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**The People's Republic of China**

**Guizhou Aged Care System Development Program  
Environmental and Social Systems Assessment (ESSA)**

**(Final)**

**January 30, 2019  
The World Bank**

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## Acronyms

ADL	Activities of Daily Living
AWS	Administration of Work Safety
CAB	Civil Affair Bureau
CT	Computerized Tomography
DOCA	Department of Civil Affairs
DLI	Disbursement-Linked Indicators
DRC	Development and Reform Committee
EPB	Environmental Protection Bureau
EA	Environmental Assessment
EHS	Environment, Health and Safety
EIA	Environmental Impact Assessment
EPL	Environmental Protection Law
ESSA	Environmental and Social System Assessment
GRM	Grievance Redress Mechanism
DOEP	Department of Environmental Protection
HC	Health Commission
HCF	Health Care Facilities
MEE	Ministry of Ecology and Environment
MEM	Ministry of Emergency Management
MEP	Ministry of Environmental Protection
NHs	Natural Habitats
NPC	National People's Congress
PCRs	Physical Cultural Resources
SC	State Council
SEPA	State Environmental Protection Administration

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## **EXECUTIVE SUMMARY**

1. The proposed Guizhou Aged Care System Development Program (the Program) is expected to bring about major positive environmental and social benefits by increasing equitable access to basic package of aged care services and to strengthen the quality of services and the efficiency of the aged care system in Guizhou Province, which will directly benefit about 3.27 million urban and rural elderlies and improved management practice of medical wastes in selected five prefectures in Guizhou Province, including Guiyang, Zunyi, and Liupanshui, and Qianxinan and Qiannan. Here basic package of aged care services refers to the public financed aged care services, which would cover home- and community-based aged care, and institutional care. The types and levels of basic package of aged care services will be determined by the local district or county government based on the affordability of public resources for the targeted elderly population. Under the Program, it is expected that 955,000 elderly population in urban areas, and about 2,32 million elderly people in rural areas could increase their access to improved basic home based and community based aged care services, and institutional care, and their aged care condition could be improved along with the economic development in the country.
2. The Program includes upgrading, rehabilitation and/or new construction of a range of aged care facilities at the county or district level, township or sub-district level, and residential community or village levels. The scale of the physical structure may range from institutions in communities, home based aged care station in rural and urban areas, to “happiness home” in rural village and welfare homes in urban and rural areas.
3. The activities supported under the Program are not expected to take place in or near environmentally sensitive areas (e.g., significant natural habitats, protected areas, or natural forests, or physical cultural resources at or above county level) and have no significant land acquisition or social risks. Activities will not involve dams or be located in disputed areas or international waterways.
4. Nonetheless, some of the activities supported under the Program have potential negative impacts and risks associated with construction and operation of the activities. The potential environmental risks identified for further assessment include the medical waste and radiation issues associated with institutions physically integrating aged care with health care that to be constructed, upgraded or expanded under the Program. While the potential social impact identified for further assessment include certain amount of land acquisition, involvement with ethnic minority communities, equal access of improved aged care facilities and consultation and grievance procedures. Overall, these risks and potential impacts are substantial.
5. This Environmental and Social Systems Assessment (ESSA), prepared by the World Bank team, provides a comprehensive review of relevant environmental and social management systems and procedures, institutional capacity and performance, in China and the Guizhou province; identifies the extent to which the country/local systems are consistent with the World Bank Policy and Directive for Program-for-Results (PforR) financing, and recommends necessary actions to address the gaps as well as opportunities to enhance performance during the implementation of the Program.

### **Potential Environmental and Social Effects and Risks**

#### **Environment**

6. The potential environmental and social effects and risks of the program activities have been screened and further analyzed at early stage, to exclude the activities of high risks and identify the effects of primary concern for further assessment. The environmental effects and risks of primary concern are medical wastes and radiation associated with the activities to construct, upgrade or expand the aged care facilities which will provide health care or to purchase aged care and health care service from such institutions.

7. The Program will promote the coverage, efficiency, equity and quality of aged care service by tiered delivery<sup>1</sup> in selected five prefectures in rural and urban areas. As an integral part of the tiered delivery, the elderlies will be entitled to the health care service. The Program will promote the integration of aged care with health care by coordination with hospitals (non-physical integration) and the provision of basic health care in aged care institutions (physical integration). During the delivery of health care service through physical integration, the institutions will generate medical wastes and radiation requiring proper management and disposal.
8. The medical waste to be generated in the institutions are in the nature and amount similar to that in a typical community health center; the medical radioactive devices are limited to Category III for diagnosis purpose only, such as computerized tomography (CT) or X ray machine. These environmental effects are site specific and moderate and can be readily mitigated.
9. The Program also includes upgrading, rehabilitation and new construction of aged care infrastructures at the county/district, township/community and village levels. The scale of the physical structure may range from tiny rural happy home to medium size institutions. Besides the medical waste and radiation, the potential environmental and social effects associated with the construction activities of physical structures include: dust, noise, soil erosion, non-hazardous solid waste, wastewater, and social disturbance. Operation of these infrastructures will generate wastewater, solid waste, fire safety, and waste gas. These impacts are envisaged to be minor and site-specific and can be mitigated with readily available measures. Additionally, there will be no labor camps given the limited size of the activities, thus the influx of labor will not be present.

### ***Social***

10. The aged care activities supported under the Program will bring great social benefits to different groups of elderly population through increasing accessibility, improving quality of home based and community based aged care service, standardizing institutional care for those with severely disabled and dementia, and improving integration and coordination of aged care and health care for elderly population. They include 5.9 million elderly population in Guizhou Province, particularly 3.27 million elderly population in selected five Program prefectures with 23% in urban areas, 77% in rural areas, and about 26% as ethnic minorities. The main social issues considered during the assessment, comprise of social risks, potential negative effects, and potential impacts of the Program, related to: (i) access and equity; (ii) land acquisition and resettlement; (iii) ethnic minorities; and (iv) citizen engagement and grievance procedures.
11. *Accessibility and equity.* Although the basic objective of Guizhou Provincial 13<sup>th</sup> Five Year Plan on Aged Care is to develop a comprehensive aged care system covering whole elderly population in the province, there is some gaps in terms of accessibility and quality of aged care facilities for the elderly population in urban and rural areas. The first issue is limited coverage and inadequate quality of urban and rural welfare home system in the province. The current welfare home system developed several decades ago was designed to meet the needs of institutional care of those extremely vulnerable groups also called Sanwu and Wubao welfare recipients, who do not have work ability and lack of support of family members. According to the estimate of Guizhou Department of Civil Affairs (DOCA), the total welfare recipients amount to 90,500 persons, with 85,000 of them from rural areas and 5,500 persons from urban areas. They account for 10.6% of total rural and urban low income elderly population (854,000 persons), and 1.5% of total elderly population in the province. Similar situation also exists in five selected municipalities and

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<sup>1</sup> Home-based, community- based and institution-based aged care service. The health workers from community health center will visit periodically the elderlies at home for health monitoring; the basic health management will be established in the day care center for elderlies in community, which will provide physical therapies, health management and food service. The institutions will provide the health service at the same level of community health center, especially for elderlies with disabilities and dementia. In some cases, an institution will provide service in combination of daytime aged care, the mandatory aged care, 24-hour-round aged care and health care.

prefectures. There are 35,100 welfare recipients among five selected prefectures, accounting for 1.1% of total elderly population with 83% being males and 17% as females, and over 90% are living in rural areas. About 36% are currently enrolled in urban and rural welfare homes. A total of 4,700 persons or 13% are considered as physically and mentally disabled and required assisted living, but only 37% of them are currently under institutional care. Among them 88% are from rural areas and females account for 26%. According to current policy and practice, only those welfare recipients are provided with special living allowance, and are provided with institutional care in rural and urban welfare home system.<sup>2</sup> In spite of large number of welfare homes being developed, the quality of aged care in these institutions remain to be poor, which is contributed by limited resources allocated for operation and limited number of staff assigned for managing such facilities. As a result, less than half of qualified welfare recipients are staying in the welfare homes, and the occupancy rate for many welfare homes remain to be low in selected counties and districts. Under the Program, not only those welfare recipients will expect some improvement along with introduction of needs assessment, enforcement of standard of existing aged care facilities and services, but also many low-income elderly, including women, minority and disabled, will be provided with various basic aged care packages including institutional care to be supported by the government. To achieve such objective, some basic assumptions should be made by project sponsors and included in the Program operation manual. One such assumption is that the current welfare recipient should be the first group to receive needs assessment and their basic entitlement and condition should not be negatively affected during the course of Program implementation.<sup>3</sup> As the most vulnerable groups among elderly population, not only their current interests and entitlements should be protected, but also more improvements will be made under the Program through enhancement of aged care facilities and services. For the expansion of public support of basic aged care services to those low income elderly population, its success depends largely on the adoption of relevant provincial government policies and guidelines which will ensure that proper financial resources are made available in relevant counties and districts for such expansion. Under the Program, such commitment is also included as one of key Disbursement-Linked Indicators (DLI) to be achieved in the first year of the Program.

12. The second issue is disparity of aged care facilities and services among different districts or counties, contributed by different economic conditions, and available financial resources by local governments. Such disparity is more evident between facilities in urban areas and those in rural areas. Not only the pension payment for urban residents is much higher than those in rural areas, the government budget allocation on construction and operation of different types of aged care facilities is much higher in urban communities than those in rural communities. In urban communities, construction and operation of home based aged care station, and community based aged care centers are often fully funded by local governments with designated staff. In rural communities, most village happiness home is inadequately funded with no budget for operation and staff. In order to ensure that tiered aged care service could be fully implemented, the Program will support a range of activities under 13<sup>th</sup> Five Year Plan, which include developing more home based and community based aged care facilities in urban areas, improving or upgrading welfare homes in urban and rural areas, promoting purchase of aged care service by government for the eligible elderly, and piloting more sustainable models for community based care in rural communities. Such experiments on rural community based aged care and new efforts on upgrading rural welfare homes could lead to

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<sup>2</sup> To provide institutional care for extremely difficult persons in rural and urban areas is the main reason for development of many urban and rural welfare homes. In fact, the available aged care beds in rural and urban welfare homes account for majority of beds being developed for aged care sector. Most of increase of aged care facilities and aged care beds in the 12<sup>th</sup> Five Year Plan were developed through construction of many new rural welfare homes.

<sup>3</sup> In the early set targets by DOCA, only 5000 elderlies in five prefectures will be provided with institutional care under the Program. Given the current number of welfare recipient elderlies in five prefectures amounted to 35,100, and 12,600 of them are currently in institutional care, such target could not even cover those welfare recipients who are in welfare homes. This will make the objective of expanding public support coverage to those low-income elderlies who require assisted living impossible to achieve.

improvement of accessibility and equity of aged care for the rural elderly population and to reduction of burden of aged care on their families.

13. *Land acquisition and resettlement.* For those aged care facilities to be built, expanded, or rebuilt completely under the Program, a certain amount of land acquisition is expected. The overall scale of land acquisition will be relatively small, ranging from 1 to 2 ha for most rural welfare homes at township level to 3-5 ha of land area for county level central welfare home or aged care facility. Only for some large demonstration aged care institution, the amount of land area could be over 100 mu or about 10 ha. Given the nature and location of the different types of aged care facilities to be covered under the Program (assuming that most are located in rural and low-density areas), the land acquisition is unlikely to be associated with large scale house demolition and/or displacement. The overall impact of land acquisition appears to be limited in scale and moderate in degree.
14. *Ethnic minorities.* The proportion of ethnic minorities in Guizhou is relatively high at 37% with 13.15 million. For the five selected prefectures for Program, there are 5.25 million of ethnic minorities, accounting 26% of the total population, ranging from 12% in Zunyi and 15% in Guiyang, to 30% in Liupanshui, 39% in Qianxinan Prefecture and 55% in Qiannan Prefecture. Majority of minorities are Buyi, Miao and Yi ethnic minorities. There is a total of 61 ethnic minority townships in these five prefectures. For those counties and townships with high concentration of ethnic minority population, local ethnic and religious affairs bureaus staff will be involved with Program implementation. Before implementation of the proposed aged care development activities, consultations with local ethnic minority communities will be carried out to seek their broad support for the Program. Since most these facilities will directly benefit elderly population of these communities, which will result in improvement of aged care services to these communities, they will be well received by local minority population. Since the location of potential aged care facilities under the Program would be mostly located in county towns and township centers, where ethnic minorities are scattered, the potential impact due to land acquisition on minority communities will be limited.
15. Citizen Engagement. The Program aims to contribute significant social and environmental benefits. At various stages, both beneficiary population and affected people should be consulted about the likely positive and negative impacts of the Program and include their concerns and opinions in the implementation measures to be adopted during the Program. Public consultations and citizen engagement program for senior people are necessary to increase their awareness of participation, and ensure their needs or demands be considered and incorporated into the Program. Community participation and education can increase elderly people awareness, and improve their ability for self-development.
16. Grievance Redress. If the elderly people have any dissatisfaction and wish to express their demands to protect their rights, the Program would deal with the problems in accordance with the complaints system established with defined procedure and manage the potential social risks. An appeal could proceed through a number of stages if the appellant is not satisfied with the initial response. The procedure should remain valid throughout the Program's implementation period.
17. Thus, these social impacts and risks are considered substantial, and suitable to activities to be supported by the Program according to the Bank's Program Directive and Policy.

#### **Assessment of Legal and Institutional Framework applicable to the Program**

18. A comprehensive review of the legal and regulatory framework for social and environmental management relevant to the activities supported under the Program was conducted, including their institutional arrangement, procedure, implementation, institutional capacity and performance, and comparison with the World Bank Program Policy, and Directive.

19. China has established a comprehensive system for the management of environment, land acquisition and social issues with a range of laws, regulations, guidelines, specifications and standards, which is consistent with the World Bank Policy and Directive for PforR financing. This system provides a reasonable basis for addressing the environmental and social issues related to activities supported under the Program.
20. Consultations of government departments and site visits in Guizhou at provincial, prefecture, district/county, township and village levels, have demonstrated that the institutional arrangement at the Program level have been clearly established and the continuum procedures, e.g. review, approval, monitoring, training, certification, examination and supervision, and grievance redress, have been well operated and maintained.

### ***Environment***

21. China Government is devoted to reforming its environmental management system by enhancing the law enforcement and preventive approach. A set of laws, regulations, technical guidelines are being or have been updated or issued, e.g. Environmental Protection Law, Environmental Impact Assessment Law, Technical Guideline for EA-General Program, etc.
22. EIA system has been well established and practiced in China and Guizhou. It covers, among others, the criteria for EIA categorization which is based on the nature, location, sensitivity and scale of physical projects, and thus providing reasonable basis for identifying the high-risk activities in terms of environmental effects. A mechanism for implementing the environmental screening and exclusion based on the criteria identified in Table 3-1 has been recommended, given that the specifics of the activities to be proposed, e.g. type, location, size, are not clear in the stage of the ESSA preparation.
23. The legal framework provides a very stringent and precautionary system for medical waste and radiation for review and approval of new, rehabilitated or expanded Health Care Facilities (HCF) in terms of their environmental impacts, locations, environmental facilities, technical qualifications and operation procedure. The procedure has already been set up for supervision over the operation of the HCFs and the medical waste disposal facilities, which highlights the requirements for certification and training for practitioners.
24. Currently, there is no single official category for institutions which physically integrate aged care and health care. The developer or sponsor should prepare and submit the required documents separately to civil affair bureau (CAB) and environmental protection bureau (EPB) for establishing the aged care facility, and to EPB and health commission (HC) to establish the HCFs, although these facilities are within the same institution. The two lines of approval maintained and managed by the CAB and HC are separate with little cross-sector communication and cooperation. Implementation of the criteria for exclusion and limitation requires the information sharing and cooperation between the CAB and the HC, recommendation has been proposed to address this issue.
25. Specific to the activities involving aged care and health care, a set of laws and regulations, technical policies, specifications and standards addressing environmental issues have been enacted in China and Guizhou. For such institutions that physically integrate aged care with health care, the system for medical waste and radiation management is co-managed by EPB and HC. From the perspective of Environmental Impact Assessment (EIA) system at the program level, different EIAs are required for aged care facilities, health care facilities and radioactive devices, respectively. A parallel review and approval line is managed by the health department for the activities involving health care service, which is focused on the epidemic prevention and control in the whole process of medical waste management, and the occupational health and safety issues in the operation of medical radioactive device.

26. **Institutional Responsibilities.** The key Program stakeholders involved in the environmental management include EPB and HC at various levels. The assessment finds that the responsibilities and accountabilities of these Program stakeholders are clearly designated. In general, the government agencies are capable of fulfilling their duties, i.e. review and approval of environmental documents, supervision and examination, training and grievance redress. The procedure for review and clearance, and supervision and inspection, is well designed. Regular monitoring and inspection by the government agencies are performed. The technical capacity of the government organizations is found to be adequate to handle the review of various documents, action plans and advises on decision making at the program level.
27. In the perspective of the assessment of the performance of medical waste and radiation management system, the following findings are made:
28. *Medical waste management:* In the HCFs in Guizhou, it is noted that medical waste categorization system, medical waste management plan, ad-hoc training program are practiced. Local health and family planning bureau and health supervision bureaus (a subordinated organization under health and family planning bureau) conduct regular supervision on the effectiveness and performance of the internal medical waste management of HCFs. On the transportation and disposal of medical wastes, it is noted that in each prefecture, certain disposal capacity has been established. The disposal facilities use state-of-art technologies for medical waste disposal and pollution control and are monitored by local EPB closely. However, given that most of the disposal facilities adopt the wet thermal technology that is not capable of dealing with anatomical wastes<sup>4</sup> typically produced from Class II and III HCFs, an exclusionary criterion has been determined to ensure the health care service under the Program is only limited to Class I HCFs according to the specifications for categorization of HCFs in China.
29. Through site visit, the main issues found to be improved/addressed include the low collection frequency and low collection rate in HCFs at township or lower level, inadequate design of storage chamber and improperly packaged waste in HCFs, and inadequate operation of wet thermal facilities due to low awareness and weak willingness, inadequate training and supervision. In addition, it is found that the disposal capacity is not well balanced in the Program areas in Guizhou, leading to a very high idle capacity. This may partially result in inadequate performance of the wet thermal facilities.
30. The performance assessment of the medical waste disposal facilities in the Program prefectures indicates that the existing disposal capacity for the medical waste from the Class II and III HCFs is inadequate. Thus, expansion of the institutional care to the Class II and III HCFs may lead to a high risk in terms of medical waste management; the physical integration with health care should be limited to Class I HCFs, so as to avoid such risk.
31. *Radiation Risks.* According to the domestic regulations, the Class I HCFs will only use the Class III radioactive devices for diagnosis purpose. Documentation, procedures and capacity are in place to manage the radiation impacts and risks in the Class I HCFs and local communities. On radiation exposure to medical workers and communities, there are proper protection ware and shelter in HCFs in Guizhou, potable detector is provided to monitor and control radiation leakage. For medical radiation equipment, the licensing, review and assessment, inventory, safe use, work-site detection, monitoring, maintenance, emergency response are specifically required and regulated jointly by HC and EPB. The site visit confirmed that the performance of the radiation management is satisfactory.

## ***Social***

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<sup>4</sup> The local cremation facility often refuses to accept the anatomical wastes in the program municipalities /prefectures.

32. *Accessibility and equity.* One key element of the “Guizhou Aged Care 13th Five Year Plan” is to establish a basic tiered aged care delivery system for the whole population, which is concentrated on improved home based and community-based care services, and supplemented with standardized institutional care for those with severely disable and dementia, particularly for those urban and rural low income elderly. In *Rights Protection Law of People’s Republic of China* and *Guizhou Elderly Population Protection Regulation* as well as various provincial decree concerned aged care development, they call for protection of basic interests and rights of elderly population and provide special assistance and support for those most vulnerable groups, including male and female, those in minority communities and poor villages. These laws and regulations provide the legal basis for continuous support of those Sanwu and Wubao welfare recipients and expanding coverage for those low income elderly population, particularly those requiring assisted living.
33. *Land acquisition and resettlement.* The Land Administration Law and State Council Decision on Deepening the Reform on Strict Management of Land, are the key legal basis for defining fundamental aspects of the land acquisition system in China. The current legal framework has established a clear procedure for obtaining the approval of land acquisition for investment projects, and managing the land acquisition process, which includes informing the affected people about the purpose, location, compensation rates, and rehabilitation measures for the land to be acquired, confirmation by the affected parties over the outcome of land surveys, and holding public hearings on the land to be acquired. The actual process of land acquisition is handled by the local Land Resources Bureau with assistance from the township government. Based on field visits and assessments of past experience with similar land acquisition procedures in the region, and as long as the procedure is followed, the basic interests of affected people were protected. The findings also showed adherence to the principle of avoiding or minimizing displacement and demonstrated that affected people are assisted in improving or at least restoring their livelihood and living standards.
34. *Ethnic minorities.* There are more than 400 laws and regulations addressing the legal requirements and stipulations in China. This specific legal framework promotes preferential treatment for minority nationalities in some contexts and equitable treatment of all groups in others. The current legal framework supports the lawful rights and interests of the ethnic minorities and also requires that the affected minority communities like other local communities will be consulted and their support obtained, during the project planning and land acquisition process. The activities under the Program cover 48 districts and counties with 19.92 million population in five prefectures, of which, there are 22 minority counties and 5.25 million ethnic minority population. The country and Guizhou Province have formulated a series of policies on ethnic minority development, including respecting for minority views, safeguarding the political equality of ethnic minorities, respecting the customs of ethnic minorities, supporting the development of ethnic minorities, and planning the economic and social development of ethnic communities.

**Participation and consultation, and grievance redress mechanism.**

35. Aged care is one of key aspect of social development. The proposed activities under the Program will bring broad social benefits to millions of elderly population in Guizhou and selected prefectures. Because these activities will directly benefit many elderly population in urban and rural communities, extensive participation and consultation is required. In *Rights Protection Laws of People’s Republic of China for Elderly People*, *Guizhou Elderly Population Protection Regulation* and various provincial decree concerned aged care development, establishment of institutional arrangement and allocation of resources on aged care is clearly stated for different levels of governments. The elderly population including male and female, those in minority communities and poor villages should be informed and consulted on development of various aged care services and introduction of various government assistance programs for elderly population, particularly those under the poverty line and those requiring assisted care. The process of applying and approving those for different government assistance program for aged care will go through a detailed evaluation process, which will be transparent and monitored by the public. Any individuals who have concerns on the process and outcome of such evaluation will be able to voice their concern through

established grievance procedures. Finally, for those with special issue or complaint on different aspect of aged care program, they could always make complaint through regular county appeal and complaint office set up in all counties.

### **Consultation and Disclosure**

36. During the preparation of the ESSA, the World Bank assessment team carried out consultations with representatives from CAB, EPB, health bureau, disposal facilities, land resources bureau, ethnic religious bureau, poverty alleviation office, and all women federation at provincial, municipal, county and township levels. In addition to this, the Bank team made field visits to a range of different aged care facilities, associated HCFs, and disposal centers. The discussions and visits were held with staff managing the facilities, and created the basis for the development of this ESSA.

### **Recommendation 1: Establish environmental screening mechanism**

37. The provincial implementing agency should assign a staff with good demand of environmental knowledge to collect and review all the proposals submitted by the Program districts/counties and to screen the candidate activities based on the exclusionary and limitation criteria. Close communication with local health department and forestry bureau should be established and maintained by the provincial implementing agency throughout the Program cycle to monitor the proposal for health care service submitted by the institutions.
38. Adequate budget should be ensured to support the environmental screening in terms of site review and transportation. The process of screening and the results should be submitted to the provincial implementing agency in timely manner which will then be used to exclude the activities if involving natural critical natural habitats (NHs) and physical cultural resources (PCRs). The liaison with the World Bank task team should be maintained by the provincial implementing agency and the bi-annual project progress report should contain the information of implementing the environmental screening mechanism.

### **Recommendation 2: Improve the environmental performance in medical waste management**

39. The internal management system within HCFs should be improved by enhancing training for quality control nurse and upgrading storage chambers to the standard<sup>5</sup>. The collection frequency and collection rate in HCFs at township or lower levels and the performance of the wet thermal facilities should be improved. A package of solutions should be developed which integrates technical, financial and regulatory actions, e.g., enhanced supervision, training, awareness building, concessionary arrangement and financial incentives, to address these issues related to medical waste management.
40. The Program should purchase service from the institutions with good environmental performance in medical waste management and radiation management proven by evidence<sup>6</sup> provided by EPB and HC. So, a due diligence review should be conducted by the implementing agency to collect such evidence as a condition for purchasing service or investing in improvement, e.g. upgrading, rehabilitation or expansion, of such facilities.

