) businesses lost including structures, land and other fixed assets;
(g) productive assets lost as a percentage of total productive assets;
(h) quantity and category of other fixed assets affected by each sub-Project; and
(i) temporary damage to productive assets.

The proposed census and inventory form is attached (see Annex 2)

B. Resettlement Plan

35. The baseline information for a RP will include: (a) an Census and Inventory (see above); and (b) a detailed socioeconomic survey of all DP's describing their age, sex, ethnicity, education, occupation, sources of income, and total household income.

36. The entitlements of DPs will be calculated based on the above information.

SECTION 7
IMPLEMENTATION ARRANGEMENTS

A. Implementation Schedule

37. A detailed implementation schedule of the various activities to be undertaken will be included in each RP. The RP implementation schedule must be developed based on the linkage to the civil work implementation schedule.

38. **Payment of rehabilitation and furnishing of other restoration/assistance entitlements (in cash or in-kind), and relocation if that be the case, have to be completed prior awarding contracts for civil works.**

B. Institutional Arrangement

39. PCs and all project provinces will arrange adequate and experience staff to make sure that RP will be implemented smoothly as approved schedules.

C. Complaints and Grievances

40. Complaints and grievances related to any aspect of RP implementation, including the determined the quantity and price of the lost assets, will be handled as follows:

**First step:**
If any person is aggrieved by any aspect of the resettlement and rehabilitation program, he/she can lodge an oral or written grievance with commune authorities. Commune People's Committee will resolve the issue within fifteen days from the date it receive the complaint.

**Second step:**
If any aggrieved person is not satisfied with the decision in stage 1, he/she can bring the complaint to the District People’s Committee (DPC) or District Resettlement Committee (DRC) within fifteen days from the date of the receipt of the decision in stage 1. The District People’s Committee (DRC) or District Resettlement Committee (DRC) will reach a decision on the complaint within fifteen days.

**Third step:**
If the DP is still not satisfied with the decision at district level, he/she can appeal to the Provincial People’s Committee (PCC) or Provincial Resettlement Committee (PRC) within 15 days of receiving the decision of the DPC or DRC. The Provincial People’s Committee (PRC) or Provincial Resettlement Committee (CRC) will reach a decision on the complaint within fifteen days.

**Fourth step:**
If the DP is not satisfied with the decision of the Provincial level, the case may be submitted for consideration by the District Court within 15 days of receiving the decision of the PCC or PRC.

41. DP’s will be exempted from all administrative and legal fees.

**D. Supervision, Monitoring and Evaluation**

42. Implementation of RPs will be periodically supervised and monitored by the respective PC/its PMB in a close coordination with the respective Peoples’ Committees at different administrative units and independent monitoring agencies. The findings will be recorded in quarterly reports to be furnished to EVN, PCs and Project Provincial Powers.

43. Internal monitoring and supervision will:

   (a) Verify that the baseline information of all DP’s has been carried out and that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements has been carried out in accordance with the provisions of this Policy Framework and the respective.

   (b) Oversee that the RPs are implemented as designed and approved.

   (c) Verify that funds for implementing the RPs are provided to the respective PMBs in a timely manner and in amounts sufficient for their purposes, and that such funds are used by the respective PMB’s in accordance with the provisions of.

   (d) Record all grievances and their resolution and ensure that complaints are dealt with in a timely manner.

44. Independent Monitoring: An independent agency or agencies or individual consultant will be retained by PCs of EVN to periodically carry out external monitoring and evaluation of the implementation of RPs. The independent agencies will be academic or research institutions, non-Governmental Organizations (NGO) or independent consulting firms, all with qualified and experienced staff and terms of reference acceptable to the World Bank.

45. In addition to verifying the information furnished in the internal supervision and monitoring reports of the respective PCs, the external monitoring agency will visit a sample of 20% of household DPs in each relevant province six months after each implementation to:
(a) Determine whether the procedures for DPs participation and delivery of compensation and other rehabilitation entitlements has been done in accordance with this Policy Framework; and

(b) Assess if the Policy Framework objective of enhancement or at least restoration of living standards and income levels of DPs have been met.