### **Recommendation 3: Enhancing land acquisition monitoring process.**

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<sup>5</sup> Method for Medical Waste Management in HCFs, 2003, Ministry of Health

<sup>6</sup> For the list of official documents as evidence, please see Annex 4

41. To ensure a consistent and standard land acquisition monitoring process across all activities associated with upgrading and construction of aged care facilities, it is recommended to design and implement a protocol which includes:

- Develop an operation manual to standardize registry procedure with the relevant evidence indicating full compliance of land acquisition for land acquisition required under the Program, including land use certificate, compensation agreement, land price payment, and land lease agreement with affected parties.
- Engage a qualified monitoring agency to conduct regular social monitoring among approved projects, and conduct due diligence on the land use conditions for those institutions selected as potential aged care services providers to verify the full compliance of national laws and local regulations, as well as the protection of interests of the affected people.

**Recommendation 4: Enhance participation, consultation and grievance procedures for Program Implementation.**

42. To develop an operation manual on project consultation and grievance procedures so that a unified consultation and disclosure practice could be followed by relevant counties and districts in conducting program activities.

**Other Consideration(s)**

43. Considering the geographical coverage and the nature of the Program activities, OP 7.50 International Waterways or OP 7.60 Disputed Territories are not applicable to the Program.

## **SECTION I: INTRODUCTION**

### **1.1 Methodology**

44. The implementation of this Program will rely on the existing country and local legal framework and institutional system for managing environmental and social safeguards issues. The purpose of this ESSA is to provide a comprehensive review of relevant national and local environmental and social safeguards systems and procedures in China and Guizhou Province; identify the extent to which the country/local systems are consistent with the core principles and elements of World Bank Policy for PforR financing; and recommend necessary actions to address gaps, as well as opportunities to enhance performance during implementation. Specifically, the main tasks of ESSA are to:
- Review the national and provincial legal policy framework related to environmental and social safeguards applicable for the Program;
  - Review management and implementation procedures of environmental and social safeguards systems in the province of Guizhou with regards to the activities supported under the Program;
  - Review and assess the institutional capacity of various relevant agencies involved in the environmental and social impacts management during implementation; and
  - Recommend actions to improve the performance of existing systems in line with country system requirements as well as the core principles of Program.
  - Assess distribution equality by reviewing coverage for vulnerable groups.
45. The ESSA is a World Bank document requirement for PforR operations. It is prepared by the World Bank staff with consultant support as necessary through a combination of reviews of existing program materials and available technical literature, interviews with staff or representatives of government agencies, aged care facilities at various levels and consultations with key stakeholders and experts. The findings, conclusions, and opinions expressed in the ESSA document are those of the World Bank. Recommendations contained in the analysis had been discussed with the counterparts, and the draft ESSA report was shared with counterparts prior to the ESSA consultation meetings held in Guizhou Province on November 26-27, 2018. Comments received from the public consultations were incorporated into the final ESSA report as appropriate.
46. The methodology involved in ESSA preparation includes: (i) identification of the potential impacts from the activities to be supported by the Program; (ii) a desk review of the laws, regulations, requirements, and guidelines on the Environment, Health and Safety (EHS) and social management to prevent or mitigate the identified aspects; (iii) meetings and interviews with key stakeholders including implementing agencies, local environment protection, land resources bureaus, ethnic minority and religious bureaus, and representatives of aged care facilities, and individuals; and (iv) visits to a number of aged care facilities in selected prefectures. The visited aged care facilities include municipal and county level aged care institutions, rural welfare homes, community-based daycare center in urban areas, and rural happy homes in selected villages. Some of those aged care facilities have recently completed land acquisition and resettlement. Observation and discussions during these visits provided a greater understanding of the potential environment and social impacts associated with these types of activities and capacity and procedure of government departments in dealing such impacts, including relevant measures currently adopted in accordance with relevant laws and regulations.

### **1.2 National Context**

47. Rapid population aging in China has cast tremendous challenges in delivery, public financing and public management of aged care services. The population aging in China is unprecedented for the human kind in terms of its pace and size. Within 25 years going from 2000 to 2025, China will have transitioned from an aging society to an aged society, from having 7% of the population 65 years of age and over, to having 14%. Today, in 2017, China's population aged 65 years and above reached 158 million— or 11.4% of China's population and 25.9% of the world's aged population. The aging process in China will be accelerated in the coming decades, with 26% of the population aged 65 years and above by 2050. China has long been relying on adult sons and/or daughters, their parents, and parents-in-law—the extended family—to support the elderly. The provision of formal care in China has been limited to a small portion of publicly supported welfare recipients. In China, public expenditures on long-term care for the elderly are less than 0.05% of GDP; instead, in OECD countries they account for 1.7% of GDP on average.
48. Since mid-1990s, China has started to formulate policies and legislations in response to the challenges of population aging. The earlier policies and legislations focused more on social insurance programs. In recent years, the Chinese government has drafted the strategies and amended relevant laws to formally begin the establishment of the aged care system. At the provincial level, similar strategies and regulations have been formulated, but the substances vary considerably across provinces to align with local conditions, demographic structure, stage of aged care development, and fiscal capacities. Overall, the development of aged care system in the coastal developed region such as Shanghai, Beijing, Jiangsu is more advanced than those in central and western regions such as Anhui, Jiangxi, Guizhou, Yunnan; similarly, the development of the aged care system is also more advanced in urban areas than that in rural areas.

### 1.3 Guizhou Provincial Context

49. Guizhou Province is located in the southwestern part of the country, and the provincial capital is Guiyang. Located in the east part of Yun Gui Plateau, it borders with Hunan to the east, Guangxi to the south, Yunnan to the west and Sichuan to the north. The total land area is 17,600 square kilometers, accounting for 1.8% of the country. Guizhou is the only one province in China without plain, where the hilly and mountainous landform makes up 92.5% of the total provincial area. The karst formation covers an area of 109,000 km<sup>2</sup>, accounting for 61.9% of the provincial area. There are 10 municipalities and prefectures, including 3 autonomous prefectures, and 88 counties, including 7 county level cities, 65 counties, and 16 urban districts. Guizhou is a relatively poor and economically undeveloped province, but rich in natural, cultural and environmental resources. In 2017, the population was 35.55 million, with natural growth being 6.19%. Demographically it is one of China's most diverse provinces with minority population, such as the Miao, Buyi, and Yao account for over 37% of the population. The per capita GDP was only CNY33,242, ranking 29th in the nation.
50. As an agricultural and poor province, Guizhou faces difficulties in meeting the care needs of its elderly population. By the end of 2016, there were 5.9 million of people with ages above 60 years old, accounting for 17% of total population in the province.<sup>7</sup> This is 1 percentage point higher than national average (16%. Among them, 57% were between ages 60 and 69 years old, 33% between 70 and 79 years old, and 11% above 80 years old.) Of total senior population, there are 23% living in urban areas and 77% in rural areas. As many as 855,000 persons or 14% of total were considered as low income groups, with 800,000 as rural low income population and 55,000 as urban low income population.<sup>8</sup> Among them, only 90,500 persons were considered as special difficult persons entitled to further assistance by the government, including enrollment into rural and urban welfare homes operated by different levels of government. These special difficult persons are also called Wubao in rural areas and Sanwu in urban areas. The Guizhou DOCA

<sup>7</sup> This is based on current population in Guizhou in 2016, which was 35.55 million instead of registered population, which is about 44.52 million.

<sup>8</sup> For rural low income population, it refers to those individuals with annual per capita income below CNY3300; and for urban low income population, it refers to those with per capita income below CNY500-600 per month (depending on specific municipalities).

estimates that, of the 3.67 million people over age 65 living in Guizhou, about 1.05 million have limitations in functional ability, for which they require help with activities of daily living (ADL). However, most elderly care services in Guizhou are informally provided by family members and relatives, just as in the rest of China.

51. Although facing tremendous demographic and socioeconomic challenges, the provincial government of Guizhou is ambitious and has strongly committed to taking reforms, which would allow Guizhou's socioeconomic development to leapfrog, including for the aged care system.
52. The aged care sector has been lagging behind for many decades and only receive sufficient government attention in the recent decade, particularly after 2010. By the end of 2015, there are 1288 public run aged care facilities in Guizhou with 164,000 beds. Among public run aged care facilities, most of them are rural welfare homes, developed for taking care those special difficult persons, such as five protected persons in rural areas and three lacking persons in urban areas. In addition, about 50% of urban communities were equipped with 1011 community home based aged care stations. Among them 329 are day care centers in urban areas. For rural communities, based on budget of CNY170 million from lottery revenue, a total of 3204 rural happy homes were established, covering 19% of administrative villages in Guizhou Province, providing some aged care benefits to rural population.
53. Much of these achievements were made in the 12th Five Year Plan between 2011 and 2015. A total of CNY4 billion was invested on aged care sector by different levels of governments, which was 6 times of that in previous five-year period. The number of public aged facilities was increased from 931 to 1288, and number of beds was increased from 25,000 to 164,000, and per 1000 elderly beds was increased from 5.6 in 2010 to 30.7 in 2015. Private run aged facilities increased from 55 to 92, with number of beds increased from 2800 to 9000.
54. **Issues and Gaps.** In spite of such development, considerable imbalance and gaps exist in the current aged care system in Guizhou. The first issue is limited coverage and inadequate quality of urban and rural welfare home system in the province. The current welfare home system developed several decades ago was designed to meet the needs of institutional care of those extremely difficult groups, who do not have work ability and lack of support of family members. According to the estimate of DOCA, the total extremely difficult people amount to 90,500 persons, with 85,000 of them from rural areas and 5,500 persons from urban areas. They account for 10.6% of total rural and urban low income elderly population (854,000 persons), and 1.5% of total elderly population in the province. In other words, the government run aged care facilities cover only 1.5% of elderly population.
55. Similar situation also exists in five selected municipalities or prefectures. There are 35,082 extremely difficult elderly persons in these five cities (prefectures), accounting for 1.1% of total elderly population there. Among them, 83% are males and 17% are females. In terms of geographical distribution, 91% are living in rural areas and only 9% in urban areas. Among them, about 36% are enrolled in urban and rural welfare homes. About 4,683 persons or 13% are considered as physically and mentally disabled and required assistance. But only 37% of them are currently under institutional care. Among those who required assistance, 88% are from rural areas and 12% are from urban areas, and females account for 26% of total, which is higher than average.
56. According to current policy, only those extremely difficult persons are provided with special living allowance and are entitled to enroll into rural and urban welfare home system. To provide institutional care for extremely difficult persons in rural and urban areas is the main reason for development of many urban and rural welfare homes. In fact, the available aged care beds in rural and urban welfare homes account for majority of beds being developed for aged care sector. Most of increase of aged care facilities and aged care beds in the 12<sup>th</sup> Five Year Plan were developed through construction of many new rural welfare homes.

In spite of large number of welfare homes being developed, the quality of aged care in these institutions remain to be poor. This is contributed by limited resources allocated for operation and limited number of staff assigned for managing such facilities. As a result, less than half of qualified extremely difficult persons are staying in the welfare homes. The occupancy rate for many welfare homes remain to be low in selected counties and districts.

57. Taking Xiuwen County in Guiyang Municipality as an example, there are 7 rural welfare homes with 435 beds. At presently only 70 beds or 16% were occupied. Similar occupancy rate is 25% for Sandu County in Qiannan Prefecture, and 61% for Panzhou County in Liupanshui City. The relatively low occupancy rate is caused by several factors. One is limited coverage under current policy for enrollment into these facilities. Only those designated extremely difficult persons (such as those elderly living alone, or with severe disabled), are entitled to stay in the rural welfare homes, which accounts for about 1% of total elderly population. The second reason is that most rural people still have bias against institutional care like rural welfare homes. Most of them believe that taking care of elderly should be the responsibility of grown up sons and daughters, and to leave them to institutional care is not considered as good behavior. And the third factor is relative poor quality of most welfare homes in rural areas, which discourage those extremely difficult persons from entering into welfare homes, and staying their own home.
58. There is shortage of quality institutional aged care facilities in urban areas at affordable prices. This is because, on the one hand, large percentage of public run aged care facilities do not have capacity to provide long term assisted care to those with disability or dementia. On the other hand, large number of newly established institutional aged care facilities, developed or operated by private institutions, tend to focus on high income groups and those coming from different parts of the country.
59. The second imbalance of aged care development is relatively inadequate quality of community based and home based aged care centers, and large disparity of aged care facilities between urban and rural areas. In recent years, local governments in Guizhou have allocated considerable resources to develop community based aged care facilities in urban and rural communities. Most of developed community based aged care stations is based on existing administration structure of urban and rural areas. In urban areas, such aged care stations are often established by existing urban sub-district governments and located in the office of urban residential communities. Except for small proportion of large day care centers located at urban sub-district levels, most such community based aged care stations offer limited aged care services to senior population in the areas. Their average size is a few hundred square meters with three four rooms. The staff of community office is often responsible for managing these facilities. In rural areas, function of community based aged care is mainly carried out by rural happy homes, which is often built in each administrative village by using part of existing village office building or vacant school building. The budget allocation for each village happy home is very small, often below CNY50,000, which is mainly used for decorating the existing building and purchasing certain furniture. With no additional resources and staff for operation, most of happy home could only be used as venue for village elderly to meet and gather with limited services. Compared with those urban community based aged care facility and well functioned day care centers, the current rural happy home needs major overall before they could play more aged function intended by local governments.
60. In order to ensure that tiered aged care service could be fully implemented, the proposed Program will support a range of activities under 13<sup>th</sup> Five Year Plan, which include developing more home based and community based aged care facilities in urban areas, improving or upgrading welfare homes in urban and rural areas, promoting purchase of aged care service by government for the qualified elderly population, and piloting more sustainable model for community based care in rural communities. The new construction of certain facilities might involve certain amount of land acquisition.

#### **1.4 Sectoral (or multi-sectoral) and Institutional Context of the Program**

61. There are strong commitments at all government level to developing the Guizhou Aged Care Systems. The Guizhou DOCA is the leading government agency at the provincial level responsible for the overall aged care system and the Aged Care System Development Program. DOCA has a vertical structure down to the prefectures and districts/counties. The implementation of this Program will rely on the existing structure and mechanisms. The Program will be implemented at the provincial level and in five municipalities/prefectures (Guiyang, Liupanshui, Qiannan, Qianxinan, and Zunyi) with a total 48 districts/counties.

#### **1.4.1 Institutional arrangements at the provincial level**

62. Program implementation will rely on existing government agencies and structures. The various levels of governments in Guizhou show a strong commitment to developing and implementing the Program activities. The government capacities are adequate for carrying out implementation. Guizhou DOCA is the responsible agency for the Program implementation. DOCA will develop the toolkits and guidelines, coordinate agencies across departments and government levels and carry out the M&E. The Program prefectures and Program districts/Program counties at the sub-provincial levels are responsible for delivery of the basic package of services, investments in upgrades and/or new facilities, and implementation of provincial guidelines.

63. At the provincial level, an Aged Care Leading Group (ACLG) will be established to provide leadership, policy guidance, and coordination in the preparation and implementation of the Program. The ACLG is a decision-making body involved in the major policy issues and action plans on aged care system development in Guizhou. An Expert Steering Committee (ESC) will be established, responsible for providing technical advice and guidance for the implementation of Program activities such as the technical standards for aged care services, needs assessment tools, implementation procedures, the package of basic aged care services, and purchase of aged-care services.

64. DOCA has established the Guizhou Aged Care Office (GACO) to oversee implementation of the Program. It is led by the Director of Social Welfare and Charity Division of DOCA and comprises key staff members from other divisions and agencies. GACO has recruited an experienced team to provide operational support during the implementation. The GACO will work with all aged care offices at the provincial, prefecture and district/county levels on development of the provincial aged care system (including aged care service providers and facilities) and carry out capacity building and training activities. It will also serve as the coordinator between the WBG, AFD and all counterparts in Guizhou during Program implementation.

#### **1.4.2 Institutional arrangements at the local level**

65. At the local level, the Program prefecture and Program district/county civil affairs bureaus (CABs) are responsible for implementation. The structure at the prefecture and district/county levels mirrors that at the provincial level, with a leading group (LG) and an office in each prefecture and district/county of the Program. The Program district/county will carry out the policies, standards, and guidelines developed at the provincial level and is responsible for local level Program implementation across the three results areas. The aged care service delivery system is extended to urban communities and rural villages where the most intensive interactions with direct beneficiaries take place. The street/township governments and community/village committees will provide support in terms of human resources.

66. The aged care service delivery system is extended to the sub-district/township and residential committee/villages where there are the most intensive interactions with the direct beneficiaries. The sub-district/township government and the residential committee/ villages provide strong support in terms of

financing and human resources. Aged care institutions and facilities both public and private are the active partners in the service delivery. Civil society organizations (CSO) and private service providers will be increasingly incentivized to provide services to the elderly, including those in remote areas and/or of ethnic minorities.

### **1.4.3 Inter-sectoral coordination**

67. Due to the cross-cutting nature of the aged care systems, the ACLG is responsible for the cross-sectoral coordination with relevant other government agencies and private sector. The ACLG will coordinate the relevant government agencies such as the Finance Bureaus (FB), Development and Reform Commissions (DRC), Health Commission (HC), and Human Resources and Social Security Bureaus (HRSS) to make joint efforts to support the development of the aged care system in Guizhou. The Finance Department/Bureaus and the Development and Reform Commission are the two comprehensive government authorities that are also involved in the decision-making on the policies and major issues on the Program, including budget approval. The health sector is an integral part in the three-tiers service delivery modality. Aged care facilities are encouraged make contractual arrangements with hospitals on service provision, training, and technical support. Health workers in the communities and villages will be engaged in the needs assessment screening, health records management, and basic healthcare provision.

## SECTION II: PROGRAM DESCRIPTION

### 2.1 Program Contents

68. **National Aged Care Development Program.** After years of various trials and lessons learned, the national 13th Five-Year Development Plan for the Aged Care Sector (2016-2020) outlined a framework for the aged care system in China, that is, home-based care as the bedrock, supported by community-based care, supplemented by institutional care, and coordinated between aged care and medical care. In the long run, a vision for the aged care sector in China will be a well-functioning market for aged care services where individuals can find services that satisfy their needs, preferences, and resource constraints. The national 13th Five-Year Development Plan further encourages the participation of private provision that will play the main role in the elderly care system going forward, while the Government will continue to allocate funding to cover services for targeted low-income and vulnerable groups. It called for introducing specific programs to promote the development of home and community-based care, Internet+aged care services, coordination between aged care and medical care, human resources development for the aged care sector, and capacity building of the elderly association at the grassroots level, and set up specific targets to monitor the development of private provision, increasing the nursing content of care, expanding geriatric services in hospitals, increasing allocations from the ‘Welfare Lottery Fund’, and expanding social grassroots participation of the elderly.
69. Following the national 13th Five-Year Development Plan, specific programs have been introduced at the national level to promote the development of the aged care system, including the national pilot program for home and community-based care, the national pilot program for coordination between aged care and medical care, the national program for quality improvement of institutional care, and the national pilot program on the long-term care insurance.
70. **Guizhou Aged Care System Development Program (the Program).** Guizhou’s 13th Five-Year Development on the Aged Care System has outlined its policy directions, objectives and implementation plans from 2015 to 2020 (hereafter the Implementation Plan). The near-term objective set out for Guizhou is that, by the end of 2020, the province will have an established a comprehensive multi-tier aged care system composed of home-based care as its bedrock, supported by community-based care, supplemented by institutional care, and coordinated between aged care and medical care, to meet increasing needs of the elderly for personalized and diversified aged care services. The provincial authorities have set input targets—aiming to primarily reach universal coverage of home and community-based care in urban and rural areas, increase the number of care facility beds from 35 to 45 beds per 1,000 for people 60 years of age and over, establish functional mechanisms for effective coordination and integration between aged care and medical care, and initially establish a public subsidy system to ensure the provision of basic aged care services for the poor, low-income and oldest elderly, and a continuum aged care system with professional aged care services.
71. The Guizhou Implementation Plan covers 7 aspects of tasks, including (i) strengthening public infrastructure for aged care services in urban areas; (ii) promoting the development of home and community-based aged care system in urban and rural areas; (iii) increasing investment to aged care facilities; (iv) promoting coordination and integration between aged care and medical care; (v) promoting human resources development for the aged care sector; (vi) building a national base to attract the elderly tourists; and (vii) cultivating a prosperous market for aged care products. More specifically, it pursuits concrete reforms including:
- Enhancing aged care service delivery through building a multi-tier system with a focus on home and community-based care;

- Strengthen capacity building for an effective and efficient aged care sector through development of a cloud-based delivery and management platform;
- Expanding human resource base by collaborating with technical and vocational schools and training institutions to provide training for frontline caregivers, managers, operators, and relevant government officials; and
- Strengthening the standards, needs assessment system, and public financing and subsidy management for the aged care sector.

72. This Program promotes ‘inclusive development’—one of the pillars of the World Bank Group’s Country Partnership Strategy (CPS) for China (Report No. 67566-CN)—It recommended that China need to enhance access to social services as it is moving from a middle-income to a high-income country. More specifically, the Program will increase access to quality aged care services in Guizhou, one of the poorest provinces of China. The Program also supports one of the five priority areas identified in the Systematic Country Diagnostic Report No.113092-CN: *Reducing the disparity in access to quality public services*, by improving the availability of affordable and better quality aged care services in rural and urban areas, and by incentivizing enhanced supervision for local governments to focus on service delivery.

73. Aged care is one of top priorities of the Chinese government where it looks for innovation, reforms and better outcomes to achieve its ambitious goals. The use of Program instrument could offer an opportunity to leverage Bank/AFD financing to pilot innovative approaches and mainstream best models that may allow Guizhou to leapfrog in developing its aged care system, incentivize institutional changes by promoting critical reforms in key areas, put more emphases on the results and outcomes for developing the aged care system, and support strengthening institutional capacities for the delivery of the aged care activities in Guizhou. Therefore, a Program instrument would support Guizhou to deliver the aged care programs more efficiently, effectively and equitably through improving the government systems related to the improved planning, governance, implementation, management and monitoring and evaluation.

74. The World Bank has considerable knowledge and experiences in developing successful models for the aged care system. The regional flagship report—Live Long with Prosper: Aging in East Asia and Pacific—reviewed long-term care development in Japan, South Korea and other OECD countries and drew policy implications for China. The recent ASA (P143713)—Options for Aged Care: Building an Efficient and Sustainable Aged Care System in China—investigated key challenges and provided insights for China to develop its aged care system. The Anhui Aged Care System Demonstration Project (P154716), the first World Bank project on aged care<sup>9</sup>, offered deep understanding on how to design and operationalize successful models for aged care systems. Moreover, the World Bank has been collaborating with the Agence Francaise de Developpement (AFD) in co-financing the Guizhou Aged Care Program, which could bring good practices, expertise and experiences from France.

## **2.2 Program Development Objective(s) (PDO)**

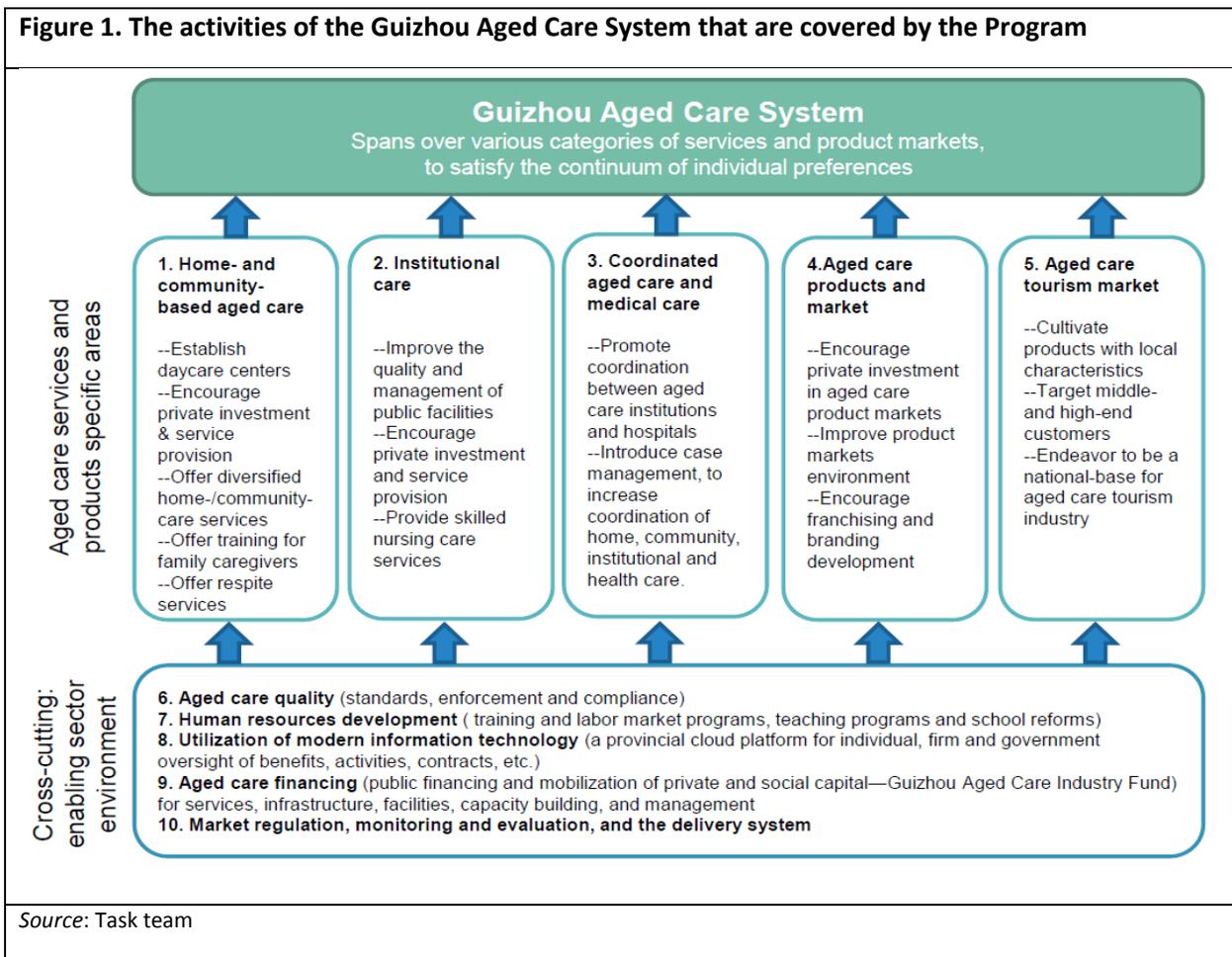
**75. The Program Development Objective (PDO) is to increase equitable access to a basic package of aged care services and to strengthen the quality of services and the efficiency of the aged care system.**

## **2.3 Program Description**

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<sup>9</sup> An IPF project to be delivered in FY18.

76. The Program boundary will support a subset of the Guizhou Aged Care System that includes areas of 1-3 and 6-10 of the following figure.



77. The proposed Program activities—the geographic boundary—will cover cross-cutting activities at the provincial level such as quality standards, training, and the provincial cloud platform, as well as aged care service delivery at the sub-provincial level in five prefectures. The selection of prefectures by the provincial government followed a formal process by consideration of several key factors, including local economic, social and demographic conditions, local government commitments, local capacities, and local fiscal space. Guizhou will roll out the enhanced program in phases, focusing first on those prefectures that have the capacity to implement the reforms and provide lessons for future expansion.

78. The Program design follows an elderly-centered approach and groups the proposed activities into three interlinked Results Areas. The activities in Result Area 1 (RA1) contribute to increased equity through expanded coverage of basic aged care services. The activities in Results Area 2 (RA2) are related to the quality of aged care services. Finally, the activities in Result Area 3 (RA3) help enhance the efficiency of aged care public financing.

79. All activities are interlinked, complementing and affect each other. All the activities are closely connected to one another, both within and across results areas. For example, within RA1, the needs assessment informs

the target population to be eligible for the basic package, the definition of the basic package will define what services they have access to, and both will determine how many vulnerable elderly with functional limitations will end up benefiting from it. At the same time, the basic package is determined by the amount of resources the government will dedicate to services vis-à-vis other expenditure rubrics as well as the cost of services, which depends in turn on the quality standards established. Similarly, more services included in the basic package could reduce coverage for a given budget, or more efficient provision by private providers could decrease the cost of services and increase in coverage. Hence, the policies and activities need to be planned carefully as they affect each other.

80. ***Results Area 1:*** Expanding coverage of basic aged care services for the elderly. Activities to be included in the PforR boundary are to: (a) develop a needs assessment toolkit for measuring the functional limitations of the elderly and carry out needs assessment at the district/county level; (b) define the basic package of aged care service and level of subsidy for the basic package; (c) define eligibility criteria of the elderly accessing to the basic package of aged care services based on individual functional needs and income/assets test; and (c) deliver the basic package of aged care services in urban and rural areas covering three tiers of home and community-based care, and institutional care, with an emphasis on home and community-based care.
81. ***Results Area 2:*** Enhancing quality of aged care services for the elderly. Activities to be included in the Program boundary are to: (a) improve and implement aged care quality standards for facilities and services; (b) introduce case management and promote coordination of aged care and health care services at home, community, and institutional levels; (c) enhance and expand aged care skills by providing training to wage and family caregivers, professionals, managers, and government officials, job subsidies to wage caregivers, and financial subsidies and respite services for family caregivers; and (d) establish a provincial cloud platform for service delivery, quality enhancement, and public financial management.
82. ***Results Area 3:*** Strengthening efficiency of aged care financing for the elderly. Activities to be included in the Program boundary are to: (a) enhance the planning and utilization of public financial resources in the aged care sector by introducing a zero-based budget (ZBB) reform; (b) refine the decision process for new infrastructure investments in the aged care sector to comply with the provincial investment management guidelines; (c) enhance the service delivery and management of public aged care facilities through the promotion of institutional reforms, and enabling the participation of private providers and operators in the aged care sector; and (d) establish a monitoring and evaluation system, including setting up a provincial monitoring and evaluation (M & E) framework, collecting quality data and carrying out evaluations.
83. The main direct beneficiaries of this program are the elderly with limited functional ability and with economic difficulties. The first group of beneficiaries are those Sanwu and Wubao welfare recipients as the quality of aged care will be improved in the current welfare homes under the Program, particularly those with limited functional ability. At present, due to limited resources most welfare homes could not provide quality assisted care for those welfare recipients with limited functional ability. With the coverage expansion, the direct beneficiaries will also go beyond the traditional Sanwu and Wubao welfare recipients, and include Dibao and low-income empty nesters, and the senior elderly with functional limitations. Familial caregivers for the elderly (more likely to be women) are the indirect or secondary beneficiaries of the program. Caregivers, professionals, managers, and aged care system administrators who will be trained through the program interventions, and therefore will improve their professional and managerial skills are also secondary beneficiaries of the Program.

## SECTION III: POTENTIAL ENVIRONMENTAL AND SOCIAL EFFECTS

### 3.1 Environmental and Social Screening

84. The Program supports a portion of the existing government programs in Guizhou Province. During the Program preparation, environmental and social screening was conducted to facilitate the definition of the Program boundary, i.e. following the Program Policy and Directive, activities with potential significant environmental and social impacts are excluded from the boundary of Program. Based on review of the government programs and site visit, it is found that the physical activities proposed by the programs are in small scale, with minor or otherwise moderate effects. However, given the nature of the Program, exclusions are established where the activities are located in or near critical natural habitats or physical cultural resources above county level should be excluded from the Program. In addition, some activities are subject to limitations, e.g. institutional facilities physically integrating aged care with health care should be less than 100 hospital beds.
85. Based on the screening, the boundary of the Program has been defined in collaboration with the technical and financial teams sequentially. Table 3-1 provides the details of the activities to be supported by the Program.

**Table 3-1 Activities within the Program Boundary**

Activities	Description	Physical activities	Exclusion
<b>Result Area 1:</b>	Expanding coverage of basic aged care services for the elderly		<b>None</b>
(a)	develop a needs assessment toolkit for measuring the functional limitations of the elderly and carry out needs assessment at the district/county level	N/A	
(b)	define the basic package of aged care service and level of subsidy for the basic package	N/A	
(c)	define eligibility criteria of the elderly accessing to the basic package of aged care services based on individual functional needs and income/assets test;	N/A	
(d)	deliver the basic package of aged care services in urban and rural areas covering three tiers of home and community-based care, and institutional care, with an emphasis on home and community-based care.	N/A	
<b>Results Area 2:</b>	Enhancing quality of aged care services for the elderly.		Activities subject to EIA Report

(a) improve and implement aged care quality standards for facilities and services;	upgrading, rehabilitation and new construction of aged care infrastructures at the county/district, township/community and village levels. This may include the health care facilities to be integrated with the aged care facilities. The scale of the physical structure may range from tiny rural happy home to medium size institutions.	Should not located in or near critical natural habitats or physical cultural resources at or above county level;  Should avoid supporting those real estate type of aged care institutions involved with large amount of land acquisition and resettlement.  Should be less than 100 hospital beds <sup>10</sup>
(b) introduce case management and promote coordination of aged care and health care services at home, community, and institutional levels		
(c) enhance and expand aged care skills by providing training to wage and family caregivers, professionals, managers, and government officials, job subsidies to wage caregivers, and financial subsidies and respite services for family caregivers		
(d) establish a provincial cloud platform for service delivery, quality enhancement, and public financial.	N/A	
<b>Results Area 3: Strengthening efficiency of aged care financing for the elderly.</b>		<b>None</b>
(a) enhance the planning and utilization of public financial resources in the aged care sector by introducing a zero-based budget (ZBB) reform	N/A	
(b) refine the decision process for new infrastructure investments in the aged care sector to comply with the provincial investment management guidelines;	N/A	
(c) enhance the service delivery and management of public aged care facilities through the promotion of institutional reforms, and enabling the participation of private providers and operators in the aged	N/A	

<sup>10</sup> This means that the level of health care is equivalent to Class I health care facilities at community level. Standard for Tiered Management of Hospitals (2016, Health and Family Planning Committee). The medical wastes to be generated by the class I HCFs can be readily managed by the existing system established in Guizhou, but the medical wastes from higher level HCFs are found to be a big issue after assessment of the performance of the medical waste management system in Guizhou. See Section 4.2.2.

care sector		
(d) establish a monitoring and evaluation system, including setting up a provincial monitoring and evaluation (M & E) framework, collecting quality data and carrying out.	N/A	

86. The limitations/exclusions applied to the activities in Table 3-1 have been extensively discussed and agreed with the stakeholders throughout the preparation of the ESSA.

- Natural habitats, natural forests and physical cultural resources. The activities that could potentially cause impact on natural habitats and physical cultural resources are expanding home- and community-based care service, infrastructure improvement for aged care facilities, and promoting coordination and integration of aged care and health care services which may involve construction, rehabilitation or upgrading of infrastructures. A mechanism should be established to further screen the proposals so as to exclude such activities affecting critical natural habitats, physical cultural resources at or above county level, from the Program.
- In addition, non-critical natural habitats to be affected by the Program are limited to small rivers or lakes near which the facilities will be established or upgraded. Typical measures, such as wastewater collection and treatment, solid waste collection and transportation, will adequately reduce the potential impacts.
- The provincial implementing agency is well staffed with adequate knowledge and rich experience in project management with regards to IBRD loans, will take the lead responsibility for identifying the activities triggering the exclusions and limitations. The provincial implementing agency should assign a staff with good demand of environmental knowledge to collect and review all of the proposals submitted by the Program counties to screen the candidate activities based on the exclusionary and limitation criteria.

### 3.2 Potential Environmental Benefits and Risks

#### 3.2.1 Potential Environmental Benefits

87. The Program is expected to bring about positive environmental and health benefits in terms of providing improved aged care services to the elderly, particularly in rural poor areas. Meanwhile, along with the recommendations and actions, it is expected that standardized management practices for medical waste, radiation and occupational safety and health, and that the collection, transportation and disposal of medical wastes, will be improved.

#### 3.2.2 Potential Environmental Risks

88. Certain limited environmental risks are expected as part of the implementation of activities supported under the Program. In the order of level of concern, these potential environmental risks with mitigation measures are described below:

- **Dust, noise, general solid waste, wastewater, and waste gas:** Construction of physical works will cause the impacts of dust, noise, solid waste and wastewater. Given the small to moderate size of these activities, the intensity of the pollution source is quite weak. Such effects are site-specific and can be effectively mitigated by measures such as water spray, dust-net, site-fencing, vehicle cleaning; use of low-noise equipment and prohibition of construction during nighttime, and

collection and transportation of general solid waste in a timely manner. It is noted that these measures are readily available and compulsory, and well implemented in the Guizhou Province. In addition, operation of the facilities will generate wastewater and solid waste. These wastewater and solid waste come from the toilet, kitchen, dining hall, and bedroom, which will be collected and treated by the existing system. As the health care service is limited to the diagnosis and treatment of frequent and regular diseases and non-communicable diseases<sup>11</sup>, the wastewater is not as hazardous as that discharged from typical health care facilities. The on-site wastewater treatment station with primary process will treat the wastewater effectively.

- **Vegetation clearing and soil erosion**: as the five program prefectures are located within karst geology, construction, e.g. site clearing, grading and earth movement, may cause soil disturbance, leading to soil erosion. Given the small to medium size of the facilities, the area of land to be disturbed is quite limited and the duration will be very short. The typical measures used in Guizhou for soil erosion control will be practiced, such as site management, boundary ditches, top soil conservation, the soil erosion will be effectively managed.
- **Social disturbance**: Some physical works, e.g. infrastructure improvement for home-based and community-based care service, under the Results Area 1, may cause such effect of social disturbance in construction stage. The noise and vibration will disturb the elderlies who are more sensitive to such impact. This impact will be mitigated through the use of low-noise equipment and prohibition of construction during rest time and nighttime. Given the small to medium size of the activities, the duration of the construction will be very short and thus such impact is very temporary. In addition, the engineering is simple and at small/medium size, will not cause any high safety risk and large demand for labor. Thus, the effect of social disturbance is very limited and very temporary, and can be easily mitigated by carefully scheduled construction plan to avoid the sensitive time, e.g. rest time and sleep time, and to minimize the construction period, and to reduce the noise by fencing and to reduce vibration using small equipment.
- **Air emissions**: On-site boiler will be operated to provide heating for wards and rooms, and hot water for laundry and bathing, as well as steam for sterilization. The boilers will use fossil fuel that emitting air emissions and polluting air if not well managed. Air emissions can be mitigated effectively by low-NOx burner, Flue gas desulfurization (FGD) technology and dust removal process to meet Chinese standards. Flue gas emission control technologies are state of the art and widely available commercially in China
- **Fire safety**: The risk of fire in institutions is a concern due to the storage, handling, and presence of chemicals, pressurized gases, boards, plastics, and other flammable substrates. Good design of the structures in line with the technical specifications for fire prevention of China, and development and drilling of firefighting plan will effectively address this concern
- **Radiation**: According to the equipment requirement for the aged care facilities, upgrading and construction of the facilities will lead to procurement and operation of new medical imaging equipment<sup>12</sup>. If not well managed or protected, can lead to radiation resulting in concerns for public and community health, as well as occupational health and safety. Documentation, procedures and capacity need to be in place in terms of managing the radiation impacts and risks. For equipment, the licensing, safe use, work-site detection, maintenance, emergency response and proper decommissioning are specifically required and regulated to avoid potential radiation leakage. The radiation effects are site-specific and moderate and can be addressed by carefully designed exposure control plan which include the monitoring of dose, regular physical examination of operation staff, and provision of protective gear/cloth and training to the operation staff, as well as operation procedure.
- **Medical waste**: the issue of medical waste will be produced by the institutions physically integrate

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<sup>11</sup> GB/T 29353-2012 Specifications for Aged Care Institutions

<sup>12</sup> The category of the medical ray equipment is only limited to Category III which are moderate and low dangerous, e.g. medical X ray, CT.

health care and aged care. The institutions are commonly operated by private sector while the civil works are funded by the public fund. In this case, it may involve the health service for preventive care, and application of diagnosis and therapies for common diseases, frequently occurring diseases, non-communicable chronic diseases, and recovery care after surgical operation and pre-hospital first aid<sup>13</sup>. Thus, the issue of medical waste will be created by the institutional health service<sup>14</sup>, from which the Program will purchase service for the elderlies with deep disability and dementia, or with which the Program will physically integrate the aged care service.

Specifically, the medical wastes may include the pathological wastes (lab wastes, cotton balls, contaminated infusion sets), sharps (needles and ampules), chemical wastes (formaldehyde, photographic chemicals, halogenated and nonhalogenated solvents, organic chemicals for cleaning / disinfecting, and various inorganic chemicals), waste with high content of heavy metals( batteries, broken thermometers, blood pressure gauges), pressurized containers (containers / cartridges / cylinders for nitrous oxide, ethylene oxide, oxygen, nitrogen, carbon dioxide, compressed air and other gases).

At the Program level, the risks may arise from: (i) medical waste management within HCFs; and (ii) transport and disposal of medical solid wastes.

The risk management on medical wastes can be compromised if constrained by low awareness or weak technical knowledge, inadequate procedure or storage capacity, inadequate capacity in transportation and disposal, or lack of supervision. Such effects and risks can be mitigated through the (i) application and strengthening of existing internal waste management system, including medical waste categorization system, medical waste management plan, ad-hoc training program; (ii) upgrading (as necessary) of the capacity of temporary medical waste storage chamber within the facilities; and (iii) regular review of the environmental performance of the fleet and disposal centers.

The disposal centers may produce air emissions, bottom slag and fly ashes, wastewater during operation. The transportation of the medical solid waste may cause secondary pollution. If not well managed, the operational performance of the transportation and medical waste disposal centers may be compromised by inadequate operational capacity and inadequate maintenance. These issues can be addressed by the verification/manifest system for the transportation fleets that are certified according to the domestic requirements, and the disposal facilities are designed and operated in industrial good practice. The equipment or technology for disposal of the medical solid waste designed to the international standard is commercially available in market.

89. In addition, following activities might cause minimal risks that do not need further assessment:

- decommissioning of medical radiation equipment: the medical radiation equipment to be purchased and used in the institutions under the Program is only limited to regular ray equipment without radioactive isotopes. Such equipment will not cause radiation issues during decommissioning process;
- health and safety issues in construction: as the activities are small/medium size and simple, without using large machinery or equipment, or hazardous chemicals, the risk of health and safety in construction stage is minimal;

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<sup>13</sup> GB/T 29353-2012 Specifications for Aged Care Institutions

<sup>14</sup> Such institutions often have several official names, such as aged care centers, and health care centers.

- Chemical waste: the chemical waste to be generated from the Class I HCF, would be mainly from the lab and the disinfection process. The amount of the chemical wastes in the Class I HCF will be in very limited amount each day, given the limited analysis items, i.e. blood, urine, etc. for common diseases to which the health care service of the Class I HCF is only limited, as well the disinfection process is very simple for daily cleaning of wards. According to the management procedure for chemical waste in HCFs of China, the chemical wastes should be collected and sorted separated by the HCFs and transported and disposed of by industrial hazardous waste disposal facilities, rather than the medical waste disposal centers, where the chemical wastes will be contained in sealed containers;
- The pharmaceutical waste: unlike the Class II and III HCFs, the Class I HCFs will not use large amount of pharmaceuticals. The pharmaceuticals to be used by the Class I HCFs are for common diseases and frequently occurring diseases, which have very long quality guarantee period, typically over 2 years. Thus, there are seldom pharmaceutical wastes to be produced in the Class I HCFs. If there are pharmaceutical waste produced, they will be returned to the producers through the recall system or to be sent to the industrial hazardous waste disposal facilities for incineration.

90. In summary, the proposed Program activities are simple and at small/medium size, and will not have significant environmental impacts and risks. Potential adverse impacts are minor or otherwise moderate and limited to specific sites, and can be effectively mitigated by following the existing technical regulations for environmental management in China. The overall environmental risk for the Program is moderate.

### **3.3 Potential Social Benefits and Risks**

#### **3.3.1 Potential Social Benefits**

91. The Program will bring great social benefits to different groups of elderly population in selected five cities or prefectures in Guizhou Province by expanding coverage of basic aged care services and enhancing quality of service delivery for the elderly. For expanding coverage, activities to be included in the Program boundary are to: (a) develop a needs assessment toolkit for measuring the functional limitations of the elderly and carry out needs assessments at the district/county level; (b) define the basic package of aged care services and level of subsidy for the basic package; (c) define eligibility criteria for the elderly accessing the basic package of aged care services based on individual functional needs and an income/assets test; and (d) deliver the basic package of aged care services in urban and rural areas, covering the three tiers of home and community-based care, and institutional care, with an emphasis on home and community-based care. For enhancing of service delivery, activities included are to: (a) improve and implement aged care quality standards for facilities and services; (b) introduce case management and promote coordination of aged care and health care services at the home, community, and institutional levels; (c) enhance and expand aged care skills by providing training to wage and family caregivers, professionals, managers, and government officials, job subsidies to wage caregivers, and subsidies and respite services for family caregivers; and (d) establish a provincial cloud platform for service delivery, quality enhancement, and public financial management.
92. The main direct beneficiaries of this program are the elderly with limited functional ability and with economic difficulties. The first group of beneficiaries are those Sanwu and Wubao welfare recipients. There are about 35,000 welfare recipients in five selected prefectures, who are most vulnerable group among elderly population. With introduction of needs assessment, and basic aged care service, and improvement of aged care standard, and quality of aged care facilities, including public funded welfare homes, most those groups could expect improvement of their current institutional care or better basic aged care services within their communities. For those welfare recipients with limited function ability, due to limited resources most

welfare homes could not provide quality assisted care. Such situation will be changed under the Program, and following needs assessment most welfare recipients with function limitation could be provided with quality assisted care to be funded by the government.

93. The second group of beneficiaries are those Dibao and low income elderly who are selected through needs assessment to receive various basic aged care services supported by the government including institutional care for those with limited function ability. Since these aged care services will go beyond the traditional Sanwu and Wubao welfare recipients, such expansion will further improve access and coverage of basic aged services for elderly population. At present, there are 295,000 Dibao elderly in project cities, with 12% in urban areas and 88% in rural areas; and female population accounts for 50%. Nevertheless given the fact that level of public support and scale of such expansion will be determined during program implementation by participating cities or prefectures based on their own financial conditions and aged care demand, it is difficult to know the actual size of this group of beneficiaries at the moment.
94. Other elderly population will all benefit from improvement on aged care standards, services, facilities and development of different aged care packages covering three tiers of home based, community based and institutional based care.
95. Familial caregivers for the elderly (more likely to be women) are the indirect or secondary beneficiaries of the program. Firstly, wage workers including formal caregivers, professionals, managers, government officials and system administrators will benefit from the training and skill development activities. Formal caregivers will also benefit from a wage subsidy. With the expansion of the aged care sector more job opportunities will be created, hence indirect beneficiaries are those who find new jobs in the aged care sector. Women account large share of wage workers. Secondly, the informal family caregivers (most likely women) will benefit from subsidies or respite services, which allow them to have more time for leisure or market work. To improve quality of aged care services, under the Program, the provincial DOCA plans to organize training programs targeted to caregivers, professionals, managers, administrators, and government staff. At the same time, Guizhou plans to increase job attractiveness in the aged care sector and provide financial support for family caregivers. Before launching the training programs, DOCA will carry out training needs assessment by prefecture, review training capacities of candidate training institutions and schools. It would purchase training services from qualified training providers, and monitor and assess the quality and outcomes of training activities for next round planning and budgeting. In addition, DOCA will develop a job subsidy for caregivers at aged care facilities, and support measures such as respite services for family caregivers.

### **3.3.2 Potential Social Effects and Risks**

96. The main social issues considered during the assessment comprise of social risks, potential negative effects, and potential impacts of the Program, related to: (i) accessibility and equity; (ii) land acquisition and resettlement; (iii) ethnic minorities; and (iv) participation, consultation and grievance procedures.

#### Accessibility and equity:

97. Since aged care sector has only recently been identified by the central and provincial government as key area for development, the level of aged care facilities and services is not well developed. It is marked by both limited coverage of rural and urban welfare homes, and uneven development of aged care facilities and services among different places in the province. Limited coverage refers to the fact most public funded welfare homes are only built to accommodate Sanwu and Wubao welfare recipients - a very small percentage of rural and urban elderly population. As a result, most these urban and rural welfare homes are

suffered from poor conditions, lack of professional staff for assisted care, and low occupancy rates. How to change such situation and expand public support to more rural and urban low income elderlies who are needed for institutional care is a challenge facing local governments. Under the Program, not only those welfare recipients will expect improvement along with improvement of standard and quality of existing aged care facilities and introduction of assisted care for those who are needed, but also many more low income elderly, including women, minority and disabled, after needs assessment, will be provided with various basic aged care packages including institutional care for those with limited function ability to be supported by the local government.