(c) Gather qualitative indications of the social and economic impact of Project implementation on the DPs.

(d) Suggest modification in the implementation procedures of s, as the case may be, to achieve the principles and objectives of this Policy Framework.

SECTION 8
COSTS AND BUDGET

46. Each RP will include detailed cost of rehabilitation and other restoration/assistance entitlements and relocation of DPs, if that be the case, with a breakdown by agricultural land, residential land, business land, houses, businesses and other assets. The cost estimates will make adequate provision for contingencies.

47. Sources of funding for the various activities will be clearly specified in the cost tables. For Rural Distribution sub-projects, funds for implementing RPs will be from counterparts: EVN and/or PCs will arrange budget for implementing RPs.

Annexes

1. Annex 1: Entitlement Matrix
2. Annex 2: Proposed Inventory form of Project Affected People

Note: 1. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 7(c) and 19.3.1 of this RPF.

2. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

3. "Entire displaced population are minor": Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost.

4. Resettlement assistance: Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.

5. The cut-off date: Normally, the cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
Appendix 3

Entitlement Matrix
### ENTITLEMENT MATRIX

<table>
<thead>
<tr>
<th>No</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Temporary acquisition of productive land in ROW</td>
<td>All DPs have trees, crops, other assets in ROW</td>
<td>DPs with/without land certificate included in the inventory or able to prove land occupancy prior to cut-off date.</td>
<td>Cash compensation for affected trees at the replacement cost plus cost for cutting trees, crops at market price. Number of crop patterns to be compensated based on the time of temporarily acquired of land. No compensation for land - Rehabilitate land after the project construction.</td>
<td>- Trees have to be cut are regulated by Article 5 of the Government Decree 106/2005/ND-CP dt.Aug 17th, 2005 on the protection of the high voltage networks. PC and local authorities determine and ensure that compensation for trees will be at the replacement cost and for crops at the market price. If DP is requested for cutting affected trees, PC or Provinces will pay money for this work. DP has right for using salvageable trees. Full compensation at least 01 month before land clearance. Payment to DPs will be delivered by PC and/or District Resettlement Committees (DRCs). A affected land in ROW will be rehabilitated by contractors after the project construction and land in ROW could be used with the restricted purposes. Finance available for compensation and well information disclose/disseminate to DPs and key stake holders.</td>
</tr>
<tr>
<td>2</td>
<td>Temporary acquisition of residential and garden land in ROW without house or structures in ROW</td>
<td>All DPs with orchards or trees in ROW</td>
<td>-do-</td>
<td>- Cash compensation for affected fruit trees and trees at replacement cost. No compensation for land - Rehabilitate land after the project construction.</td>
<td>Trees have to be cut are regulated by Article 5 of the Government Decree 106/2005/ND-CP dt.Aug 17th, 2005 on the protection of the high voltage networks. PC and local authorities determine and ensure that compensation for trees will be at the replacement cost. If DP is requested for cutting affected trees, PC or Provinces will pay money for this work. DP has right for using salvageable trees. Full compensation to DPs at least 01 month before land clearance. Affected land in ROW will be rehabilitated by contractors after the project construction. Payment to DPs will be delivered by PC and DRCs. Finance available for compensation and well information disclose/disseminate to DPs and key stake holders.</td>
</tr>
<tr>
<td>3</td>
<td>Temporary impact on residential and</td>
<td>All DPs have house/building</td>
<td>-do-</td>
<td>House/building: DP can opt for: i) Remain their houses or</td>
<td>House and building have to be demolished or could be existed are regulated by Article 5,6 of the Government Decree</td>
</tr>
<tr>
<td>No</td>
<td>Type of loss</td>
<td>Application</td>
<td>Definition of entitled DPs</td>
<td>Compensation Policy</td>
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<td>1</td>
<td>garden land. Partial house/building within ROW (area in ROW less than 10% of total area) and the demolished area does not impact to the remaining house/building. Residential land and garden land outside of ROW is sufficient for re-organizing (not less than 60 m²).</td>
<td>and trees/fruit trees in ROW</td>
<td>building in ROW with the conditions regulated by Article 6 of the Government Decree 106/2005/ND-CP dt. Aug 17th, 2005 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation for the directly affected rooms at the replacement cost and cost for demolishing an affected room. - No compensation for land. - Rehabilitate land after the project construction by contractors. <strong>Tree and fruit tree</strong> - Compensation for affected trees and fruit trees at the replacement cost. <strong>Allowances:</strong> - Relocating allowance of 30 kg of rice equivalent per person per month in six months.</td>
<td>106/2005/ND-CP dt. Aug 17th, 2005 on the protection of the high voltage networks. - PCs and local authorities determine and ensure that compensation will be paid at the replacement cost, without deduction for salvageable materials. - DPs will demolish the impacted part/room and reconstruct/improve their houses themselves. - Full compensation for trees and fruit trees at least 01 month before land clearance. If DP is requested for cutting affected trees, PC or project provinces will pay money for this work. DP has right for using salvageable trees. - Full entitlement payment to DPs impacted on house/building at least 03 months before land clearance. - Payment to DPs will be delivered by PCs and/or DRCs - Land in ROW could be used with restricted purposes. - Finance available for compensation and well information disclose/disseminate to DPs and all key stakeholders.</td>
<td></td>
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<tr>
<td>2</td>
<td>Temporary impact on residential and/or garden land. Impact more than 10% of total house/building area but the demolished area will impact to the remaining house/structure. Land outside of ROW is sufficient for reorganizing (not less than 60 m²).</td>
<td>All DPs have house/building and trees/fruit trees in ROW</td>
<td><strong>House/building:</strong> - DP can opt for: i) Remain their houses or building in ROW with the conditions regulated by Article 6 of the Government Decree 106/2005/ND-CP dt. Aug 17th, 2005 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation at replacement cost for all areas of impacted house/building and demolish DP’s house in ROW. - No compensation for land. - Rehabilitate land after the project construction by contractors. <strong>Tree and fruit tree</strong></td>
<td>- House and building have to be demolished or could be existed are regulated by Article 6 of the Government Decree 106/2005/ND-CP dt. Aug 17th, 2005 on the protection of the high voltage networks. - Consultation for DP’s options on remains their house in ROW or move out of ROW. - PCs and local authorities determine and ensure that compensation will be replacement cost at the time of payment. - DPs will demolish the impacted areas and reconstruct/improve their houses themselves. - Full compensation for trees and fruit trees to DPs at least 01 month before land clearance. If DP is requested for cutting affected trees, PMB will pay money for this work. DP has right for using salvageable trees. - Full compensation payment for impacted house and...</td>
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<td>№</td>
<td>Type of loss</td>
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<td>Definition of entitled DPs</td>
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<tr>
<td>5</td>
<td>Temporary impact on residential and garden land in ROW. Full or partial house/building impacted and land outside of is not sufficient for reorganizing (less than 60 m²)</td>
<td>All DPs have house/building and trees, fruit trees in ROW</td>
<td>- do-</td>
<td>DPs can opt for one of the followings:</td>
<td>allowances to DPs at least 03 months before land clearance.</td>
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<td></td>
<td>i) Remain their houses or building in ROW with the conditions regulated by Article 6 of the Government Decree 106/2005/ND-CP dt. Aug 17th, 2005 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or</td>
<td>- Payment to DPs will be delivered by PCs and DRCs</td>
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<td>ii) Cash compensation for the whole residential area which DP occupied (not only for the impacted areas) and properties associated with occupied land at replacement cost. Impacted land will be obtained by local authorities; or</td>
<td>- Cleared residential could be reused with other restricted purposes.</td>
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<td>iii) “Land for land” with the same area which DP occupied and cash at replacement cost for the affected assets associated with land. Land occupied by DP will be obtained by local authorities.</td>
<td>- Finance available for compensation/rehabilitation and well information disclose/disseminate</td>
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<td></td>
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<td></td>
<td>- Compensation for affected trees and fruit trees at the replacement cost.</td>
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<td>Allowances:</td>
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<td></td>
<td></td>
<td></td>
<td>- Relocating allowance of 30 kg of rice equivalent per person per month in six months.</td>
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<td></td>
<td></td>
<td>- Transportation allowance for relocating DP according to the Compensation Decree 197/2004/ND-CP dated Dec 3rd, 2004 of GOV.</td>
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<td></td>
<td>- Rehabilitation assistance if DPs</td>
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</tbody>
</table>
| 6   | Permanent acquisition of land for tower foundations, substation and access    | All DPs occupied land and properties associated with land permanently impacted by towers foundations, substation and access roads etc. | -permanently losing business or more than 10% of their incomes.  
- Incentive for relocating in a timely manner: maximum 5,000,000 VND/HH | - Consultation for DP’s options on land compensation.  
- PMB and local authorities determine and ensure that compensation will be at replacement cost at the time of payment.  
- Replacement land, and resettlement sites development.  
- DPs receiving compensation will demolish the impacted areas and reconstruct/improve their houses themselves.  
- Full compensation for trees and fruit trees to DPs at least 01 month before land clearance. If DP is requested for cutting affected trees, PMB will pay money for this work. DP has right for using salvageable trees.  
- Full compensation for impacted house and allowances to DPs at least 03 months before land clearance.  
- No award civil work contract before completion of compensation and reorganizing houses or relocation.  
- Payment to DPs will be delivered by PCs and DRCs  
- Finance/land available for compensation/ rehabilitation and well information disclose/disseminate.  
- PCs and local authorities will consult with DP who are eligible to restoration for their options and prepare proposal for restoration programs in the period of RAP implementation.  
- DPs will be granted with Land Use Right Certificate without payment of administrative fees. |