98. In order to achieve such objective of improving access and coverage, some basic assumption or commitments should be kept by project sponsors and implementation agencies to be included in the project operation manual. One such assumption is that the current Sanwu and Wubao welfare recipient should be the first group to receive needs assessment and their basic entitlement and condition should not be negatively affected during the course of program implementation, including introduction of needs assessment and basic aged care services to replace old public support system. As the most vulnerable groups among elderly population, their current interests and entitlements should be protected during the Program implementation. Moreover, under the Program they will expect to receive positive changes through improved of aged care facilities and aged care services. For the expansion of government support of basic aged care services to those low income elderly population, its success depends largely to the adoption of relevant provincial government policies and guidelines which will ensure that proper financial resources are made available in relevant counties and districts for such expansion. Under the Program, such commitment is also included as one of key disbursement indicator to be achieved in the first year of the Program.
99. Another issue is disparity of aged care facilities and services among different cities or counties, which is contributed by different economic conditions, and available financial resources by local governments. Such disparity is more evident between facilities in urban areas and that in rural areas. Not only the pension payment for urban residents is much higher than those in rural areas, the government budget allocation on construction and operation of different types of aged care facilities is much higher in urban communities than that in rural communities. In urban communities, construction and operation of home based aged care station or day care centers are often fully funded by local governments with designated staff. In rural communities, most village happy home is inadequately funded with no budget for operation and staff.
100. The proposed Aged Care Development Program aims to improve such situation by upgrading rural welfare homes and providing better institutional care for those requiring assisted or semi-assisted care in both urban and rural communities. In fact, in the 13<sup>th</sup> Five Year Plan of Aged Care Development, the government calls for more efforts and attention will be made towards those low income, high ages and those with special care groups in order to reduce the burden on those vulnerable households. In terms of rural community based aged care, the Program calls for piloting of innovative approach on rural happy homes so that more sustainable community based aged care model could be developed for rural areas.
101. Land acquisition and resettlement: For those aged care facilities to be built, expanded, or rebuilt completely, a certain amount of land acquisition is expected. The construction and upgrading of aged care facilities might include county level central welfare homes, township level welfare homes, community based aged care stations or daycare centers in urban communities, as well as happy homes in rural villages. Based on visits to a number of counties and districts in selected prefectures and consultation with key stakeholders as well as visits to a range of aged care facilities, the amount of land requirements for these facilities would be limited, ranging from 5-10 mu most township level welfare homes to 15-25 mu for county level central welfare homes. For most community based aged care centers, the average building size ranges from 700 to 1000 square meters. They often occupy part of existing urban community office building or leasing spaces

from commercial building with no new land acquisition. Most urban community office building was often part of new urban development, and some of them could involve certain amount of land acquisition a few years ago. For village happy homes, which consist of a couple of rooms with a few hundred square meters, since most of them will use the existing structures on village owned land areas, no new land acquisition is required. Based on past experience and review of selected similar projects, the scope of potential permanent land acquisition for different types of aged care facility improvements is presented in Table 3-2.

102. In terms of location, most of these aged care facilities would be located in county towns or township centers. The new land requirement will involve permanent acquisition of rural lands from local village collectives, and some of these land areas might be contracted to individual farmers. Given the nature of different types of aged care facilities to be covered under the Program, ranging from county level welfare homes to township level welfare homes or day care centers in urban communities, the amount of permanent land acquisition is relatively small, and it is unlikely to be involved with large scale of house demolition and displacement. The overall impact of land acquisition appears to be limited in scale and moderate in degree.

**Table 3-2: Potential Social Effects Due to Land Acquisition**

Main social effects	Activities under the Program	Level of Concerns
For those investments to be carried out within the existing premises of aged care institutions with no new land acquisition, no social effect is expected.	Investments involved purchasing new equipment, and setting up new regional test center, diagnostic center within the existing county hospitals.	<u>Low level of concern:</u> No mitigation measures will be required.
Permanent acquisition of rural land areas. For investment involved with construction of home-based care station, community based daycare centers, and urban and rural welfare homes, permanent land acquisition might be required, ranging from 5 mu of land area for township level welfare home to 20 mu for one county level central welfare home. Depending on project context, affected land area is likely located in the new area of county town or township center, where compensation for land acquisition is often higher than provincial regulations.	Investments involved with construction and renovation of different types of aged care facilities in selected counties will involve certain amount of permanent land acquisition.  Most of these projects would be located in county towns and township centers, and permanent land acquisition would involve village collectively owned rural farmland with some of them contracting to individual farmers. Because of the nature of potential aged care facilities, the amount of permanent land acquisition is relatively small with less than 5 mu for community based aged care centers, to 10-20 mu of land areas for new county level welfare home. Such scale land acquisition is unlikely to be involved with large scale of house demolition and displacement. The overall impact of land acquisition appears to be limited in scale and moderate in degree.	<u>Moderate level of concern:</u>  Since most of these investments are located in new areas of county towns, and township center, affected land areas would be village collectively owned rural land. Some of them are contracted to individual farmers. Given the nature of aged care facilities, large scale house demolition and displacement will not be involved.  The legal system on land acquisition establishes well-defined procedures for providing adequate compensation and rehabilitation measures to affected parties.

Main social effects	Activities under the Program	Level of Concerns
<p>Temporary land occupation during project construction</p> <p>For construction of new aged care facilities and updating existing health care facilities, temporary land occupation might be required for access roads, and storage of construction materials, as well as camp site.</p>	<p>Given the nature of construction with aged care facilities in county towns, and township centers, amount of temporary land occupation during construction will be limited in scale and moderate in degree.</p>	<p><u>Moderate level of concern:</u></p> <p>Since most of these investments are located in new areas of county towns, and township center, affected land areas would be village collectively owned rural land. Given the nature of aged care facilities, the involved temporary land occupation will be small. The legal system on land acquisition establishes well-defined procedures for providing adequate compensation and rehabilitation measures to affected parties.</p>
<p>Removal of trees and attachment.</p>	<p>The investments involved with permanent and temporary land occupation might require the removal of trees, crops, and other attachments along with land acquisition and land occupation.</p>	<p><u>Moderate level of concern:</u></p> <p>For the impacts of lost crops and attachments, the current legal system through provincial or local decree provides the legal basis for providing compensation.</p>

103. However, for some high end aged care institution developed by private company, the land areas tend of much larger, which include land areas for housing estate, and landscape areas. The scale of land acquisition and resettlement might be significant in these cases. In addition, while most land areas of these facilities will be permanently acquired, some of land areas, including wood area or park area could be based on lease agreement with local villages or through land use rights transfer arrangement. Although the Program will not directly support development of any large institutional aged care facility sponsored by private developers, the component of purchase aged care service for the needy elderlies who require assisted care might indirectly involve such institutions. In case such aged care institutions will be involved, due diligence review should be conducted to ensure that all land requirements of involved aged care institutions were in compliance with national laws and regulations without any legacies.

104. Ethnic minorities: on potential impact towards ethnic minority groups, ethnic minority population accounted for 37% in Guizhou and 26% among five selected municipalities or prefecture, ranging from 12% in Liupanshui, 15% in Guiyang, to 30% in Zunyi, 39% in Qianxinan Prefecture, and 55% in Qiannan Prefecture. Given such high concentration of ethnic minorities, the proposed activities under Program will most likely involve with certain ethnic minority communities. According to official statistics, three main ethnic minority groups in selected five cities or prefectures are Buyi, Miao and Yi nationalities. They account for 82% of total ethnic minorities in five cities and prefectures. The ethnic minority groups in Guizhou have been lived together with Hans for many years. They speak same language with little difference. With economic development in recent decades, ethnic minority communities have become well exposed and adapted to the mainstream culture. Under the national constitution, the ethnic minority communities and population are entitled to same social economic developments and policies with no difference, which ranges from public education, health care to newly developed aged care services. For those vulnerable groups, they are covered by the same entitlements and assistance. Consultations confirmed that ethnic minority people eagerly welcome improvement of aged care services. The proposed Program and local administrative setting is in line with the core principle relating to ethnic minorities. Local Ethnic Minority and Religion Commission is responsible for mobilizing resources to enhance benefits for ethnic

minority people and mitigate negative impact if any to ethnic minorities. Because of the high percentage of ethnic minority population in project areas, it has been recommended that selected cities or prefectures ethnic and religious affairs commissions be included in the project leading group to ensure benefits of local ethnic minority people is properly addressed.

105. Location of potential home-based and community based urban aged care facilities and rural welfare homes under the Program will be mostly located in county towns and township centers, where ethnic minorities are scattered. Only for those rural community based aged care facility such as rural happy homes in selected villages, they will be located in rural villages including some ethnic minority communities. Under Chinese legal framework on ethnic minorities, they will be closely consulted for such development. Past experience indicated most communities will welcome such development since they will bring improved aged care to local communities and enhance their livelihood. All village happy homes will be built on existing collectively owned structures and land areas with little impacts on village individuals. For the improvement of rural welfare homes and community based aged care facilities, limited land acquisition might be involved, which could affect some ethnic population. This adverse impact, however, is expected to be limited due to the type of aged care facility involved and relatively small areas required. The affected minority communities like other local communities will be consulted and obtained their support during EIA and land acquisition process for planning investment projects. The ethnic minority bureau will be involved on behalf of local population and communities as part of local government agencies in review and approve relevant investment projects.
106. Citizen engagement. The Program aims to contribute significant social and environmental benefits. At various stages, both beneficiary population and affected people should be consulted about the likely positive and negative impacts of the Program. This is particularly true for those new activities to be introduced under the Program, such as needs assessment and introduction of basic aged care services to be delivered along three tiers of aged care system. In the past, public consultations and dissemination for new policy initiative and government program is often carried out through public meetings in relevant counties and townships, distribution of information booklet to local communities, and introduction of local TV and newspaper. As those new activities under the Program will have impacts on most local elderly population, consultations with key stakeholders and opinion collection should be made to ensure their opinions or demands to be considered before local implementation measures being adopted. Following the adoption of local implementation measures, further consultation and dissemination with senior people is needed to increase elderly people awareness, and improve their ability for participation.
107. Grievance redress. If the elderly people had any dissatisfaction and wish to express their demands to protect their rights, the Program would deal with the problems in accordance with the complaints system established with defined procedure and manage the potential social risks. An appeal could proceed through a number of stages if the appellant is not satisfied with the initial response. The procedure should remain valid throughout the Program's implementation period.
108. Thus, these social impacts and risks are considered substantial, and suitable to activities to be supported by the Program according to the World Bank Policy and Directive for PforR financing.

## SECTION IV: ENVIRONMENTAL MANAGEMENT SYSTEM

### 4.1 Legal Framework Applicable to the Program

109. Based on environmental and social screening as described in Chapter 3, the main environmental management for the proposed Program will involve the environmental protection system, especially for medical waste management and radiation management, and the occupational health and safety system.

#### 4.1.1 Environmental Protection Legislations

110. Since the promulgation of its first Environmental Protection Law in 1979, China has gradually established a comprehensive environmental management legal framework, becoming one of the region's most dynamic environmental law frameworks. The current framework includes more than 80 laws and statutes, 120 regulations and over 1,000 standards and technical guidelines at national level primarily addressing pollution control, public health issues, natural resource conservation and management of the environment. China is currently reforming its environmental management system by enhancing preventive approach, institutional reform, implementation of action plans and law enforcement. Since 2014, China government is enacting or updating many laws and regulations. A selective list of main laws, regulations and guidelines are included in **Annex2**.

#### *Environmental Protection Law (National People's Congress [NPC], 2014)*

111. This law (lastly amended in April 2014) is known as the most stringent environmental law ever in China, thus becoming the umbrella law for environmental protection system. It lays out general principles for environmental protection and describes key instruments for environmental management. It requires enterprises, public institutions and any other producers/business operators shall prevent and reduce environmental pollution and ecological destruction and shall bear the liability for their damage caused by them (Article 6). It also requires that compilation of development plans and construction of projects with environmental impacts shall be subject to environmental impact assessment (Article 19). This statute divides environmental management functions between national and local environmental administrations with powers to enforce environmental legal requirements. In addition, the *Environmental Protection Law* (EPL) states that the state adopts regulatory instruments such as environmental protection target accountability and performance evaluation system (Article 26), establish ecological protection compensation mechanism (Article 31), "Three Simultaneousness" system<sup>15</sup>(Article 41), total emission control system for key pollutants (Article 44), and pollution permit system (Article 45) etc. The EPL includes stipulations on information disclosure and public participation (Chapter 5) and recognize the right of citizens, legal persons and other organizations to report and complain environmental pollution and ecological damage activities of polluters. The new EPL authorizes environmental departments with power to stop or shut down non-compliance production and enterprises and enforce cumulative non-compliance penalty on daily basis without capping limit. It also provides provision on personal detention for those responsible for violation (but not up to the level classified as criminal charge). It also requires consideration of environmental impacts during the formulation of economic and technological policies by central, provincial and municipal governments.

112. The EPL establishes a number of key implementation systems which are being used as main instruments in China for environmental safeguards. These systems are supported by a large number of regulations, implementation rules, standards and guidelines. The main systems include:

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<sup>15</sup> Pollution control facilities must be designed, constructed and operated as the same time with the main project.

- Environmental Impact Assessment System: All construction projects and relevant development plans are subject to regulation of EIA system. Depending on the significance level of impacts, the government uses the categorization method to manage the EIA for construction projects. More is discussed below under the EIA Law.
- “Three Simultaneousness” system: Pollution control facilities must be designed, constructed and operated simultaneously with the main project. The implementation of “Three Simultaneousness” is enforced by relevant levels of EPBs which review and approve the EIAs, and carry out the verification inspection upon the completion construction and commencement of operation.
- Max. pollution load control system: The State adopts a Max. pollution load control system for key pollutants. The total emission quota is allocated to all provinces which will further allocate down to enterprise level. All enterprises are required to meet both the emission standards (national and local) and the pollution load control target. Areas failing to meet the pollution load targets are banned from approving new construction projects with additional emission of regulated pollutants.
- Pollution permit system: All entities discharging pollution are required to apply for permit for pollution emission. The permit specifies the types of pollutants, ways of emission and total emission quota, and period of validity. The permit system is regulated by local EPBs which will review, approve the permit and supervise the compliance.

**Environmental Impact Assessment Law (NPC, 2002, amended in 2015)**

113. Most of the physical activities to be supported by the Program are required to conduct environmental assessment (EA), in the form of either EIA Form or EIA Registration Form, which are managed by the EIA Law. This law is a subset of the nation's larger EPL. In October 2002, the former EIA Regulation was upgraded to a new national EIA law, which entered into force in September 2003. Since then, the EIA law has been amended in 2015 and being implemented since Sept. 2016. The amended EIA law is centered on the simplification of the project approval procedure and enhancing the penalty for illegal activities violating the EIA Law.
114. The EIA Law, together with a set of technical guidelines, provides a comprehensive EIA system that addresses the full range of environmental issues related to construction projects and plans.
115. The development projects are classified as either Full-assessment (significant environmental impacts, requiring a full-scale EIA, similar to category A of the World Bank), Partial-specific EA (limited adverse environmental impacts in scope and severity, requiring a simplified EIA report known as EIA Form, similar to Category B of the WB), or EA filing (likely to have minimal or negligible adverse environmental impacts, requiring filling an EIA registration form only for record in the EPB, similar to Category C of the WB). The categorization of EA is based on the nature, location, sensitivities and scale of the projects. The *Inventory for EA Categorization for Construction Project issued by the MEP* (updated 2017) specifically provides the criteria to classify the EA documents for different projects. This inventory defines specifically the sensitive areas and the categorization for projects in different sectors, based on which the explicit category of EA for the project can be determined. Following is the summary of the sensitive areas, if any project has the potential to adversely affect them, the project should be automatically classified as significant risk requiring EIA Report:
- Sensitive Area One: natural reserves; famous scenery; world heritage sites; marine special protection zones; protection areas for drinking water source;
  - Sensitive Area Two: basic farmland; basic grassland; forest park; geological park; important wetland; natural forest; significant natural habitats; breeding place for key wild animals and vegetation; sites for spawning, feeding, wintering and migratory for key aquatic species; natural fishing waters;
  - Sensitive Area Three: areas with the main function zoned for residential, health care, education, scientific research, administrative, as well as cultural heritage protection.

116. As part of the EIA system, the *Interim Measures for Public Consultation in EIA* (SEPA, 2006.) provides further detailed requirements and procedures of public consultation and information disclosure. In summary, these include:
- Two rounds of information disclosure: (1) Project owner shall issue public notice within 7 days of hiring EA institute, announcing the start of EIA preparation, project brief and key issues requiring public opinions; (2) Project owner shall carry out second round of information disclosure before submission of EIA report for approval, disclosing the key findings of EIA in terms of impacts and mitigation measures, as well as the ways to get simplified version of EIA report and provide feedbacks. The project owner is obliged to disclose the simplified version of the EIA report in public places, or internet, or through other ways convenient to public.
  - Public consultation: Project owner or EA institute shall, after public announcement and disclosure of simplified EIA report, carry out public consultation through public survey, consultation with experts, public meetings, discussion workshop or hearings etc. to seek public opinions.
117. It should be noted that public consultation requirement only applies to those projects requiring EIA Report (equivalent to Category A of the World Bank safeguards Operational Policy). For projects that subject to EIA Form (Category B), consultation by project proponent is not mandatory, except when special impact assessment for certain environmental elements is required as annex. The MEE or local EPBs shall announce, (through their website or other ways convenient for public accessibility) the receipt of EIA documents for review and disclose the reports as well as the decision results after review.
118. On 16 July 2018, the *Method of Public Participation for EIA* has been issued by the MEE to replace the *Interim Measures for Public Consultation in EIA* (SEPA, 2006.) since Jan. 1, 2019. This Method intends to strengthen the requirements for practice by further specifying the institutional responsibilities, the procedure and methodology for public consultation and information disclosure, so as to guarantee the focus on environmental issues while achieving inclusive and meaningful consultation.
119. *Water Conservation and Erosion Control Law (NPC, 2010)*: This law is to prevent water pollution and soil erosion from activities that may disturb the ground. All projects that may cause soil erosion are required to prepare a water conservation and soil erosion control plan (as part of overall EIA package), a prerequisite for approval of the project. The plan is approved by relevant water resources authority before the full EIA package is submitted to environmental authority for approval.
120. *Air Pollution Control Law (NPC, 2015)*: This law is a fundamental legislation for air pollution control. It requires all air pollution emission entities must comply with national or local emission standards (Article 13), and must report to local environmental departments on their air pollution emission control facilities and pollutants types, amount and emission concentration (Article 12). All new construction, renovation and expansion are subject to air pollution impact assessment, and approved and verified by relevant environmental departments (Article 11). It requires environmental authority (MEP) of State Council to establish air pollution monitoring network. It allows local governments to develop local environmental standards which must be stricter than national standards (Article 7).
121. *Solid Waste Pollution Control Law (NPC, 2004)*: This law requires the environmental authority to establish solid waste pollution monitoring system. All projects that generate solid wastes are subject to environmental impact assessment (Article 13) and “Three Simultaneousness” requirements (Article 14). It includes general solid waste control provisions, as well as specific provisions for industrial solid waste, domestic garbage and hazardous waste (Chapter 3). More specifically, it requires proper collection, use and disposal of livestock waste (Article 20).

122. Other laws and regulations related to general environmental protection issues in the activities to be supported by the Program include:
- Water Conservation and Erosion Control Law (NPC, 2010)
  - Wild Animal Protection Law (NPC, 1988)
  - Wild Plant Protection Law (NPC, 1998)
  - Regulations on Nature Reserves (SC, 1994)
  - Regulations on Strengthening Protection of Ancient and Famous Trees (National Greening Committee, 2016)

#### **4.1.2 Medical Waste and Radiation Management**

123. Generally, the medical waste and radiation are the issue inter-related between environmental system and the health and safety system in China. To respond to the concern on issues related to medical waste and radiation, the legal system for management of medical waste and radiation is separately analyzed in this section, so as to give specific and concise information on the relevant legal framework prevailing in China.
124. Infectious Disease Prevention and treatment Law (2013): This law requires that: (i) the HCF should provide regular training on the skill and knowledge for infectious disease prevention and control to its staff on regular basis; (ii) the HCF should strictly implement the specifications and management rules stipulated by the government to prevent the infectious diseases from spreading in HCF; (iii) HCF should designate a full-time staff or department to handle the issues related to infectious disease prevention and control within the HCF and preparation of the infectious disease report; (iv) HCF should designate a special department or staff to carry out the monitoring of infectious elements, safety protection, sterilization, segregation and management of medical wastes; and (v) the government organizations dealing with prevention and control of disease should assign a staff to provide guidance, evaluation on the infectious disease prevention and control within the HCF, as well as to perform the epidemics investigation.
125. **Regulations on the Management of Medical Waste (2003)**: This regulation stipulates proper handling of medical waste or order to prevent spreading diseases and to protect the environment and human health. This regulation defines the nature of medical solid waste and the institutional responsibilities, including: 1) health and family planning bureau is responsible for infectious disease control in the cycle of medical waste management, 2) EPB is responsible for pollution monitoring and control in the cycle of medical waste management, and; 3) the requirements and procedure for collection, internal transportation, temporary storage within healthcare facilities, external transportation and disposal of the medical solid waste.
126. **Medical Waste Management Methods for Health Care Facilities (2003)**: This method was developed based on the Regulations on the Management of Medical Waste and became effective in 2003. This regulation focuses on health and family planning bureau's duties and responsibilities in the medical solid waste management, and requirements for sorting, packing, labeling, segregation and storage of the MSW within HCF. It also covers the emergency response plan, training and occupational health protection.
127. **Inventory for Categories of Medical Solid Waste (2003)**: The inventory provides the information on the categories identification for medical solid waste for sorting, separate collection and segregated storage, and final disposal. Specifically, it categorizes the medical solid waste into five categories, they are infectious waste, pathological waste, sharps, pharmaceutical waste, and chemical waste.
128. **Law of Prevention and Control of Radioactive Contamination (2003)**: This law requires that the entity using radioactive equipment should prepare EA for approval by EPB at provincial level prior to requesting for license for operation of the equipment; radiation prevention facilities should be designed, constructed and operated simultaneously with the main structure; radioactive wastes be collected and stored separately

from other wastes, and certified specialized companies be engaged to transport and dispose of the radioactive wastes.

129. **Regulations on the Safety and Protection of Radioactive Isotopes and radiation Equipment (2005)**: EPB takes the lead in the supervision and administration over the radioactive elements and radioactive devices, while the health and family planning bureau and public security department perform their duties. Categories of the radioactive risk need to be established. The HCF which uses the radioactive materials or devices should obtain the permit. The entities which conduct the business related to the production, sale, and use of the radioactive elements or devices should carry out the personal dose monitoring and occupational health examination, and establish the personal dose record and the occupational health monitoring and protection record for their staff, and provide training and knowledge awareness plan for their staff.
130. **Radioactive Isotopes and Equipment Safety and Protection Regulation (2005)**: the entities using the radioactive isotopes or equipment should return the retired radioactive isotopes and sources to the manufacturers or the importers when the radioactive equipment or isotopes is retired or decommissioned. In case that the radioactive isotopes or sources cannot be returned to the manufacturers or importers, they should be transferred to the certified entity for storage.
131. **Categorization Method for Ray Devices (2006)**: the ray devices have been classified into three categories, they are: 1) Class I ray device, highly dangerous, which may cause severe damage or death of people exposed in very short duration. Such device includes the medical processing accelerator; 2) Class II ray device, moderately dangerous, which may cause relatively severe damage to people in accidental exposure or even death by large dosage. Such device includes digital subtraction angiography (DSA), X ray intensive therapy machine, etc.; 3) Class III ray device, low dangerous, which may not cause radioactive damage to people in accidental exposure. Such device includes the regular x ray machine, CT, etc.
132. In addition to the laws/regulations and technical specifications, there is a full set of environmental standards for each key concern associated with the medical wastes, radiation, and occupational health and safety. These standards are compulsory in the design, construction and operation of the environmental, occupational health and safety protection facilities associated with the HCF, and these standards are used as the benchmark for performance examination, including the acceptance examination, by the relevant government organizations. Following are the selective technical specifications for management of medical waste and radiation:
  - *Technical Specifications for Concentrated Disposal of Medical Waste (HJ/ T177-2005)*: This specification sets out the requirements for on operation and environmental compliance of medical waste disposal facilities.
  - *Technical Specifications for Centralized Incineration Facility Construction on Medical Waste (HJ/T 177-2005)*: This specification provides guidance on site selection, design of the plant layout, process units and flue gas treatment for incineration facility for medical waste disposal.
  - *Technical requirements for Medical Solid Waste Transportation Vehicles (GB 19217)*: This regulation stipulates technical specifications of vehicles dedicated to the transportation of medical wastes. For example, air-tight design should be adopted for the goods wagon which should be segregated from the driving cab.
  - *Technical Specifications for Radiation Shield in X-Ray and CT Chamber in Hospitals (GBZ/T180-2006)*: This specification provides the method to estimate the shield value and the shield requirements for CT chamber.
  - *Technical Specifications for Hospital Sewage Treatment (HJ 2029-2013)*: This specification provides guidance on the design of the process for medical wastewater treatment station within HCF.