For DP losing productive land:

a. Land loss less than 10% of their total landholdings:
- Cash compensation for the lost area if the remaining plot is still economically viable.
- Cash compensation for the whole impacted plot if the remaining plot is not economically viable.
- Cash compensation for properties associated with land

b. Land loss equal or more than 10% of their total landholdings:

DP can opt for the followings:

i) "Land for land" with the same area and productive of impacted area if the remaining plots are still economically viable and for the whole impacted plots if the remaining plots are not economically viable

ii) Cash for land at the replacement cost.
- Compensation for trees and affected fruit trees at the replacement cost.
- Rehabilitation assistance.

For DP losing Residential and garden land:
- If remaining land is sufficient for reorganizing (not less than 60 m²): Cash compensation for lost area and assets associated with land.
- If remaining land is not sufficient for reorganizing:

DP can opt for i) cash compensation at
<table>
<thead>
<tr>
<th>№</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
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<tbody>
<tr>
<td>7</td>
<td>DP impacted on business or other services</td>
<td>All DPs impacted on business and other services</td>
<td>- do -</td>
<td>(a) Temporary impact on business or other services. Compensation for income lost in the affected time. (b) Permanent impact on business or other services. (c) Rehabilitation assistance.</td>
<td>- Full compensation for incomes lost to DPs at least 01 month before land clearance. - PCs and local authorities will consult with DP who are eligible to rehabilitation for their options and prepare proposal for rehabilitation programs in the period of RAP implementation.</td>
</tr>
<tr>
<td>8</td>
<td>Public Work</td>
<td>All impacted institutional DPs (who directly manage and operate such impacted public work system)</td>
<td>All impacted institutional DPs shall be approached in advance for cooperation for impact mitigation measure as well as measure for maintaining the normal functioning of their impacted system by the Contractor (s)</td>
<td>Alternative measures to maintain the normal functional of the public work (i.e road, water supply, drainage system, telephone line etc) Reinstatement after the project construction All expense on alternative measures to maintain the normal functioning of the impacted system shall be born by Contractor (s)</td>
<td>Contract (s) with Contractor (s) should bear one article on this specific responsibility of the contractor (s) Approach for institutional DPs for cooperation Arrange and pay the expenses for te alternative measures to maintain the normal functioning of the impacted system to the satisfaction of the institutional DPs.</td>
</tr>
<tr>
<td>Permanent Impacts</td>
<td>- do -</td>
<td>- do -</td>
<td>Alternative measures to maintain the normal functional of the public work (i.e road,</td>
<td>Complete the work for “alternative solution” prior to</td>
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</tbody>
</table>
### Vietnam Rural Distribution Project (RD) Resettlement Plan