### 4.1.3 Health and Safety Management System

133. **Labor Law (2009):** The Law mandates health and safety requirements in work contracts. It requires that employers establish labor health and safety systems, comply with applicable national standards and guidelines, provide training for employees on occupational health and safety, prevent accidents and reduce occupational damages. It also requires employers to provide necessary personal protection equipment, working environments in compliance with national requirements, and periodic medical examination for employees in jobs with potential occupational health and safety risks. It requires a “Three Simultaneousness” system for work safety facilities in new construction, renovation and expansion projects -- safety facilities must be designed, constructed and put into operation simultaneously with the main project.
134. **Work Safety Law (2002):** This law is the umbrella law for work safety. It requires production operation entities to comply with relevant laws and regulations, establish safety operation rules and management systems, improve safety conditions and ensure safe operation of production. It specifies safety responsibilities of operation entities in terms of establishment of safety operation rules and specifications, setting of organization systems with clear responsibilities, staff qualifications and training, “Three Simultaneousness” of safety facilities, safety assessment, safety design and construction, safety signage, emergency response plan, and provision of PPEs. Enterprises, if involved in the use, manufacture, transportation, storage, or sales of hazardous materials, should establish special safety management systems and adopt effective measures. Associated operational staff should be examined and licensed. The Law clarifies the responsibility of safety supervision by relevant work safety authorities at various levels.
- This law establishes a “Three Simultaneousness” system for work safety facilities, which is further elaborated in the Regulation on Supervision and Management of Three Simultaneousness for Safety Facility in Construction Projects (SAWS, 2010). The “Three Simultaneousness” system requires that work safety facility be designed, constructed and operated simultaneously with the main project.
  - The Work Safety Law and the Regulation also establishes a work safety assessment system, which requires work safety assessment to be conducted for various types of projects: Safety assessment is conducted by licensed entities and approved by relevant work safety authorities, which is a prerequisite for feasibility study approval.
  - Under the Work Safety Law, the Regulations on Safety Management in Construction Projects (State Council No. 393) defines general provisions on safety responsibility of the project sponsor, the construction surveyors, the design units, contractors, and supervision companies. The law also includes provisions on emergency rescue and investigation for accidents and legal liability for violating the regulations.
  - The Interim Regulations on Works Safety Risk Investigation (SAWS, 2007) clarifies that enterprises are responsible for work safety and mandates that enterprises establish work safety investigation and reporting systems. Under this regulation, all enterprises must conduct quarterly work safety risk investigations and report to the local Administration of Work Safety (AWSs).
  - The main regulator on work safety is the State Administration of Work Safety (SAWS) and its subordinate Administration of Work Safety at the provincial and municipal levels. The SAWS has developed over 80 administrative regulations and hundreds of work safety standards and guidelines, which form a comprehensive occupational health and safety management system.
135. **Production Safety Law (2014):** The People First principle is applied throughout the law. Industrial development should give top emphasis on safety, make precautionary considerations to avoid accidents and comprehensive measures implemented through institutional structure of duties and responsibilities.

136. **Fire Protection Law (2009):** The public security department takes the charge in supervision and administration over the fire protection. The government, NGOs, enterprises and entities should enhance the education on fire protection to their staff and workers, while the public security department should supervise, guide and assist in the public awareness and education on fire protection. For the public gathering places, the owner or management should request the public security department for examination of the fire protection and safety before such places are put into operation. The leader of the entity has the top responsibility and the entity should establish its own system for fire protection and the emergency preparedness plan for evacuation and firefighting.
137. Under the coverage of occupational health and safety for health care sector, a full set of specifications and standards have been issued to provide the technical guidance and benchmark for performing these laws and regulation in practice. These specifications and standards regarding the sterilization, monitoring, health protection, etc. are compulsory in design, construction and operation, and become the legal criteria for reviewing and assessing the performance of management of occupational health and safety by the relevant organizations.

### Assessment

138. Overall, there is a well-established legal framework in China governing the general environmental protection, and health and safety management.
139. Specific to the management of medical waste and radiation, a set of laws, regulations and technical specifications have been enacted and kept updating in China. These well cover the following aspects: 1) explicitly designates the institutional responsibilities and roles; 2) establishes the procedure for review/clearance and supervision of these issues; and 3) provides technical guidance to control the quality of waste streams management.
140. Over the years, backed by the regulations, strong political wills and continuous investments, a comprehensive medical waste storage, transport and disposal system have been established in China and Guizhou, which are consistent with key principles of Program Policy and Directive, as well as the requirements of the EHS of WBG and the WHO. If effectively implemented, this system can prevent or mitigate potential impacts caused by the medical waste and radiation associated with the Program.

## **4.2 Implementation of Environmental Management Systems**

141. The activities that may involve physical investments are under the result area 1, which are small/medium size physical works with minor or moderate environmental impacts. Addressing such impacts would involve the following main environmental management systems:

**Table 4-1 Environmental Activities and Related Environmental Management System**

<b>Program Activities</b>	<b>Potential Adverse Environmental Effects</b>	<b>Environmental Management System</b>
1) expanding home and community-based care service, including infrastructure improvement and purchase of care services in urban areas, and piloting and scaling up	- Wastewater; - General solid waste - Air emission - Noise; - Dust; - Medical waste	- Environmental Assessment - Medical Waste Management - Radiation Management

<p>home and community-based care services in rural areas;</p> <p>2) promoting greater access to institutional care services for elderly with serious disability and dementia through purchase of institutional care services, rural and urban welfare home reforms, and infrastructure improvement for aged care facilities;</p> <p>3) promoting coordination and integration of aged care and health care services;</p>	<ul style="list-style-type: none"> <li>- Radiation</li> <li>- Public health and safety</li> <li>- Occupational health and safety</li> </ul>	<ul style="list-style-type: none"> <li>- Occupational health and safety management</li> </ul>
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#### 4.2.1 Environmental Assessment System

142. The environmental assessment system in China consists of environmental impact assessment, mitigation implementation, monitoring and supervision.

#### Screening for EIA

143. According to the Categorized Directory for Environmental Management of Construction Projects (MEP, 2017), and the Decision on Partial Revision of the Categorized Directory for Environmental Management of Construction Projects (MEE, 2018), following activities under the Program will have the potential impacts that will trigger the environmental impact assessment process:

**Table 4-2 Decision on Partial Revision of the Categorized Directory for Environmental Management of Construction Projects (MEE, 2018)**

Activities	Full EIA Report	EIA Form	EIA Registration
Aged care facilities	X	X (affecting environmental sensitive areas)	√ (all Others except for facilities with floor area less than 5,000 m2)
Health care facilities <sup>16</sup> , such as hospitals, specialized health centers, community health centers, blood banks, urgent care centers, and sanatorium	X (new construction or expansion to more than 500 beds)	√ (all Others except for HCFs with less than 20 beds)	√ (HCFs with less than 20 beds)
Procurement and use of ray devices	X (use of Class I ray device) <sup>17</sup>	X (use of Class II ray device)	√ (use of Class III ray device)

144. In addition, the Guizhou Provincial Department of Environmental Protection (Guizhou Provincial EPB) issued an Inventory of Projects Exempted from EA in 2016, which specifically defines the such small activities to be free of EA:

<sup>16</sup> The aged-care facilities integrated with health care service is subject to the thresholds for aged care facilities and the health care facilities respectively.

<sup>17</sup> According to the Standard for Tiered Management of Hospitals (2016, Health and Family Planning Committee) and discussion on site, the Class I health care facilities only involve the use of Class III ray device only for diagnosis purpose.

**Table 4-3 Activities Exempted from EA (Guizhou Provincial Department of Environmental Protection, 2016)**

Activities	Limitations
Ordinary community service facilities, i.e. sport sites and aged-care service center	high noise equipment is not used

145. Considering the requirements of MEE and the Guizhou Provincial EPB, it is deemed that only aged-care institutions involving the sensitive areas, or health care, or the use of medical radioactive device, or the both, are subject to EA.
146. In addition, the activities to be supported by the Program are not in sensitive areas, and small/medium in scale, which are thought to have moderate, minor or minimal environmental impacts, and therefore are not subject to further EA actions beyond preparing EIA Forms or EIA Registration Forms in local EPBs, or no EA requirements applicable at all.

***EA Review and Approval***

147. The EA review and approval in China is classified into different levels, so the review and approval body will be either MEE or local (provincial, municipal, or county) EPBs, depending on thresholds of investment, level of approval for the project proposals as well as environmental sensitivities.
148. According to the classification of environmental authority, managing the EIA for most of the activities under this Program fall into the authority of county/district EPBs. For medical radioactive device, the Class II device falls into the provincial EPB while Class III falling into the municipal EPB which delegates the county EPB to manage the Class III device in Guizhou.
149. Upon receipt of EIA documents, the EPBs will announce the receipt and commencement of review process and disclose the full reports to public for soliciting public’s comments and feedback. The EIA review process is implemented by an independent expert panel system organized by EPBs. These experts are selected from an expert pool established by Guizhou PEPB. Normally, for the review panel organized by EPBs, at least 3 experts are selected. Based on satisfactory results from the expert panel review, EPBs will issue the final approval documents.
150. The current arrangement for processing EIA Registration Form in Guizhou Province, requires the owners of the projects to go to the county EPB office to fill out the EIA Registration Form. The EPB will complete the registration within 2 days and grant the evidence of registration to the owners. During the processing of the EIA Registration Form, the completeness of the information provided is the focus of the process.

***Preparation and Implementation of EA***

151. Preparation and implementation of EA is the responsibility of the owners. The owners are allowed to prepare the EA documents themselves or to contract a professional person/institute to prepare the EA document on their behalf. In the EA documents, either EIA Form or EIA Registration Form, the baseline information on the surrounding environment, location and pollution source, and the mitigation measures, are required. In the EIA Form, the estimated budget for implementing the mitigation measures and monitoring plan are mandatory.
152. During construction stage, the mitigation measures are implemented by contractors, and supervised by the project owners. Upon project completion, the project owners need to contract an independent institution to carry out the monitoring and prepare the completion acceptance report, which needs to be disclosed to the

public. A project can only formally start operation after completing the procedure for the environmental acceptance examination.

153. For the projects subject to EIA Registration Form, the environmental acceptance examination is not required.

#### **Supervision**

154. The construction and operation process of the projects, including the projects subject to EIA Registration Form, will receive random on-site supervision from local EPBs (through their supervision and enforcement teams, normally known as Environmental Enforcement Squad). In addition, the telephone hotline has been established in the local EPB which are open to the public complaints. A procedure of the public complaints response has been established covering recording, reporting, and responding.

#### **Performance Review**

155. The ESSA team visited the sample counties of Xiuwen and Anshun, and prefectures of Guiyang and Qiannan, and reviewed some EA documents for the activities similar to those under the Program. During the site visit, the team also held discussion with the staff from EPBs at provincial, prefecture and county levels. It is found that the staff of EPB are fully capable of reviewing the EIA Forms and giving reasonable comments; and the Environmental Enforcement Squad is capable of handling the environmental issues regarding the noise, general wastewater and solid, waste gas and soil erosion, which are associated with the activities similar to this Program. For the activities that are not required for EA documents, the EPB staff also conduct site visit to supervise and support the environmental performance. For any public complaints on environmental pollution as a result of such small/medium size activities in townships, it is usually under the coordination of the deputy head of township, who is in charge of environmental affairs in the township.

#### **Assessment**

156. The procedure for EA implementation has been clearly established. The responsibility arrangement for the whole process of environmental management is clearly assigned to each stakeholder. For this Program, the procedure is practical and adequate to manage the potential impacts, and the performance of the system can satisfactorily address the concern on management of the environmental issues associated with the Program.

### **4.2.2 Medical Waste Management System**

#### **Review and approval procedure**

157. Currently there is no single official category for institutions which physically integrate aged care and health care in Guizhou. For such institution, there are often several separate official names, such as aged care facilities, and health care facilities. In Guizhou, the developer or sponsor should prepare and submit the required documents separately to the EPB and civil affair bureau for establishing the aged care facility, while to EPB and health and family planning bureau to establish the health care facility (HCF), although these facilities are within the same institution.
158. The medical waste management system is co-managed by EPB and health and family planning bureau from the government side. EPB's responsibility is to take lead in supervision and management of the pollution control in the whole cycle of medical waste management; while the health and family planning bureau responsible for infectious prevention and control throughout the process of medical waste management.

159. In the EA document, regardless of its type, it is compulsory to estimate the quantity and categories of medical wastes, to propose the mitigation measures and the wastewater process, the monitoring plan and the budget requirement. In addition, a contract signed with local disposal center is a pre-requisite for approval of the EA, and thus a focus of the governmental supervision.
160. The health and family planning bureau review and approve the proposal for new construction or upgrading/expansion of health care facilities based on the Regulation for Management of Health Care Facilities (SC, 1994) and its detailed implementation rules (Ministry of Health, 1994). The review process, among others, focuses on the plan for medical waste management within the health care facility. Upon receipt of the proposal, the health and family planning bureau will go to the site to examine the practice quality of the sterilization, segregation and aseptic operation of the operation staff, and the associated qualification certificates of the staff.

### **Design and operation**

#### **a. The guideline for medical waste management**

161. To facilitate the implementation of the Regulation on Medical Waste Management (2003), the Ministry of Health issued the Measures to Implementing the Regulation on Medical Waste Management (Measures hereinafter) in 2003. This Measures stipulate the following five aspects:
- Requirements of the sorting, collection, labeling of medical wastes in each department within HCFs;
  - Requirements for system managing the medical wastes in each department and the temporary storage chamber, and the transportation from each department to the temporary storage chamber;
  - The requirements for transfer and registration of medical wastes within the HCF and between the disposal center;
  - Emergency mitigation measures for accidents of leakages and release of medical waste during the cycle of medical waste management;
  - Protection for OHS for workers during the sorting, collection, transportation and temporary storage.

#### **b. Internal system for medical waste management**

162. The local health and family planning bureau is responsible for providing the relevant training on the above five aspects to the staff of the HCFs on regular basis. Often, the health and family planning bureau delegates a certified institute to conduct such training and the staff of the HCFs will be granted a certificate which indicates that the staff is eligible for dealing with the above five aspects.
163. The president of HCF is the person taking the ultimate responsibility for establishing and fulfilling the internal system for medical waste management and infection control and environmental protection within the HCF. There is usually a vice-president of the HCF responsible for the day-to-day management of medical waste.
164. Within the HCF, in each department a nurse or the chief nurse is designated to take charge of the sorting, collection, labeling, transportation, and record keeping of the medical wastes. This nurse or chief nurse will be provided with training by the staff who gets the certificate from the health and family planning bureau. Each HCF has an infection control department responsible for infection control, including the training and day-to-day examination of the management of medical wastes.
165. Each HCF has a general logistics department responsible for providing the protective gear and materials, such as plastic bags, disinfection liquid, gloves and sharps containers, to each operation department.

### c. Design of Environmental Facilities

166. For a new health care facility, the design of the medical waste management system, including the internal transportation layout, e.g. vertical and horizontal, the temporary storage chamber and on-site wastewater treatment station, is often conducted by different design institutes. The temporary storage chamber and wastewater treatment station is designed by an environmental institute, rather than the institute doing the design for the main structures. Unlike the design drawings for the main structures, the design for the storage chamber and the wastewater treatment station is seldom reviewed by professional institutions designated by local government. The common issue found in the wastewater treatment stations in the HCFs is over-design, in term of capacity and complexity of technical process. Inadequate design of the medical wastewater may not be an issue.

### d. Transportation and Disposal

167. Transportation and disposal arrangement is stipulated by the Regulation on Medical Waste Management (SC, 2003). A contract should be signed between the HCF and the disposal center which also operates a vehicle fleet to collect the medical waste from the HCFs. Typically, this contract is mandatory and signed on the basis of number of sick beds/hospital beds at the rate stipulated by provincial pricing bureau. And the contract will be renewed periodically.

168. The vehicle is designed to ensure the segregation between the wagon and the driver chamber. Containers are required to contain the bagged medical waste. The frequency for collecting the medical waste from the HCFs is each 48 hours, and no more than 72 hours with refrigeration. The vehicles are required to be cleaned and disinfected each day after operation.

169. The manifest system is used to supervise the transportation of the medical waste which is to ensure the continuum supervision of the transportation of the medical wastes. The weight and categories of each bag containing medical wastes and the plate number of the vehicle is recorded at the HCF and the copy of the record will be sent to local EPB; upon receipt of the waste in disposal facility, two receipts will be sent to the HCF which then provide one receipt to local EPB where the HCF is located. One receipt will be recorded in the disposal facility, and another receipt will be sent to the local EPB where the disposal facility is located.

170. In each municipality or county, a disposal center is required to establish, with the specific technical requirements for each kind technology of disposal:

- Incineration<sup>18</sup>: double combustion chambers to ensure retention time more than 2 seconds at the temperature more than 850°C and negative pressure;
- Wet thermal treatment<sup>19</sup>: temperature in sterilization chamber is more than 134 °C, at the pressure more than 220 kPa and duration more than 45 minutes.

171. These technical parameters, if implemented in design and operation, are expected to adequately address the concern on the pathogenic bacteria and virus, and dioxins, associated with the disposal of the medical waste at the program level.

### Examination and Supervision

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<sup>18</sup> HJ/T 177-2005 Technical specifications for Centralized Incineration Facility

<sup>19</sup> HJ/T 276-2006 Technical Specifications for Steam-based Centralized Treatment Engineering on Medical Waste (on trial);

172. During normal operation period of HCFs and the medical waste disposal facilities, examination of the performance of the occupational health and safety system is a key focus of local government and the HCF and the medical waste disposal facilities themselves.
173. The health and family planning bureaus and the EPBs conduct the periodic on-site inspection and examination of the environmental, health and safety in the HCFs. The focus of the on-site examination by the health and family planning bureaus is on the protection of occupational health, certificate for operating staff, implementation of training, implementation of the operation and disinfection procedure, performance of laws and regulations. The EPB focuses on the operation of the environmental facilities, such as the wastewater treatment stations and storage chambers.
174. Generally, after the periodic examination, health and family planning bureau and EPB issue a report or a record on the assessment of the Environmental, Health and Safety performance of the HCFs/medical waste disposal center. If any faults in the health and safety management system are found or reported, EPBs or health and family planning bureau have the right to suspend or even stop the operation of the HCFs/medical waste disposal center before the faults are corrected by the enterprises and are accepted by the EPB or health and family planning bureau.

### **Performance Review**

175. Generally, the HCFs in the program prefectures of Guizhou have established medical waste categorization system, medical waste management plan, and ad-hoc training programs. Local health and family planning bureau and sanitation supervision bureaus conduct regular supervision on the effectiveness and performance of the in-HCF medical waste management.
176. The internal system for medical waste management and occupational health and safety protection is established within each HCF with the infection control department established to take charge of the routine management, such as training, provision of protective gear, supervision and record keeping, and designation of special quality control nurse in each operation department through the certification process.
177. However, through the site visit, it is found that the performance of the medical waste management within HCFs varies in different places. Some township and community level HCFs is not adequately staffed and budgeted, which adversely affect their environmental performance. The issues found include:
- In the HCFs at county and lower level, the medical waste is not always tightly packaged or labeled;
  - The frequency of collection is sometimes low, due to poor road condition or long distance and small amount of medical waste to be collected from the HCF in remote areas.
  - The collection rate (percentage of medical waste collected versus total amount of medical waste generated) in the HCFs at township or lower level is low. Guizhou has made a target to increase the rate to 50% for HCFs at township or lower levels by 2017<sup>20</sup>;
  - the design of temporary storage chamber is inadequate, where ventilation, washing and sterilization, and rodent barrier, are the key issues. This issue should be highlighted in the HCFs where the collection frequency and collection rate is low and the waste is not properly packaged, which poses a high risk of infection;
  - For the HCFs in remote areas where the medical waste collection rate is low, they have to burn or bury the waste by themselves. The facilities for burning the medical waste is simple and without air emission control, and the disinfection of the waste before burial is not adequate. Thus, either burning or burial of the medical waste on site may still pose a risk on the environment.

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<sup>20</sup> Pan Kejin, Survey Report for Status of Medical Waste Concentrated Disposal in Guizhou Province, the website of Guizhou PEPB.

178. In the program prefectures, certain capacity of medical waste disposal capacity has been established, and some disposal facilities are operating on concession basis. The information for these facilities is presented below<sup>21</sup>:

Program Prefectures	Number of disposal facilities	Total design capacity (t/d)	Total actual amount disposed (t/d)	Technology
Guizhou	1	40.0	19.0	Rotary kiln and wet thermal
Zunyi	3	16.5	11.5	Wet thermal
Liupanshui	3	18.0	5.0	Wet thermal
Qian'nan	3	6.5	4.7	Wet thermal
Qianxinan	3	12	8.6	Wet thermal
Total	13	93.0	48.8	

179. The data disclosed by the Guizhou Provincial EPB for the whole province and the five Program prefectures show that there is a huge idle capacity, as high as nearly 50%. This idle capacity is partially due to the conservation for operation safety, such as the overhaul. However, it is primarily because of the un-balanced disposal development plan and the low collection rate. Such large idle capacity in the disposal facilities may do detriment to the financial situation of the facilities, most of which are making marginal profits or even making loss. As a result, this may affect their environmental performance if the governmental supervision is inadequate. The main performance issues found in the wet thermal facilities includes the lower pressure, shorter duration and lower temperature, or the combination. This issue is thought to be caused by weak willingness, low awareness, inadequate training and supervision. The lack of financial incentive is believed to contribute to this issue. It is noted that the tariff<sup>22</sup> charged by the disposal facilities is not based on the actual amount of medical waste collected nor does the collection frequency, but on the number of sickbeds in the HCFs. For the disposal centers, the low collection frequency may be helpful to improving their income and increasing collection rate in HCFs at township or lower levels may not improve their income given the high cost of transportation. Given the high complexity of issue regarding medical waste management, Guizhou Government is suggested to consider and implement a package of solutions in combination of financial, regulatory and technical considerations to improve the environmental performance of the wet thermal facilities.

180. In addition, it is suggested that some local governments should carefully consider their strategy to introduce more disposal enterprises to increase the competition which might further deteriorate the status of over-capacity. In addition, the local governments are strongly suggested to make regulatory efforts to promote the concession contracts<sup>23</sup> for the disposal centers, to ensure that they can make adequate income by collecting medical waste from HCFs while being under stringent performance monitoring and evaluation

<sup>21</sup> Information disclosed at the website of Guizhou Provincial EPB, 2018

<sup>22</sup> The disposal tariff is a flat rate across the province and is determined by the provincial price bureau which cover the cost for transportation and disposal, regardless of the actual distribution of HCFs and transportation distance, and the different disposal cost of each facility.

<sup>23</sup> Measures to managing the concessions on infrastructure and utilities, No. 25 Order, SC, 2015

by the government. This requires the Guizhou government to review and improve the performance of the existing concessional arrangement.

181. Through site visit and discussion, additional findings on the disposal facilities are:

- The service of these disposal facilities adequately covers each county;
- Each of these facilities also runs a sanitary landfill with double HDPE liners and leachate treatment capacity, and groundwater monitoring wells;
- The fly ash and residues can be safely disposed in the landfill sites; and
- Disposal capacity of anatomical wastes, which are typically produced by the Class II and Class III HCFs, in these program prefectures is inadequate. As they cannot be disposed of by the wet thermal facilities, and local cremation facilities often refuse to accept them. Thus, expansion the institutional care to the Class II and III HCFs may lead to a high risk in terms of medical waste management; the physical integration with health care should be limited to Class I HCFs, so as to avoid such risk.