<table>
<thead>
<tr>
<th>№</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td>water supply, drainage system, telephone line etc) All expense on alternative measures to maintain the normal functioning of the impacted system shall be born by Contractor(s)</td>
<td>commencement of the project work.</td>
</tr>
</tbody>
</table>

**Appendix 3—Entitlement Matrix 6**
Appendix 4

Sample ‘Pamphlet’
CÔNG TY TNHH MỘT THÀNH VIÊN ĐIỆN LỰC HẢI DƯƠNG

TRANG BIẾN ÁP 110KV TIẾNG TRUNG
DU ÁN LƯỢNG DIỆN PHÁT PHÔI NÓNG THÔNG (RD)
VAY VÒN NGÀN HÀNG THỂ GÓI

HƯNG DIỆU CẤN BIẾT VỀ CHÍNH SÁCH ĐẾN BỬ VÀ GIAI PHÒNG MẠT BẰNG

THÁP ĐOÀN BIẾN LỰC VIỆT NAM

33 ĐƯỜNG ĐẠI LỘ HỒ CHÍ MINH, THÀNH PHỐ HẢI DƯƠNG
BẢO VỆ HÀNH LANG AN TOÀN LƯỢI DIỆN

HÀNH LANG BẢO VỆ AN TOÀN ĐƯỜNG DÂY TÀI DIỆN CẢO ÁP TRÊN KHÔNG

- 500 kV: $a > 8$ m
- 220 kV: $a > 4$ m
- 66 - 110 kV: $a > 3$ m
- Dự án 35 kV: $a > 2$ m

KHOANG CACH AN TOAN TIOI THEU TU DÂY DÀN DIỆN CAO ÁP DÉN CÁY CÔI TRONG HÀNH LANG LUÔI ĐIỆN

- 500 kV: $h > 7$ m
- 220 kV: $h > 6$ m
- 66 - 110 kV: $h > 4$ m
- 35 kV: $h > 3$ m
- Dự án 35 kV: $h > 2$ m
Appendix 5

Inventory of Displaced Persons

Power Company № 1
Power Construction Consulting Center № 1- Tel: 04.7167951
## APPENDIX 5: INVENTORY OF DISPLACED PERSONS

**Province**: Hai Duong  
**District**: Nam Sach  
**Commune**: Dong Lac

<table>
<thead>
<tr>
<th>Survey No</th>
<th>Name of head of Household</th>
<th>No. of persons in HH</th>
<th>Total householding of HH in m²</th>
<th>Permanent acquisition land</th>
<th>Temporary loss as % of total</th>
<th>Number and type of loss structure</th>
</tr>
</thead>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Nguyễn Thị Dạ</td>
<td>4</td>
<td>2,732</td>
<td>1,059</td>
<td>39%</td>
<td>23%</td>
</tr>
<tr>
<td>2</td>
<td>Lê Công Phú</td>
<td>4</td>
<td>2,732</td>
<td>1,032</td>
<td>38%</td>
<td>17%</td>
</tr>
<tr>
<td>3</td>
<td>Lê Văn Thìn</td>
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<td>2,732</td>
<td>297</td>
<td>11%</td>
<td>7%</td>
</tr>
<tr>
<td>4</td>
<td>Đào Văn Hồn</td>
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<td>2,732</td>
<td>1,038</td>
<td>38%</td>
<td>17%</td>
</tr>
<tr>
<td>5</td>
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<td>2,732</td>
<td>461</td>
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<td>11%</td>
</tr>
<tr>
<td>6</td>
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<tr>
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<td>17%</td>
</tr>
<tr>
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<td>Nguyễn Văn Đệ</td>
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<td>587</td>
<td>21%</td>
<td>11%</td>
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<tr>
<td>9</td>
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<td>2,732</td>
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<td>7%</td>
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<tr>
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</tr>
<tr>
<td>14</td>
<td>Đào Thị Mật</td>
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<td>17%</td>
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<td>17%</td>
</tr>
<tr>
<td>16</td>
<td>Đào Văn Nam</td>
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<td>2,732</td>
<td>547</td>
<td>20%</td>
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<tr>
<td>17</td>
<td>Lê Văn Thụy</td>
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<td>23%</td>
<td>20%</td>
</tr>
<tr>
<td>18</td>
<td>Đào Văn Chí</td>
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<td>2,732</td>
<td>889</td>
<td>33%</td>
<td>20%</td>
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<td>19</td>
<td>Đào Văn Quý</td>
<td>4</td>
<td>2,732</td>
<td>611</td>
<td>22%</td>
<td>20%</td>
</tr>
<tr>
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<td>UBND xã</td>
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</table>