182. Although the idle capacity of medical waste disposal is high in Guiyang disposal center, a state-owned company, its environmental performance seems not be affected by the low income. It is because this disposal center also run a lucrative industrial waste disposal facility which make a good profit.

183. Given its strong willingness and high awareness, the level of environmental performance in the Guiyang disposal center is satisfactory and considered to represent the best practice achieved in Guizhou. The disposal center in Guiyang is the only one using the technology of incineration in Guizhou Province. It adopts the process of rotary kiln and the state-of-art flue gas treatment. As required by provincial EPB, the on-line sensors are installed in the stack which transfer the data to the provincial EPB and the local monitoring and control station within the disposal center. The sensors are recalibrated by independent certified companies each quarter. The dioxins are sampled and analyzed by certified laboratory each year with the analysis report kept on site for check by the provincial EPB each year. The local monitoring station installed within the disposal center also shows the emission data in real time and the indicators are found meet the standard<sup>24</sup>.

### **Assessment**

184. The medical waste management system has been established in the program municipalities/prefectures and it has clear arrangement of institutional responsibilities and procedures covering the review and approval, design and operation, and supervision and training, except for the design for medical waste storage chamber. The established system covering the technical standards, norms and policies in Guizhou is considered quite comprehensive, thus providing reasonable basis for handling the issues associated with medical waste at the program level. However, the performance of the system needs to be improved at the aspects of 1) the capacity of the county, township and community level HCFs, especially at the packaging and temporary storage chambers; 2) the collection frequency and collection rate; 3) the performance of the wet thermal treatment facilities; 4) exclusionary criteria to limit the physical integration of health care service only to Class I HCF to avoid the inadequate disposal of anatomical wastes; and 5) the supervision of local EPB and health and family planning bureau. All in all, the issue of medical waste management in Guizhou needs to be carefully reviewed and addressed through a multipronged solution integrating technical, financial and regulatory considerations.

### **4.2.3 Radiation Management**

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<sup>24</sup> Pollution Control Standard for incineration of Hazardous Wastes (GB 18484-2001)

### **Review, Approval and Acceptance**

185. There is a clear procedure in the government to managing medical radiation<sup>25</sup>. In this Program, the Class I HCFs will be limited to the use of Class III medical radioactive devices for diagnosis purpose. In general, the HCFs are required to submit the request for Radiation Safety Permit involving Class III device to municipal EPB. For the Class III radioactive device, municipal EPB often delegates county EPB for daily supervision. Meantime, the HCFs will engage a certified third-part institute to prepare the EIA for the radioactive device to be procured and used by the HCFs. The EIA is conducted according to the *technical guideline for radiation environmental protection management* which places emphasis on the prediction of the impacts, the location selection, shielding, health and safety, mitigation measures, monitoring and training plan. Only after obtaining the approval of the EIA, the HCFs can submit a package document for review and approval by EPB to obtain the Radiation Safety Permit. The review of the EPB focuses on the institutional arrangement, qualification of staff, procedure and system for safety management and emergency response, monitoring, and protective gear, site conditions, and mitigation measures.
186. For medical radioactive equipment, before installation, a certified third-party company is hired to conduct the occupational health and safety preliminary assessment which needs to be approved by health and family planning bureau. In addition, EPB carries out inspection and issues pilot operation permit. The HCF is also required to update the inventory of Radiation Safety Permit in health and family planning bureau and EPB each five year in Guizhou. After installation, within 3 months, a certified third-party company needs to be hired to carry out assessment of the performance of occupational health and safety. Meanwhile, EPB carries out environmental acceptance inspection based on the assessment results. Upon receiving approvals on both, the HCF can start official operation of the medical radioactive equipment.

### **Training and Operation**

187. Before operation of the radioactive equipment, the health workers/staff in the HCFs should be trained by the health and family planning bureau. Once the training is completed and the health workers/staff passed the examination, the Certificate for Operating Staff in Radioactive Diagnosis is issued to the health worker or staff.
188. During the operation, the worker/staff will be continuously trained on regular basis at least once a year. The training records will be kept in the HCFs for check by the health and family planning bureau. The physical examination is required to provide to the operating worker/staff, and the day-to-day portable device for monitoring personal dose will be provided to the worker/staff, with the records kept in the HCFs permanently. The data will be submitted by the county level health and family planning bureau to the Ministry of Health and Family Planning through provincial and municipal level bureaus.
189. Annual monitoring on radioactive equipment and workshop will be done and inspected by certified third-part company. The monitoring report is to be made ready for responsible authorities' annual inspection and review.

### **Supervision**

190. The health and family planning bureau and the EPB conduct the periodic on-site inspection and examination of the environmental, health and safety in the HCFs. The focus of the on-site examination by the health and family planning bureaus is on the protection of occupational health, certificate for operating staff, implementation of training and personal dose monitoring, implementation of radiation protection measures,

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<sup>25</sup> Medical radiation typically includes the medical radioactive equipment, radioactive isotopes and radiopharmaceuticals in HCFs. This Program will only involve the medical radioactive equipment at Class III which is required by the Class I HCFs.

performance of laws and regulations. The EPB focus its inspection on the radiation impact on the communities, and the monitoring of the radiation will be conducted at least once a year.

### **Performance Review**

191. Documentation, procedures and capacity are in place to manage the radiation impacts and risks in Guizhou. There are about 2,000 HCFs involving the radiation in Guizhou and all of them are under stringent management of the EPB, which largely rely on the capacity of radiation management station that is adequately staffed.
192. On radiation exposure to medical workers and communities, in HCFs in the program prefectures, there are proper protection ware and shelter; portable detector are provided to monitor and control radiation leakage. For medical radiation equipment, the licensing, safe use, work-site detection, maintenance, and emergency response are specifically developed and regulated in the HCFs. Following are the main findings on site:
- The institutions involved in the management of the medical radiation have been established with responsibilities and duties clearly designated;
  - The government agencies are capable of fulfilling their duties, i.e. review and approval, supervision and inspection, and grievance redress;
  - Routine supervision of the radiation by the government department is satisfactorily performed;
  - The internal system for protection of staff/workers health against radiation has been established and operated in the HCFs, and its performance is acceptable;
  - Regular and enhanced training, and good awareness in the HCFs are contributing to the good performance of radiation protection.

### **Assessment**

193. The medical radiation management system in Guizhou has been well established and implemented, which is very stringent and precautionary. It focuses on the procedure for permits for equipment and operation staff, monitoring and training, which ensure the consistency with the international good practice. The good performance is guaranteed with the established accountability of stakeholders, adequate training, and robust monitoring and supervision.

## **4.3 Environmental Management Agencies and Capacity Assessment**

194. Based on the screening of environmental and social effects of the Program activities and the analysis of applicable management system, the main government stakeholders involved in the environmental safeguards management at the program level are: EPB and health and family planning bureau at the provincial, municipal, county, and township level.

### **4.3.1 Environmental Management**

#### **Department of Environmental Protection of Guizhou Province (Guizhou PEPB)**

195. Guizhou PEPB is the highest environmental protection authority in the province reporting to the provincial government. The main responsibilities of the EPB include: (i) establishing provincial environmental protection institutional system; (ii) preventing and controlling environmental pollution; (iii) coordinating and supervising key environmental issues; (iv) enforcing provincial emission reduction targets; (v) directing, coordinating and supervising ecological protection work; (vi) managing and supervising nuclear and radiation safety; and (vii) monitoring and disclosing environmental information.

196. Below is a list of divisions and subordinate institutes within the Guizhou PEPB's organizational system and their associated responsibilities for environmental management of the Program activities.

- Division of Environmental Impact Assessment: Managing the EIA for plan, policy and project; supervising and managing license and qualification of EIA institutes; and controlling the EIA approval for areas with non-compliance of total emission control threshold, serious ecological damage or pending ecological restoration efforts; controlling the index exceeding the Max. pollution load.
- Division of Nuclear and Radiation Safety Management: Implementing the national and provincial laws, regulations, policies and standards for radioactive pollution, electromagnetic radiation pollution, and nuclear safety; supervising the nuclear safety, radioactive source, electromagnetic radiation; reviewing and approving the EIA documents for projects involving Class I and II radioactive device and nuclear; preparing emergency preparedness plan for nuclear and radiation accidents; organizing the examination and supervision over the nuclear and radiation safety; organizing the monitoring exercise for ambient radiation and key radioactive sources.
- Ambient Radiation Monitoring and Management Station: examining the performance of the Three-Simultaneous System associated with projects involving radiation; supervising and examining on site the projects involving radiation; environmental monitoring for radiation; developing emergency preparedness plan for radiation accidents; conducting public outreach program on radiation pollution control; providing training for people managing radiation.
- Solid Waste management Center: reviewing the qualification of entities disposing of hazardous wastes, justifying the technical solutions, implementing the business permitting system, and carrying out routine supervision; responsible for registration of hazardous wastes and industrial solid wastes; establishing database and digital platform for solid wastes, and investigating the pollution situation of hazardous wastes; coordinating the transfer, exchange, transportation and disposal of hazardous wastes and providing technical advice on accidents; providing technical trainings for hazardous waste and general waste management.
- Provincial Environmental Enforcement Supervision and Examination General Squad: Conducting on-site inspection on pollution emission entities/individuals in the province; organizing the investigation of major environmental pollution incidents; implementing Environmental Emergency Response Plan; conducting supervision on administration of environmental protection; receiving public complaints; and guiding the municipal and county/district EPB on environmental law enforcement.

197. Besides the public complaints receiving office inside the Provincial Environmental Enforcement Supervision and Examination General Squad, Guizhou PEPB has also established a public grievance system for environmental issues and violations reporting through its website ([www.gzhhjbh.gov.cn](http://www.gzhhjbh.gov.cn)), which provides access to on-line reporting and on-line consultation. A nationwide environmental protection grievance hotline (12369) is universally available to access the local environmental grievance system.

#### **Municipal and County EPBs**

198. Municipal EPBs are responsible for managing and supervising the implementation of environmental protection measures on the ground. There are 6 municipalities and 3 prefectures in Guizhou and each has its own Municipal EPB structured similarly to the provincial EPB. The main divisions of Municipal EPB include:

- Division of Environmental Impact Assessment
- Division of Nuclear and Radiation Safety
- Division of Pollution Control
- Division of Ecological Protection
- Environmental Supervision and Examination Squad
- Ambient Radiation Monitoring and Management Center
- Solid Waste Management Center

199. The county EPBs are responsible for enforcement of pollution control and compliance supervision at district/county level. Given the decentralization of government function reform, district and county EPBs are responsible for EIA Form approvals and filing of EIA Registration Form for the projects within their jurisdictions. In addition, the county EPB is delegated by municipal EPB to take the responsibility for routine supervision and examination of radiation related to Class III radioactive device. Each of the counties has its own county EPB. The main responsibility of the county EPB is: (a) implementing the environmental laws, regulations, rules and policies; (b) coordinating and supervising key environmental issues in the county; (c) enforcing emission reduction targets set by municipal and county governments; (d) directing, coordinating and supervising ecological protection work; (e) taking the responsibility for prevention and control of environmental pollution at source; (f) supervising the pollution control in the county; (g) managing and supervising nuclear and radiation safety; (h) monitoring and publishing environmental information; (i) pushing forward establishing the environmental technical management system; and (j) organizing, guiding and coordinating the environmental outreach program.
200. Below is a list of divisions and subordinate institutes within the county EPB's organizational system.
- Division of Environmental Impact Assessment.
  - Pollution Prevention Division: responsible for routine supervision and management of industries involving hazardous waste and chemicals, and key pollution source; responsible for management of radiation safety and radioactive wastes; responsible for supervision and management on the pollution prevention and control relevant to radio-magnetic and radioactive isotopes.
  - Max. Load Control Division.
  - Rural Ecological Plan Division.
  - Environmental Supervision and Examination Sub-squad.
201. The number of staff in the county EPBs varies largely in different counties in Guizhou. The number of staff is determined by the features of the county, e.g. area, number of key pollution sources, budget, etc. At the level below township, there is currently no branch of EPB. But a deputy head of township is designated to take charge in the environmental protection, who is actively responsible for 1) implementing environmental laws and regulations; 2) promulgating environmental policies and knowledge; 3) collecting information of polluting sources; 4) preparing and implementing the environmental protection plan for township; 5) supervising the implementation of the pollution control in township, and 6) accepting and handling public complaints.
202. Under this program, most of the activities are subject to the EIA Registration Form with a few being subject to the EIA Form, which fall within the county/district EPB's authority threshold. With regards to the EIA Registration Form, only recording in the county EPB is required. But this record becomes the legal basis for law enforcement. The activities requiring EIA Form are typical institutions integrated with health care service in moderate size less than 100 hospital beds. For such kind of activities, review of the clearance documents issued by the county EPB indicates that the county EPB is adequately capable of reviewing and clearing the EIA Form. In terms of performance of routine work on supervision and training, it is found that the EPB at county level is often not adequately staffed and budgeted, and the technical knowledge is inadequate.
203. The procurement and use of Class II and III medical radioactive device is subject to EIA Form to be reviewed by provincial EPB and municipal EPB respectively, which has strong technical capacity and adequate budget to ensure a good performance of its duty.

### Assessment

204. Based on institutional review and consultation, it is concluded that Guizhou EPBs at the provincial, municipal and county levels have a well-established organization structure with comprehensive divisions and subordinate institutes and is authorized with adequate mandate to manage the overall environmental protection work, including the radiation and medical waste, in the province and the program cities/prefectures. The EIA for new construction projects is well-regulated by a well-established legal and regulatory framework and procedures and managed by qualified staff in relevant divisions and institutes in the bureaus. But the performance of county EPBs is constrained by inadequate budget, staff and knowledge. Given the context of the environmental management system reform, the capacity of the county EPBs will adequately handle the supervision of the environmental performance of the activities to be supported by the program.

#### **4.3.2 Health Commission**

205. The Health Commission of Guizhou Province is the highest authority for public and occupational health (for HCFs), family planning and Chinese traditional medicine in the province reporting to the provincial government.

206. The Health Commission of Guizhou Province takes the main responsibility for: (a) implementing the laws, regulations, policies, development strategy and planning for health sector; (b) implementing disease prevention and control plan, national immunization plan, interventions to significant diseases; (c) developing emergency response plan; (d) developing specifications, standards and policies for occupational health, radiational health, ambient health and health in public places; (e) managing and supervising the entry of health care facilities and health service; (f) developing and implementing standards and specifications for health service, quality, safety and technology for HCFs; (g) developing and implementing the accreditation system for health staff and workers; (h) developing the policies and plan for preventive health care and family planning; (i) developing and implementing medium and long term development plan for Chinese tradition medicine. Below is a list of divisions and subordinate institutes within the provincial health and family planning commission's organizational system and their associated responsibilities for medical waste and radiation management of the Program activities.

- Division of Medical Administration: developing and implementing standards and specifications for health service, quality, safety and technology for HCFs and accreditation for practitioners; providing guidance for epidemic control, first-aid development, lab management;
- Division of Integrated Supervision: supervising the public health, health care and family planning; developing specifications, standards and policies for occupational health, radiation health, ambient health and health in public places; supervising and correcting the health care market;
- Disease Prevention and Control Center: responsible for prevention and control of occupational hazards, nuclear radiation, occupational poisoning, communicable disease;
- Health and Family Planning Supervision Bureau: responsible for reviewing and issuing the health permit, accreditation, and routine supervision on health management; responsible for receiving and examining the complaints on law enforcement in health sector; providing training, qualification test and review for staff undertaking law enforcement in health sector; reviewing and examining the health facilities in the new, upgrading or expansion projects.

207. Besides the office for public complaints in the supervision bureau, the website maintained at the health and family planning commission at each level is open for public complaints.

#### **Municipal/Prefecture Health Commission**

208. The municipal health commission is an essential department of municipal/ prefecture government. It received the guidance from the higher level health and family planning commission and reports to the

municipal government. It is responsible for implementing the system for disease prevention and control, immunization, management of health care facilities and practitioners, family planning and Chinese traditional medicine development on the ground. Each of the municipality/prefecture has its own municipal health commission structured similarly to the provincial commission. However, the municipal commission places more resources on the law enforcement thus more branch or institutes than the provincial level. The institutional arrangement at municipal level that could handle the health and safety issues related to medical waste management and radiation management is as follows:

- Division of Medical Administration
- Division of Integrated Supervision
- Disease Prevention and Control Center
- Health and Family Planning Supervision Bureau
- Public complaint office

209. Each county/district in Guizhou has a health commission which is in similar structure with the municipal health and family planning commission. The function and duties of the county/district health and family planning bureau are similar to the municipal level, but with more working loads. In each township, there is a township health center, which plays the function of medical affairs administration and disease prevention and control. Through field visit and discussion, it is learned that the county level bureau and township health center do not have adequate resources in terms of budget, equipment and qualified staff.

### Assessment

210. Based on institutional review and consultation, it is concluded that health commission has a well-established organization structure with comprehensive divisions and subordinate institutes, and is authorized with adequate mandate to manage the overall disease prevention and control work related to medical waste and radiation management.

211. Given that the Program will establish aged care institutions with certain health care service (Class I HCF of China), or purchase service from such institutions at county and township level, the capacity of the county health and family planning bureau and the township health center should be enhanced in technical capability and budget to ensure the good performance of the medical waste management system.

## **SECTION V: SOCIAL MANAGEMENT SYSTEM**

### **5.1 Legal and Regulatory Framework**

212. The development of aged care facilities should be consistent with the core principles guiding Program. There are laws and regulations at the national level, and related implementation regulations and measures at the provincial and municipal levels. Many county governments also issue rules and regulations to guide implementation of national and provincial laws. All development projects should be prepared and implemented under the overall legal framework.
213. The proposed Program by improving a range of aged care facilities in urban and rural areas will directly benefit millions of elderly population, including many extreme difficult elderly and low income elderly population in urban and rural communities. Given the nature of such activities ranging from community based aged care centers to township and county level rural welfare homes will require limited amount of land acquisition and their potential social impact will also be limited. For those social impacts, it is important to ensure there are good social management systems consistent with Bank's core principles guiding Program preparation and implementation. According to the projects' potential social impacts, this section will present the relevant contents of the legal framework in three aspects, namely, (a) land acquisition and resettlement; (b) interests of ethnic minority communities and vulnerable groups; and (c) consultations and grievance procedures for such development.

#### **5.1.1 A. Land Acquisition and Resettlement**

214. On managing potential social impacts caused by land acquisition and resettlement, there are a range of laws and regulations adopted in China. Among them, the Land Administration Law and State Council Decision on Deepening the Reform on Strict Management on Land are two key legal basis for defining basic aspects and procedures of land acquisition system in China. The following is a summary of provisions of key laws and regulations providing clear definitions on different requirements concerning land ownership, property right, procedures of land acquisition, compensations, and income restoration for affected farmers. Under such system, land acquisition often involves converting collectively owned rural land into state owned construction land. For acquired farmland, compensations including land compensation, resettlement subsidy and compensation for attachments will be paid directly to affected villages and individuals.

*Land Management Law of the People's Republic of China (issued on January 1, 1987, revised August 28, 2004).*

215. The People's Republic of China practices socialist public ownership of land, namely, ownership by the whole people and collective ownership by the working people. Land in the urban areas is owned by the State. Land in rural and suburban areas is owned by rural collectives. House sites and private plots of cropland are owned by rural collectives (Article 2 and 8).
216. For the public interest the state could expropriate land areas in accordance with the law and pay proper compensation. According to the local land use planning, land owned by the state and land owned collectively by farmers can be allocated to units or individuals for use in accordance with the law. Any unit or individual who needs to use land for construction must apply for using state-owned land in accordance with the law. If construction needs the collective-owned rural land, it requires completion of conversion from collectively owned farmland to state owned construction land, and such conversion of land use must go through the approval procedures. Acquisition of any basic farmland, more than 35 ha of other farmland (not basic farmland), or more than 70 ha of other rural lands, shall be subject to the State Council for approval. Users of the temporary use of land should use land in compliance with the purposes agreed upon

in the contract for the temporary use of land and shall not build permanent structures on the land. The term for the temporary use of land shall not usually exceed two years (Articles 2, 9, 43, 44, 45, and 57).

217. The compensation shall be made for land expropriated on the basis of its original purpose of use, which includes land compensation, resettlement subsidy, and compensation for ground attachments and green crops on the land. The land compensation shall be six to ten times the average annual output value of the land in the last three years immediately before the land acquisition. The resettlement subsidy is made on the basis of the calculation of agricultural population to be resettled from agricultural production. The number of agricultural population to be resettled is calculated according to the amount of cultivated land acquisition divided by landholding per capita of arable land. The resettlement subsidy for each of the agricultural population to be resettled will be four to six times the average annual output value of the required farmland in the last three years. But the resettlement subsidy for every hectare of arable land shall not exceed the highest amount of 15 times over the average annual output value of the land in its last three years before land acquisition. Land compensation fees and resettlement fees for requirement of other types of rural land will refer to the standards for farmland acquisition in the province, autonomous region, or special municipality. The standards of compensating for ground attachments and green crops on the land shall be prescribed by provinces, autonomous regions, and special municipalities (Articles 31 and 47).

*The Property Law of the People's Republic of China (implemented on October 1, 2007).*

218. To meet the demands of public interests, the state in the limits of its authorities, as prescribed by law, can acquire collectively-owned land, unit and individual housing, and other real estate. When acquiring collective-owned land, the land user shall pay the land compensation and resettlement subsidy in full and compensation for ground attachments and green crops on the land in accordance with the law, including the costs for arrangement of the affected landless farmers' social security, to protect their livelihood and safeguard their legitimate rights and interests. When acquiring units' and individuals' housing and other real estate, relevant compensations should be paid and the affected entities' and people's lawful rights and interests should be safeguarded in accordance with the law; when private housing is required, the affected people's living conditions should be guaranteed as well (Article 42).

*The Rural Land Tenant Law of the People's Republic of China (effective on March 1, 2003).*

219. Among rural land tenants, women enjoy equal rights as men. The contractor should protect the lawful rights and interests of women. Any organization or individual shall not deprive and infringe upon women's legal rights on their contracted land. In the contracted term, the party awarding the contract should not take back the contracted land; and in the contract period, the contracted land should not be readjusted (Articles 6, 26, and 27).

*The Ordinance of Acquisition and Compensation for Housing on the State-owned Land (State Council Decree no. 590).*

220. The district- and county-level governments which make house acquisition decisions should provide the house owners with compensation including house value compensation, relocation fees, temporary transition subsidies, and business loss allowance. The value of the house compensation shall not be lower than the price in the real estate market on the day of announcement of the house acquisition decision. The house owners can choose cash compensation or replacement housing. If population relocation takes place due to house acquisition, the house acquisition department should pay a relocation fee to the house owner; if the house owner chooses replacement housing, the house acquisition department should offer the house owner either the temporary transition allowance or temporary housing before the replacement housing becomes available. Before house acquisition decision making, the city government and county government should

organize the relevant departments in accordance with the law to survey the unregistered housing within the scope of the house acquisition areas to identify and resolve the issue. For the legal structures and temporary buildings in their approved legal using period, compensation shall be provided. For those identified as illegal buildings and temporary buildings with expiration of approval, no compensation shall be provided (Article 17, 19, 21, 22, and 24).