### Loss of assets

- **Trees**: Amount, Kind
- **Paddy area (m²)**
- **Other (method)**
- **Residence**: Rent, harm loss
- **Income loss**

<table>
<thead>
<tr>
<th>Loss of assets</th>
<th>Loss of Crats</th>
<th>Other sources</th>
<th>Temporary losses</th>
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Total: 16,638
Appendix 6

Details of Entitlement of Displaced Persons
APPENDIX 6: DETAILS OF ENTITLEMENT OF DISPLACED PERSONS

Province: Hai Duong  
District: Nam Sach  
Commune: Dong Lac

<table>
<thead>
<tr>
<th>Survey No</th>
<th>Name of head household</th>
<th>Compensation for land</th>
<th>Compensation for Structure</th>
<th>Compensation for trees</th>
<th>Compensation for Crops</th>
<th>Compensation for other</th>
<th>Total in VND</th>
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<tr>
<td></td>
<td></td>
<td>Quantity (m²)</td>
<td>Unit price / m²</td>
<td>Entitlement (VND)</td>
<td>Quantity (m²)</td>
<td>Unit price / m²</td>
<td>Entitlement (VND)</td>
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<tr>
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<td>1,059</td>
<td>2,000</td>
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<td>1,059</td>
<td>2,000</td>
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<td>1,032</td>
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<td>1,038</td>
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<td>587</td>
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<td>547</td>
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<td>4,638</td>
<td>2,000</td>
<td>9,276,000</td>
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</tbody>
</table>
Appendix 7

Minutes of Community Meetings
Hải Dương, ngày .............. tháng ............., năm 2007

I. Đại diện Trung Tâm Tư vấn xây dựng Điện lực 1
Ông: Tô Hiền Sơn ............................................. Chức vụ: Phó Giám Đốc
Ông: Nguyễn Đức Vinh ............................................. Chức vụ: Chủ nhiệm Đề án
Ông: ................................................................. Chức vụ: ........................................
Ông: ................................................................. Chức vụ: ........................................

II. Đại diện Địa Phương
Ông (Bà): ................................................................. Chức vụ: ........................................
Ông (Bà): ................................................................. Chức vụ: ........................................
Ông (Bà): ................................................................. Chức vụ: ........................................
Ông (Bà): ................................................................. Chức vụ: ........................................

III. Đại diện Các hộ bị ảnh hưởng
Ông (Bà): ................................................................. Địa chỉ: ........................................
Ông (Bà): ................................................................. Địa chỉ: ........................................

Số hộ bị ảnh hưởng tham dự: ..................................

Hôm nay, tại .................................................. của xã (phường) .................................. các Bên đã tổ chức họp về kế hoạch đến bù tái định cư của xã nàm trong dự án “Luồng điện phân phối nông thôn (RD) Tỉnh Hải Dương.” Hạng mục: Trạm 110kV Tiền Trung - Huyện Nam Sách - Tỉnh Hải Dương

Các Bên thống nhất ý kiến như sau:

Các hộ bị ảnh hưởng thống nhất như sau:

Danh sách các hộ bị ảnh hưởng được kèm theo biên bản này.

Đại diện Địa Phương .................................................................
Đại diện các hộ bị ảnh hưởng .................................................................
Đại diện Trung tâm TVXD ĐL1 .................................................................