*The Decision of the State Council on Deepening Reform on Strengthening Land Management (State Issuance no. 28 [2004]).*

221. The local people's governments at or above the county level should take practicable measures to make sure that the landless farmers' living standards are maintained at least at their previous level after land acquisition. To be sure, the full and timely payments of the land compensation, resettlement subsidy, and compensation for ground attachments and green crops are allocated in compliance with law requirements. If the compensation for land acquisition cannot help the affected farmers keep their previous living standards and is not sufficient for paying the affected farmers' social security insurance, the provincial (autonomous regional) government should approve an increase in the resettlement subsidy. When the sum amount of the land compensation fee and resettlement subsidy reach the ceiling standard set by the law but still cannot have the affected farmers keep their previous living standards, local governments could subsidize the farmers with compensation funds for use of the state-owned land. The provincial (autonomous regional and municipal) government should draw up and disclose the unified annual output value of yields for the purpose of land acquisition and the weighted prices of land in the demarcated areas in all its counties and make 'one land one price' for land acquisition. Key national construction projects must incorporate the costs for land compensation into the project overall budgets (Article 12).
222. Local governments at or above county level shall enact specific measures to guarantee the long-term livelihood of the farmers whose land is acquired. For projects with stable benefits, the farmers may buy a share via the lawfully authorized rights of construction land usage. The local government within the city planning districts shall enable the farmers whose land is acquired to participate in the urban employment system and establish a social security system. In acquisition of land owned by farmers collectively outside the city planning districts, the local government shall be obliged to retain the necessary land for the farmers to cultivate or, if this is not possible, arrange corresponding jobs for them (Article 3).
223. In the process of land acquisition, farmers' collective ownership of land and farmers' rights to the contracted management of land rights and interests should be safeguarded. Before the examination and approval of land acquisition in accordance with the law, farmers to be affected by land acquisition should be informed of the land use, location, standard of compensation, and resettlement options. The investigation results of the land to be acquired should be confirmed by the village collectives and tenant farmers. When necessary, the land resources management sector should hold public hearings. The records and files of affected farmers' participation in informed consultation, as well as their confirmation should be prepared and the necessary documents must be submitted for approval of the land acquisition. The local government should accelerate the establishment of a grievance redress mechanism to manage appeals on land acquisition and resettlement and safeguard the legal rights of both the affected farmers and the land user. Except for special circumstances, the approved land acquisition plan should be disclosed to the public (Article 14).
224. The provincial government shall formulate standards for the distribution of land compensation fees within the rural collective organizations based on the principle that the land compensation fees shall be used for the farmer households whose land is acquired. The rural collective organization shall make the information on the revenues and allocation of the land compensation fees available to its members, and receive their supervision (Article 15).

225. The government at various levels shall set up a place for accessing and consulting government information at national archives and public libraries which is equipped with corresponding facilities and equipment for the convenience of citizens, legal persons or other organizations to access such government information. An administrative organ shall provide the government information voluntarily disclosed by it to national archives and public libraries in a timely manner (Article 16).

*Measures for the Administration of Preliminary Verification Examination of the Land Used for Construction Projects*

226. For a construction project that needs to be verified and approved, the entity using the land for construction shall file an application for a preliminary verification at the stage of feasibility study. For a construction project that needs to be ratified and archived, the entity using the land for construction shall file an application for preliminary verification before applying for ratification and archiving. If the construction project has not been preliminarily verified or fails to pass the preliminary verification, the party concerned shall not be approved to convert the land from agricultural use into that for construction use or to have the land requisitioned, nor shall it be permitted or to go through the land supply procedures

*The Ministry of Land Resources Notice on Improving Land Acquisition Management (June 26, 2010).*

227. Establishing new land acquisition compensation standards ensure that the compensation fees are put in place. To implement land unified annual output value and integrated land prices in the demarcated areas. To set up the unified annual output, value and land prices based on integrated land prices for land acquisition is the important measure to realize the 'one land one price' principle and perfect the land compensation mechanism; and it also meets the demand for increasing the standards for land acquisition and guaranteeing the rights and interests of affected farmers. All types of constructions that require acquisition of rural collective land should comply with such requirement. All sectors should set up a dynamic adjustment mechanism for land compensation standards and readjust the land acquisition compensation standard every two to three years, gradually raise the land acquisition compensation prices, according to the level of economic development, per capita income growth, and so on.

228. To prevent flaws during land acquisition and compensation, to ensure that the compensation fees are paid on time and in full, every step and all related departments should follow land acquisition and compensation rules and regulations. When the city and county prepare preliminary verification and approval of land acquisition, land compensation fees should be calculated in accordance with the scale of land acquisition and compensation standard, and a deposit should be paid in advance. For city construction land and construction projects with special site selection using land lease sale method, local governments should pay deposit of land acquisition compensation in advance. After approval of land acquisition in accordance with the law, timely settlement of land compensation will be made according to the actual situation by the approval.

229. Local government must take multiple resettlement measures to guarantee the landless farmers' production and living conditions, including prioritizing agriculture resettlement, saving land for resettlement, and putting in place social security funds for landless farmers.

*Disclosure Method for Land Acquisition (Ministry of Land Resources [2001] Decree no. 10).*

230. For acquisition of farmers' collective land, the land acquisition plan and the related land compensation and resettlement scheme should be disclosed in writing to the public in affected villages and villager groups. If collective land in rural townships is acquired, the disclosure should take place in the localities of township governments. If the affected villages, collective economic organizations, and rural villagers have dissenting

opinions on land acquisition, compensation, and resettlement schemes, or request to hold a hearing, they should raise their questions to city or county land resources bureaus, and city government or county government within 10 working days from the date of announcement of land acquisition and resettlement compensation scheme. The land administration sectors of the city government or county government should study and explore different opinions about the land acquisition compensation and resettlement scheme and hold hearings in response to the hearing request. When there is a necessity, the land acquisition compensation and resettlement scheme should be revised or modified in accordance with relevant laws, regulations, and the approved land acquisition plan.

*General Office of the State Council on Forwarding Ministry of Labor and Social Security for Landless Farmers Employment Training and Improvement of Social Security Work Guidance Notice, (State Council [2006] no. 29).*

231. Vocational trainings should be given to landless farmers to help their employment opportunities and improvement of social security work as an important part in the reform of land acquisition system. Governments at various levels need to strengthen vocational training and improve social security work from the perspectives of rural-urban socioeconomic integrated development and incorporate the employment issues of landless farmers into local economic and social development plan and annual plan, to set up the social security program conducive to the landless farmers' characteristics and needs; and adopt effective measures to carry out the employment training and put in place social security funds, to promote landless farmers' employment and merging into urban society, ensuring that their living standards will not deteriorate due to land acquisition and securing their long-term livelihoods.

*The Guizhou Province Land Management Ordinance (September 22, 2009).*

232. This regulation is based on the Land Management Law of China, the 'Land Management Law Implementation Regulation of the People's Republic of China', and relevant laws and regulations, and adapting the reality of Guizhou to form this policy. The provincial administrative department of land and resources under the people's government is responsible for the province's land management and supervision work. The land and resources administrative department of the people's government at the county level and above shall be responsible for the management of the land within their respective administrative areas and supervision work. The concerned departments shall, in accordance with their respective duties, cooperate with the administrative departments of land and resources in land management. This province practices a system of registration and certification of the land in accordance with the law. In accordance with the registration of land ownership, use rights shall be protected by the law. As for the land collectively owned by farmers, the people's government at the county level shall register and issue certificates to confirm the ownership. As for land collectively owned by farmers for nonagricultural construction in accordance with the law, the Government, at the county level, shall register and issue certificates to confirm the right to use the construction land. People's governments at all levels shall draw up the formulation of general land use planning based on relevant regulations. The general land use planning will go through examination and approval procedures at different administrative levels (Articles 1, 4, 5, and 8).
233. For nonagricultural construction on the cultivated land upon approval, the cultivated land user (units and individuals) shall be responsible for reclaiming new farmland in the same amount and quality as the required land; with no conditions of land reclamation or reclamation of new cultivated land not in good quality as required, land user should pay the reclamation fees according to the following provisions, to set up the special funds for reclamation of new land. The land resources administrative department of the people's government at the county level shall handle the application for land acquisition for construction purpose,

after it is agreed to by the people's government at the county level, and report to the higher-level authorities in the hierarchical administration (Article 19).

234. Compensation for land acquisition will be executed in accordance with the following criteria:
235. **Land compensation fees.** The land compensation standard (a) for paddy land, vegetable (pond and lotus pond) will be eight to ten times of the cultivated land output value; (b) for dry land, will be six to eight times of the land output value; and (c) for other land, will be two to four times of the land compensation standard for dry land annual output value. The land output values are decided by the land resources administrative department of the people's government at the county level, according to the average annual output value of the land in the last three years, and its categories and all kinds of crops, with comprehensive reference to national purchase prices and market prices to formulate, upon examination and approval by the people's government at the same level and reporting to the regional people's government for approval.
236. **Resettlement subsidy fees.** (a) The resettlement subsidy fee is calculated in accordance with the number of agricultural population to be resettled. The number of agricultural population to be resettled is decided on the basis of the amount of cultivated land acquisition divided by the landholding volume per capita locally. The resettlement subsidy fees for each of the agricultural population to be resettled will be four to six times the average annual output value of the local land in the last three years before requirement. But every hectare of arable land resettlement fees shall not exceed 15 times the average annual output value of the land; (b) the other land resettlement fees shall be a half of the cultivated land resettlement fees; and (c) acquisition of unused land shall not be entitled to resettlement subsidy fees. If people are resettled by the rural collective economic organizations or villagers' committee, their resettlement fees shall be paid to the rural collective economic organizations or villagers' committees. For those resettled by other units, their resettlement fees shall be paid to the unit. For those who are resettled by themselves, resettlement fees should be paid to the individuals or to their social security insurance, upon their agreement.
237. **Compensation payment for the attachments to land and green crops.** (a) the green crops on the land will be compensated according to the actual value of the crop; (b) the buildings and structures on the land, trees, and so on will be compensated in accordance with the relevant regulations or standard compensation as agreed upon by both parties; in the case there are no rules and agreements on this matter, the repayments will be determined by the people's government at the county level according to the actual loss value; and (c) after the release of a notice (cutoff date) on land acquisition, any structures and/or plantings are not entitled for compensation. Compensation for ground attachments or green crops shall be paid to the land contractor or the structures' property owner.

*The General Office of the Government of Guiyang Released the Notice on Standards of the Unified Annual Output Value of Land Acquisition and the Integrated Land Prices in the Subordinate Cities and Counties, no. 221 (2009).*

238. The Land Administration Department of Guizhou Provincial Government forwarded 'the Notice of Guizhou Government's Approval of the Provincial Standards of the Unified Annual Output Value of Land Acquisition and the Integrated Land Prices' that will be executed from January 1, 2010. The governments of counties/cities disclosed the standards to the public and place the disclosed documents on the records of the prefecture government and its land administration bureau. This notice contains four annexes: (a) the standards of unified annual output value of land acquisition in Guizhou Province, (b) the standards of land prices in the areas for land acquisition in Guizhou Province, (c) the consolidated table of the standards of unified annual output value of land acquisition in Guizhou Province, and (d) the consolidated table of the

standards of land prices in all areas for land acquisition in Guizhou Province. New standards will replace old ones once issued.

*The Villagers' Autonomy Law of the People's Republic of China (July 23, 2013).*

239. In accordance with the Constitution, this law is formulated to ensure the rural villagers' autonomy and villagers' managing their own decisions in accordance with the law, developing rural grassroots democracy and promoting the construction of socialist material and spiritual civilization in the countryside. The village assembly is the highest decision-making body of the administrative villages. It is composed of villagers, who are 18 years and above (people with their household registration books in the administrative villages or without the household registration books but having fixed residences in the villages, as well as living there consecutively for more than a year, can be called a villager of the village).
240. The village committee is responsible for setting up the village finance, village annual financial budget, and final accounts; handling the village public affairs and public welfare undertakings; mediating civil disputes; assisting the public security departments to maintain social order; and reporting to the people's government to reflect the opinions, requirements, and suggestions of the villagers. The village committee assists the work of the people's governments of townships, ethnic minority townships, and towns. The village committee should support and organize the villagers, in accordance with the law, to develop various forms of cooperative economy and other economies, serve village production and coordination, and promote construction of rural production and development of the socialist market economy. In accordance with the law, the village committee should manage the village-owned collective land and other properties and educate the villagers to rationally use natural resources and protect and improve the ecological environment (Articles 12 and 13).
241. **Assessment:** The current legal framework on land acquisition at both national-level and Guizhou Province has been well established to ensure that affected people are assisted in improving or at least restoring their livelihoods and welfare levels. The legal framework have developed detailed regulations on land acquisition policy objectives, approval procedures, compensation rates and updating mechanism, resettlement livelihood restoration measures, consultation and information disclosure, supervision arrangement, among others. Since China has no land market in rural areas, the methodology for land compensation is designed as unified annual output value standard or district wide comprehensive land price for a county. In addition, the national-level and Guizhou provincial polices require local governments to take specific measures to restore or maintain the land acquisition affected farmer's welfare levels. Depending on degree of land acquisition impacts, economic rehabilitation measures include cash compensations set by provincial government at more than 20 times of annual output value, land readjustment, carried out by affected villages to ensure land loss individuals being provided with replacement land from village reserved resources, job training and employment introduction for land loss farmers to be carried out by local county government for higher income earning opportunities, and pension program for land loss farmers to ensure sustainable livelihood after retirement.

### **5.1.2 Ethnic Minority Development**

*The Constitution of the People's Republic of China (December 4, 1982)*

242. This is the fundamental law of China. It sets all the legal rights its people are entitled to. People ensure their rights through the National People's Congress and local people's congress at various levels. China is a united, multiethnic nation constituted by ethnic groups. The country does its best for the common prosperity of all ethnic groups, and all ethnic groups are equal in political and socioeconomic standing. The country sustains and develops an equal, unified, and mutual benefiting relationship among the multiple ethnic

groups and prohibits discrimination and oppression of any ethnic group. It prohibits destructive actions of national unity and opposes divisions and safeguards the legal rights and interests of all ethnic minorities. In accordance with the needs and characteristics of ethnic minorities, the country promotes economic and cultural development of ethnic minority areas. Every ethnic minority population concentrated area undertakes regional autonomy, establishing autonomous bodies and exercising autonomous authorities. All the ethnic minorities' autonomous regions are indivisible parts of China. All ethnic minorities hold the liberty of using and developing their own languages and literature and keep or transform their own traditions and customs.

*The Law of Ethnic Minority Regional Autonomy (October 1, 1984)*

243. Under the national united leadership, the regions where ethnic minority populations are concentrated apply for regional autonomy, set up autonomous bodies, and execute autonomous rights. In places where ethnic minorities are concentrated, the autonomous entity could be established on the basis of one or more concentrated areas of ethnic minorities, in view of local ethnic relations, economic development situations, and historical conditions. In ethnic minority autonomous regions, the relevant autonomous localities or ethnic townships of other ethnic minorities could be established, as well as in their own concentrated living areas (Article 12).
244. Under direction of the national plan and in accordance with local needs and characteristics, the autonomous bodies of the ethnic minority autonomous region draw up the guiding principles, policies, and plans of economic reconstruction, autonomously arrange and manage local economic development, reasonably adjust productive relationship and economic structure, and make efforts to develop a socialist market economy (Articles 25 and 26).
245. The autonomous bodies of the ethnic minority autonomous regions autonomously develop ethnic minority education programs, abolish illiteracy, establish and manage schools, popularize nine-year compulsory education, develop regular senior secondary schools and secondary vocational schools of diverse types, and develop higher education in accordance with local conditions and needs and educate professional talents of ethnic minorities. They also independently develop literatures, arts, news media, publications, broadcasts, movies, television, and so on suitable for ethnic minorities; support relevant departments to collect, sort out, translate, and publish historical books of ethnic minorities; and protect places of historic interest and scenic spots of ethnic minorities, precious cultural relics, and important historic heritages (Articles 37 and 39).
246. When dealing with special issues relating to local ethnic minorities, the autonomous bodies of the ethnic minority autonomous regions must adequately consult with representatives of the related ethnic minorities and respect their opinions. The autonomous bodies of the ethnic minority autonomous regions ensure that all the ethnic minority citizens in the regions enjoy their citizen rights as entitled by the Constitution and educate them to fulfill their obligations (Articles 51 and 52).

*The Ethnic Minority Township Administration Ordinance (September 15, 1993)*

247. To promote economic and cultural development of ethnic minority townships, safeguard the legal rights of ethnic minorities, and heighten ethnic unity, the Commission of Ethnic Minority Affairs of China set this ordinance in accordance with the Constitution and relevant laws. The ordinance regulates the people's government of the ethnic minority township and administrates daily work in the local language. The county and higher-level governments could adopt tax reduction and/or tax exemption measures to support economic development of the ethnic minority townships in accordance with regulations on tax management authorities and give special concern to the poor ethnic minority townships in allocating poverty funds and

other allowances. The governments should help the ethnic minority townships in strengthening infrastructure construction, agricultural and industrial development, and so on.

*Administrative Procedure Law of the People's Republic of China (amended in 2014)*

248. It stipulated that citizens of all nationalities have the right to carry out administrative litigation in their own language and words (Article 9). In areas inhabited by ethnic minorities or in multi-ethnic communities, the people's Court shall apply the language, text and legal documents of local nationalities. The People's Court shall provide translation to the participants who are not familiar with the common language and text of the local people.

*Guizhou Provincial Stipulations on Fulfillment of the Law of Ethnic Minority Regional Autonomy (September 23, 2005).*

249. The state bodies at various levels should strengthen the propaganda and training on the 'law on regional national autonomy of the People's Republic of China' and relevant laws, regulations, and national policy, supervise and check the execution of laws and regulations, and respect and safeguard the legitimate rights and interests of all ethnic minority groups, to consolidate and develop equality, unity, mutual benefit, and harmonious relationship. The higher state bodies shall perform their duties to ensure that ethnic minority areas exercise their lawful autonomy and according to their characteristics and needs, help autonomous areas accelerate their economic development and social progress. In the formulation and implementation of national, economic, and social development planning by higher-level people's governments and their functional departments, priority shall be given to the characteristics and needs of autonomous areas, supporting and helping autonomous areas develop economy and various social undertakings, and providing prior arrangements for the key projects in the autonomous areas' economic and social development, as well as taking measures to increase investment and assistance (Articles 3, 4, and 6).
250. Higher levels of people's government should, according to the actual conditions of national autonomous areas, give priority to infrastructure projects in autonomous areas. The transport administrative department of the people's government should increase investment to speed up transport infrastructure construction of the national autonomous areas; formulate preferential measures to help raise funds through various channels for national autonomous areas to participate in joint venture cooperation and shareholding systems and use loans to build roads and other transportation infrastructure; support and strengthen the maintenance and management of highways and ensure unimpeded road in national autonomous areas. Higher-level state bodies shall encourage, support, and guide the national autonomous areas to take various forms and develop tourism projects and products with ethnic characteristics. The higher state bodies should increase support to national autonomous areas and poverty-stricken areas, through poverty alleviation funds and project arrangement in national autonomous areas. Key support to autonomous areas includes rehabilitation and reconstruction of facilities for water, electricity, pathways, broadcasts, TV and house renovation, ecological resettlement, and so on. The higher state bodies should help national autonomous areas by training local ethnic cadres at various levels, pay attention to foster young cadres, women cadres of ethnic minorities, and increase the training of cadres of ethnic minorities in the ethnic autonomous areas. (Articles 14, 15, 20, 21, and 36)

*Development Plan of Ethnic Minorities in Guizhou Province during the 13th Five-Year Plan (October 2016 draft).*

251. The plan summarizes the main achievements of Guizhou's ethnic minority development in 'the 12th Five-Year Plan' period, and analyzes the great opportunities and main problems in the 13th Five-Year Plan period. It sets forward the guiding principle for development of the Guizhou ethnic minorities' undertaking,

the related basic principles, development orientation, and development goals, and draws up a time frame and a road map for promoting minority areas into a well-off society. It also requires to strengthen organizational guarantee, clear division of responsibilities, and intensify the supervision and monitoring measures, to ensure proper implementation. The plan captures a broad range of aspects, not only a matter of ethnic minorities' economic and social development, but also related to the lawful rights and interests of all ethnic minorities.

252. **Assessment:** The state and Guizhou Province have formulated a series of policies on ethnic minority development, including respecting for minority views, safeguarding the political equality of ethnic minorities, respecting the customs of ethnic minorities, supporting the development of ethnic minorities, and planning the economic and social development of ethnic communities. Under such policies, the minority concentrated areas in Guizhou enjoy the same development opportunities, such as aged care services, and for those vulnerable elderly in these communities such as welfare recipients and low income elderly, same entitlements and assistances programs have been provided.

### **5.1.3 Citizen Engagement, consultation and Information Disclosure**

*Guizhou Provincial Regulation on Protection Basic Interests of Elderly Population (November 24 2016)*

253. **Basic Rights of Elderly Population.** According to the regulation, the elderly population refers to those being or over 60 years old (Article 2). The basic interests of elderly population will be protected by the law and should not be violated by any individuals or organizations. Any discrimination and mistreatment of elderly population is forbidden. (Article 3) The regulation indicates that different levels of governments should include aged care sector into social and economic development plan and allocate financial resources for aged care development into government annual budget so that a aged care system which is dominated by home based aged care, supported by community based aged care, supplemented by institutional care could be developed in accordance with social economic development (Article 4). The county or above government should be responsible for organizing, coordinating, and supervising the activities concerning aged care development and protection of interests of elderly population (Article 5).
254. **Support for Vulnerable Group.** The county level government should provide minimum living allowance for those qualified difficult elderly persons; offer special difficult subsidies for those with minimum allowance and still facing difficulties; and provide full coverage of aged care for those who do not have work ability, do not have stable income, do not have legal guardian, or legal guardian do not have ability to support them (Article 15). The county or above government should gradually establish long term care system for those low income elderly requiring assisted care by providing long term care subsidy or using government purchased service method (Article 16).
255. **Consultation and Participation.** The county government and local residential committees and villages should adopt various ways to collect opinions and suggestions from elderly population on local social economic development including aged care activities (Article 36).
256. Under the *13th Five-year Plan for Economic and Social Development of Guizhou Province (2016)*, it calls for local governments to perfect the working mechanism on maintaining basic interests of local grassroots, and make efforts to explore new ways and new methods in maintaining close relationship with grassroots under new environment. Specifically, the efforts should be made to enhance public disclosure system on public decision making, expanding channels for collecting public opinions, and ensure general public of their rights on participation, consultation, and supervision. Improve the joint working system of people's mediation, administrative mediation and judicial mediation, establish a comprehensive mechanism for defending the rights according to law and mediating contradictions and disputes. Improve the mechanism

of mass appeal and establish petition system. Improve the system of open village affairs, open government affairs and democratic appraisal system, strengthen public supervision and evaluation.

Requirements for women's public participation.

257. Measures of the Guizhou Province for Implementing the Law of the People's Republic of China on the Protection of Women's Rights and Interests (Revised in 2007) stipulated that: People's governments at all levels should take necessary measures to gradually improve various systems for safeguarding the rights and interests of women and eliminate all forms of discrimination against women. State organs, social organizations, enterprises, institutions and other organizations should, in accordance with their respective functions, guarantee that women enjoy equal rights with men in politics, economy, culture, society and family. People's governments at all levels and relevant departments shall, according to the needs of urban and rural women, organize women to receive vocational education, practical technical training and labor skill training, so as to provide assistance to women in productive operations and employment.
258. Notice of the People's Government of Guizhou Province on Issuing Women's Development Plan (2017, No5) defined the main goals and strategic measures for women in eight fields of health, education, economy, poverty alleviation, women's participation in decision-making and management, social security, environment, and law. The Notice emphasized greater support for improving aged care coverage for elderly women, particularly those community based aged care facilities benefiting general public. Increase support for women's development in rural areas, impoverished areas and ethnic areas. Improve the system, increase investment, optimize the layout of the project to narrow the gap between urban and rural areas in the per capita income level, quality of life, culture and education, health care services, social security and other aspects. Protect women's right to participate in economic and social development according to law, respect women's ownership and guide and support women in their own progress and development.
259. **Assessment:** The 13th Five-year Plan of Guizhou Social and Economic Development Plan, and various regulations and decrees concerning aged care development, protection of basic interests elderly population have made efforts on establishment and improvement of the participation and consultation mechanisms of general public, and elderly population and women in particular, regarding the program and activities to improve coverage and quality of aged care in the province.

#### **5.1.4 Grievance Redress Measures**

260. With regard to grievance of the aged care development program in Guizhou Province, following national petition and complaint regulation, both Guizhou province and selected five cities and prefectures have established a petition and complaint mechanism which will allow any individuals or elderly to express their grievance regarding their access to aged care facilities, entitled subsidies and impacts caused by construction of new aged care facilities.  
National Petition/complaint mechanism
261. Petition/complain mechanism. Per State Council's regulation on Petition and Complaint (May 1 2005), Guizhou provincial government has established a petition system to ensure that citizens will have proper channels to express their concerns and opinions. The petition regulation (adopted on September 22 2006) stipulated that citizens, legal persons or other organizations could use letters, emails, faxes, telephones, visits and other forms to make recommendations or complaints to the people's Governments at all levels, their views shall be dealt with by the relevant administrative organs according to law (article 2).The working departments of the People's Governments at all levels shall expedite the petition channels and provide convenient conditions for the petitioners. No organization or individual shall retaliate against the complainant (article 7).

262. Petition Department. Article 16 of the petition Ordinance stimulated that the people's Governments at or above the county level should set up petition agencies. The people's Governments of counties, townships and towns shall determine the institutions and personnel responsible for petition work in accordance with the principle of facilitating the petition. The duties of petition work of the people's Government at or above the county level are: i) Accepting, transferring and forwarding letters and visits submitted by petitioners; ii) Undertaking the matters of petition to be handled by the superior and the people's Government; iii) Coordinating and dealing with important petition matters; iv) Supervision the handling of complaint matters; v) To study and analyze the situation of petition, carry out investigation and research, and put forward suggestions on perfecting policies and improving work to the people's Government in time; iv) Guiding the petition work of other working departments of the People's Government at this level and the subordinate people's government.
263. Propose of petition matters. The complainant shall make suggestions on the performance of the following organizations and personnel or submit a petition to the relevant administrative organs if they are not satisfied with the conduct of the following organizations and persons: i) Administrative organs and their staff; ii) The organization and its staff authorized by law and regulation with the functions of managing public affairs; iii) Enterprises, institutions and staff providing public services; iv) Persons appointed and dispatched by the State administrative organs in social organizations or other enterprises or institutions; v) Villagers committees, residents committees and their members.
264. Acceptance of the petition matters. The people's Governments at or above the county level receive and register complaints and make a distinction between them, then dealt with the following manners within 15 days. i) The petitioners who are not satisfied with the review request a further review to administrative organs of the previous level within 30 days from the date of receipt of the written reply. ii) The administrative organ submits a review opinion within 30 days from the date of receipt of the request for review. iii) Petition matters are settled within 60 days from the date of acceptance. If the situation is complicated, the processing period can be extended with the approval of the head of administrative organ. However, the extension shall not exceed above 30 days and the complainant would be informed of the reason for the extension. iv) where the laws and administrative regulations stipulate otherwise, they shall be prescribed.
265. Handling and supervising the matters of petition. The administrative organ handles the petition matters, listens to the complainant to present the fact and the reason, requests the complainant, the organization and the personnel to explain the situation if necessary. Investigate other organizations and personnel if further verification of the situation is required. Hold public hearings on major, complex and difficult complaint matters. The scope of hearing, moderator, participants, procedures, etc. are prescribed by the people's Governments of provinces, autonomous regions and municipalities.
266. **Assessment:** The petition system in Guizhou Province is one of the effective ways to express the interests of all citizens. Under relevant regulations and decrees concerning the development of aged care and assistance to women and vulnerable groups, there are also relevant appeal procedures established under the administration of provincial and local civil affairs bureaus. These petition system and grievance procedures under functional departments established a special grievance mechanism for the elderly population to be affected under the Program. Here, a special grievance mechanism for the elderly population refers to grievance procedures in local civil affairs departments or civil affairs bureaus, since they are the key agencies responsible for aged care affairs. There is a petition office in civil affairs department or civil affairs bureau, responsible for various complaints concerning civil affairs boundary, such as qualification of low income status, eligibility of public assistance, and issues concerning aged care. Each office is equipped with designated staff and follow a set of clear procedures for each complaint, from documentation, investigation,

to consultation and resolution. They will be the basis for setting up a special grievance procedure for the Program among participating counties and districts.

## **5.2 Implementation of Social Management Systems**

### **5.2.1 Land acquisition procedures**

267. The People's Republic of China practices socialist public ownership of land, namely, ownership by the whole people and collective ownership by the working people. Land in the urban areas of cities is owned by the State. Land in rural and suburban areas is owned by peasant collectives, except for those portions of land which belong to the State as provided for by law; house sites and private plots of cropland and hilly land are owned by peasant collectives. To meet the demands of public interest, it is permissible to requisition lands owned collectively and premises owned by entities and individuals or other realties according to the limit of statutory power and procedures. When requisitioning collectively-owned land, it is required, in accordance with the law and in full amount, to pay land compensation fees, placement subsidies, compensations for the above-ground fixtures of the land, seedlings and other fees, arrange for social security fees for the farmers with land requisitioned, guarantee their livelihood and protect their lawful rights and interests. When requisitioning the premises owned by entities and individuals or other realties, it is required to compensate for demolition in accordance with the law and to protect the lawful rights and interests of the owners of the requisitioned realties. When requisitioning the individuals' residential houses, it is required to guarantee the housing conditions of the owners of the requisitioned. Based on relevant laws and regulations, a set of institutions has been established in managing the process of land acquisition. They include Ministry of Land Resources<sup>26</sup> at national level, Land Resources Department at provincial level, and Land Resources Bureaus at municipality and county levels, as well as land institute at township level. These institutions are equipped with functions of land use planning and land use management at different administrative levels, which includes the responsibility for managing the process of land acquisition for the state construction.
268. On the potential social impacts caused by land acquisition, the current legal framework, has set up a clear procedure for obtaining approval of land acquisition for investment projects, and managing the land acquisition process. Any project without approval of land acquisition should not be allowed to proceed. One key requirement is to obtain approval of land preliminary verification issued by provincial land department or Ministry of Land Resources, which should be completed before the ratification and approval of a construction project. If the construction project has not been preliminarily verified, the party concerned shall not be approved to convert the land from agricultural use into that for construction use. Once the approval of land preliminary verification is obtained, the actual land acquisition could begin. To manage potential social impacts, the current legal system specifies key steps involving with land acquisition, which include informing the affected people about the purpose, location, compensation rates, and rehabilitation measures for the land to be acquired, having affected parties to confirm the outcome of land survey, and holding public hearing on the land to be acquired.
269. Following the confirmation, the local county/district land resources bureau will begin the process of compiling land acquisition application documents, and submit them to higher level of government for approval. Once it is approved, land acquisition decree should be published in the affected villages within 10 days of the approval. After the decree, the affected rural collectives and individuals should bring relevant certificates and go to the required place to register the land acquisition. Based on land acquisition scheme and registered data, local land resources bureau should prepare "land acquisition compensation and

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<sup>26</sup> Recently Ministry of Land Resources was re-organized into Ministry of Natural Resources, but in provincial and local levels, original names of land resources department or land resources bureaus remain unchanged.

rehabilitation scheme” and disclose such scheme to affected villages. When all compensation for all items paid, the affected rural collectives and individuals should release the acquired land areas to local land resources bureau.

270. In order to have a better understanding how land acquisition process was carried for aged care facilities, the task team visited a number of aged care facilities in selected counties and districts where land acquisition had completed. In general, the amount of land requirements for these facilities would be limited, ranging from 5-10 mu most township level welfare homes to 15-25 mu for county level central welfare homes. Among different types of aged care facility construction projects, regardless of the amount of land acquisition and type of land acquisition, all project sponsors (local civil affairs bureaus) had obtained relevant approval during the project feasibility study stage, which included an approved project proposal from the local reform and development commission, a land preliminary verification from the land resources department, and a land use planning permit from the local planning department. All project sponsors were able to obtain the land areas for the projects following the established land acquisition process. Under the land acquisition process, the local land resources bureau is responsible for supplying the land area to the project sponsor following the completion of land acquisition from rural collectives to the state. The project sponsor will be given a land use certificate for the acquired land area after paying the land lease price plus various taxes and fees to the local government. The actual process of land acquisition, which includes conducting survey, public hearing, registration, and providing compensation to affected parties, is often handled by the local land resources bureau with assistance of the township government. As a result the project sponsor might not be fully aware of the details regarding compensation policies for the affected villages and delivery of compensation and rehabilitation. Given the fact that the proposed Program will be implemented among five municipalities and 48 counties or districts, in order to ensure that all required land acquisition under the Program are in compliance with national laws and local regulations, provincial PMO should set up more detailed monitoring system to be specified in the program operation manual. Under such system, for each subproject involved land acquisition and resettlement, a set of key documents need to be provided, and based on which, a third party monitoring team will be engaged to monitor the implementation.
271. The discussions with project sponsors and visits to project sites confirmed that such land acquisition procedures were generally followed in different local areas, and all affected villages were notified about land acquisition, participated in measurement of impacts, and were provided with the compensation indicated in the local government decree. The visits of Xiuwen County in Guiyang City, Panzhou County in Liupanshui City, and Sandu County in Qiannan Prefecture all confirmed that in the process of land acquisition for relevant rural welfare homes, land acquisition procedures were carefully followed and compensations indicated in local government decrees were paid to the affected villages and individuals.
272. Based on these visits and past experience with similar land acquisition procedures in the region, as long as the procedure is followed, the basic interests of affected people were protected. The findings also showed adherence to the principle of avoiding or minimizing displacement and demonstrated that affected people are assisted in improving or at least restoring their livelihood and living standards. Given the fact that amount of land involved is very limited, the basic approach of rehabilitation is cash compensation. For land compensation, it is often set over 20 times of annual average output value based on provincial decree; and for affected attachments, compensations are based on replacement value and mutual agreement. Besides cash compensations, depending on degree of land loss, affected farmers are often provided with job training and land loss pension program as well as employment introduction. In some cases, land readjustment was carried out within affected villages to ensure land loss impact is mitigated.
273. For the required temporary land areas during project construction, instead of relying on local land resources bureaus, project sponsor often negotiated directly with local villages. The compensation rates for temporary land occupation are often set following annual crop value plus the cost of restoring affected land to original

conditions. For land areas owned by village collective, the compensation will be paid directly to affected village. For land areas contracted to individual households, compensation will be paid directly to affected households.

### **5.2.2 Implementation of ethnic minority development**

274. Guizhou Province has high concentration of ethnic minority population, totaling 13.15 million or 37% of total population. The proposed aged care development activities under the Program program will cover five selected municipalities or prefectures and 48 counties or districts with 19.95 million population, of which, there are 5.25 million as ethnic minority people, accounting for 26% of the total population. There are 22 ethnic minority autonomous counties and 61 ethnic minority autonomous townships in these five municipalities or prefectures including 12 in Qiannan Prefecture, 8 in Qianxinan Prefecture and 2 in Zunyi City.
275. Guizhou Province has been implementing the 13th Five-Year Plan for Promoting the Development of minority areas and Ethnic Minorities and Planning of the Action of Prospering Frontier (2016-2020) issued by State Council, which stressed that the level of basic public service in ethnic communities shall be improved and the outstanding problems and special difficulties faced by economic and social development shall be solved. The key tasks of the minority work department of Guizhou Province during the 13th Five-year are: (i) promoting the overall poverty alleviation in ethnic areas; (ii) improving infrastructure conditions in ethnic areas; (iii) accelerating development of new economic sectors in ethnic regions; (iv) promoting coordinated development of urban and rural areas; (v) promoting equal access on basic public services in ethnic areas; (vi) promoting the construction of ecological civilization; (vii) promoting the openness and cooperation of ethnic areas with outside world; (viii) promoting prosperity and development of minority cultures; (ix) promoting the exchange, cooperation, and integration of different ethnic minorities; (x) enhancing the management capacity on ethnic minority affairs; and (xi) strengthening policy support on ethnic minority development. Promoting aged care development is one of such key social economic areas to be targeted by minority work department.
276. According to the discussions in selected counties where ethnic minorities are concentrated, ethnic minority townships are given high priority in receiving government funds to improve or build new rural welfare homes or other aged care facilities. In such cases, additional funds earmarked for ethnic minority development are often allocated through provincial ethnic minority and religious commission, which will be used to support various projects in ethnic areas including development of aged care facilities. Taking Sandu County in Qiannan Prefecture as an example, it has 400,000 population and 97% as ethnic minority population. The elderly population amounted to 42,300 in 2017. Among them, 33% are males and 67% are females; and 30% are living in urban areas, and 70% in rural areas. There were 872 are welfare recipients, accounting for 2% of total elderly population there. Among them, 22% are females and 78% as males. At present, there are 7 welfare homes in the county with a total of 630 beds, and only 160 welfare recipients are living in these facilities. The county received CNY600,000 from provincial ethnic minority and religious commission for one welfare home development. In addition, under the arrangement of cross support from coastal region, at least three sessions of trainings were provided for 80 caregivers and care management staff.

### **5.2.3 Management of Other Social Issues**

277. **Citizen Engagement.** Since most proposed physical improvement on aged care facilities in urban and rural areas, ranging from village happy homes and community daycare centers to county level welfare homes, will be developed by local government agencies and supported by government budget, they will be gone through regular government decision making process involved a series of reviews by relevant

administrative units and consultations with local representatives. In case certain land areas will be required, the affected village and individuals as well as township government will be consulted before land acquisition could proceed. For the issues concerning the access and affordability to various aged care facilities, extensive consultations with all key stakeholders, such as key government agencies, local district, sub-district and township governments, and representatives of residents and villagers, will be carried out before certain proposed measures could be adopted. For the issues concerning identification of those vulnerable elderly groups requiring assisted living who might be eligible for government subsidies on certain services of institutional care, vigorous process will be involved by relevant local governments based on detailed criteria. The process often begins with application by qualified individuals to be reviewed by concerned residential committees or administrative villages and approved by relevant sub-district and township governments or responsible government agencies. The approved list will be disclosed in the concerned villages or residential committees and to be confirmed by responsible government agency. Any individuals could voice their concern and opinions on the approved list. Under the Program, the introduction of needs assessment and basic aged care services and determination of eligibility of those receiving such public funded basic aged care services will require adoption of relevant government policies. Here, government policies refer to special guideline and policies to be adopted by provincial government in order to introduce the practice of needs assessment and basic aged care service packages, as well as implementation details to be adopted by participating cities and counties. These guidelines and policies are critical policy documents for the program implementation. The provincial government has strong commitment for adopting such guidelines and policies, and the adoption of both these policies have been included in the first year DLIs for proposed Program. Such policies adoption as they will concern interests of many individuals, effective public consultations are required. To ensure meaningful consultation process is applied among all project counties and districts, consultation and engagement plan will be developed and included in the program operation manual.

278. **Grievance Procedures.** In these cases, there is a clear channel for concerned individuals to express opinions and appeal the decisions concerning the qualification of certain of various government subsidies. In case the affected individuals could not get satisfied resolution from concerned village, township and in charge of county or district agencies, he could always go to county or district petition and appeal office to express his concern. This system provides a reasonable basis for addressing the social issues related to activities supported under the Program.

### **5.3 Institutional Arrangement for Implementing the Program**

#### **5.3.1 Institutional Arrangement on Aged Care Development**

279. The Program covers a part of the overall provincial aged care development programs, therefore the existing structure in the province will be followed under the Program. Although Guizhou government has a strong commitment to the development of the aged care services system and to the Program's objective and implementation, there are a number of agencies involved aged care development. They include social welfare development division and relief and assistance bureau of DOCA, and elderly population office in the province. The social welfare division is the main government agency in charge of aged care development. Its responsibility includes formulating aged care development policy, method; guiding the construction and management of social welfare sector, and managing provincial lottery fund, with at least half of them to be allocated on aged care development. The relief and assistance bureau is responsible for formulating minimum living allowance for both urban and rural low income population, assistance standard for rural five guaranteed households, and providing guidance on construction and operation of rural welfare homes for five guaranteed households. The provincial elderly population working committee office is responsible for formulating policies concerning elderly population development, preparing and implementing aged care development plan, promoting home based and community based aged care

development, and keeping statistics on elderly population. In order to better coordinate aged care strategy and development, a task force on aged care services has been established and staffed within the provincial DOCA. The task force leads the Program preparation work as well as coordination with other agencies at provincial level and with the selected municipalities and prefectures. Given the cross-disciplinary nature of the aged care services, the institutional coverage includes a number of sectoral line agencies involved in the implementation of aged care activities, i.e. at the provincial level, Health and Family Planning, Department of Human Resource and Social Security, Department of Education, Department of Finance, Development and Reform Commission and others, Guizhou government has proposed to establish a provincial aged care leading group led by the Vice Governor to further strengthen institutional mechanism and promote the sector reform.

280. In addition to the horizontal arrangements, the institutional arrangements will involve a vertical structure down to the county/district level that is mirrored at the provincial level as the implementation will take place at the prefectural and county/district levels. At both municipal and county levels, similar institutional arrangement is setup within city or county civil affairs bureaus to be responsible for implementing aged care policies and projects in relevant counties or districts. In the selected cities and counties visited, the staff from local civil affairs bureaus demonstrated high sense of responsibilities, good understanding of aged care conditions and detail knowledge of elderly population status as well as challenge their facing. Their close working relationship with local sub-district and local communities created good conditions for developing quality community based aged care facility in urban communities. Their experience in managing assistance for urban and rural low-income population gives them advantage for introducing assistance measures for elderly people both in economic difficulties and requiring assisted living.
281. Nevertheless, one common issue facing both provincial civil affairs department and district/county civil affairs bureaus is lack of experienced staff, who will be needed on managing various program activities in program counties or districts, cities or prefectures, and provincial government. To address such shortcoming, provincial ACO has recruited an experienced team to support the day-to-day operations for the Program, with subgroups managing coordination, procurement, financial, environment, social and monitoring and evaluation. Similar operation support teams are also being recruited by participating cities and counties or districts. In addition, under the guidance of the Bank team, an operation manual will be developed for the program implementation, covering different aspects of program implementation, such as procurement, financial management, social and environment. The completed operation manual will be distributed to all participating cities and counties. In order to ensure all participating agencies and staff have a clear understanding how the program will be implemented, during the early period of program implementation, a series of trainings will be provided to all staff of different implementation agencies.

### **5.3.2 Institutional Arrangement for Land Acquisition**<sup>27</sup>

282. For the activities to be carried out under the Program, one of the key social impact is land acquisition due to construction of different types of aged care facilities. According to relevant laws and regulation, there is a range of institutions in charge of land acquisition process, which includes department of land resources at provincial level and land resources bureaus at municipal and county/district level. At provincial level, the main responsibilities include protecting cultivated land, and ensuring basic farmland not to be reduced,

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

supervising the development of unutilized land, organizing the implementation of land conversion, and land acquisition, and carrying out review and approval of different types of land areas on behalf of state council and provincial government. The actual land acquisition implementation is often carried out by land resources bureaus in relevant counties or districts. The main functions of county and district land resources bureau include organizing the implementation of national land laws and regulations, organizing preparing and implementation of land use planning in the county, participating in land acquisition application review and approval, implementing land administration according to law, and monitoring and supervising land use situation in relevant townships. There are eight units in each county land resources bureau, including office, finance and land acquisition administration, personnel and education, planning and survey, cultivated land protection, cadastral administration, mineral resources administration, and law monitoring and enforcement.

283. In addition, a land management station is often set up in each township to facilitate land management function. During the process of land acquisition, staff from township land management station are working closely with township officials and representatives of affected villages and individuals in measuring acquired land areas, affected attachments and preparing compensation agreements with affected people. Overall, these organization are reasonable and runs efficiently. Discussions with staff of land resources bureaus responsible for land acquisition indicated that most of them have strong business ability and most land acquisition involved had been implemented strictly following the policies and procedures. The ESSA finds that, in general, the social management system to manage the identified social risks related to the activities to be supported under the Program are in place, but some improvement should be made to ensure their proper implementation.

### **5.3.3 Ethnic minority Management Agencies and Capacity**

284. The Ethnic and Religious Affairs Committee of Guizhou Province belongs to the people's government of Guizhou. Its main responsibilities are: implementing the guidelines and policies of the Party Central Committee and the State Council on ethnic and religious affairs; coordinating and promoting the work of members of the ethnic working committees and other relevant departments of the autonomous region in performing their duties related to ethnic affairs; putting forward suggestions on how to coordinate ethnic and religious relations; studying and analyzing the economic development and social undertakings of ethnic minorities and ethnic minorities inhabited areas, and putting forward policy recommendations.

285. The Ethnic and Religious Affairs Bureau in counties is responsible for coordinating the ethnic relations of the whole county and promote equality, unity and mutual assistance among all ethnic groups; protecting the lawful rights and interests of ethnic minorities according to law; dealing with matters relating to ethnic relations; establishing and improving a comprehensive evaluation and monitoring system for the development of ethnic minority undertakings, promoting the implementation of the national service system and the information construction of ethnic affairs management; organizing the recognition activities of national unity and progress. It also works with relevant departments to develop special policies and measures for the development of ethnic and ethnic enclaves in the whole county and carry out alleviate poverty work of ethnic minorities, promote the development of social undertakings such as education, technology, culture, health and sports. It also involves allocation of special loans and special funds for ethnic minorities.

286. Ethnic and religious management institutions have been established in provincial, municipal and county level in Guizhou Province, with special staff, work place and good equipment. The survey found that the ethnic and religious committees at all levels were responsible for the implementation and management of

minority funds, which could be integrated with aged care facilities in minority concentrated townships or villages.

### **5.3.4 Public Participation and complaints Management Agencies and Capacity**

#### **(1) Information disclosure**

287. Following relevant provisions of *the government information disclosure ordinance (decree No. 492)* of the People's Republic of China, the Guizhou Province issued *Provisional Regulation on Government Information Disclosure (2011, No.9)* in order to arrange and deploy government information in key areas. The provisional regulation required the disclosure of information related to people's livelihood, such as land acquisition and social security.
288. According to the regulations of *the government information disclosure ordinance*, information public columns have been set up on the websites of Guizhou Province and county governments to establish and improve the information distribution system and clarify the procedures and responsibilities. According to 2017 review on government information disclosure, a total of 1.45 million message was issued in 2017 on government websites, increasing 21% over 2015, with 192,00 from provincial government websites and 1.26 million from city and county government websites, which greatly improved government information disclosure in the province. Guizhou provincial and municipal governments at all levels have set up the Government Information public office in Guizhou Provincial People's government office, and have opened up government information of 10 key areas on government websites at all levels.

#### **(2) Grievance Redress Mechanism**

289. The grievance redress mechanism consists of official petition bureau of Guizhou Province and petition departments in cities and counties, and petition agencies in relevant functional departments. The main responsibilities of the petition bureaus at different levels include (i) formulating relevant policies and regulations of petition work and organizing and implementing them; ii) to receiving letters from the people, receiving visitors and providing explanation with relevant laws, regulations and policy advisory services on behalf of provincial, municipal and county governments; iii) to undertaking the petition matters assigned by the superior leading authority and assigning petition matters to the relevant units and supervising implementation; iv) coordinating the important petition events across the region and department; and supervising on important cases and putting forward opinions and suggestions to the responsible persons.
290. The provincial petition bureau has 8 divisions and 2 centers. The main divisions include: general office, supervision section, processing section, review and verification section, access section, and case coordination section. The related centers are petition acceptance and information center, petition masses reception center, and communication network by secretary and governor. In addition, the provincial civil affairs department also set up a petition agency which is responsible for dealing with petitions concerning related issues such as low income minimum allowances and subsidies for elderly population.
291. In county petition bureau, similar arrangement is made, which includes a secretarial unit, visiting unit, letter-unit, supervision unit and hotline telephone unit. There are 12 staff members. One or two members from Petition Bureau are responsible for petition and stability work of special departments. Each township/town is equipped with 1 to 2 cadres in charge of petition and stability work in Comprehensive Management Office. Village-level organization has one village cadres responsible for petition and stability work. The counties take various forms to publicize the Regulations on petition and relevant normative documents, and popularize the knowledge of petition regulations. Annual business training has been carried out on cadres from units, townships, towns and villages.

292. Institutional capacity Assessment. The petition bureaus of Guizhou Province, cities and counties, and the petition section of function departments, such as civil affairs bureaus in relevant cities or counties form the basic grievance redress mechanism for the Program. Both formal petition bureaus and petition section of function departments have worked well and played a great role in resolving grievances and social conflicts.

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

### 6.1 Assessment of environmental management systems against core principles

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

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

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

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

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

296. China has developed an adequate legal framework for environmental and social impact assessment for construction projects. This framework includes comprehensive laws, regulations, technical guidelines, standards, institutional arrangements, and practice procedures that apply nationwide. Over the decades, it has gradually evolved into a comprehensive system that is consistent with the internationally accepted good practices.

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

297. The Chinese EIA system has well-defined screening principles, technical manuals and guidelines to guide the environmental screening and classification of EIA categories early in the project preparation stage. The new Environmental Protection Law (2015) requires that plan EA be conducted for the land use plan and sectoral development plan and its conclusions and recommendations will be used as the basis for development project EA. This requirement has enhanced the early screening in EA.

298. The Plan EA Technical Guideline (2014) requires the comprehensive analysis of plan options and recommendations for optimizing the plan, which include the consideration of layout, routes, siting, and technical aspects. Thus, generally the analysis of alternatives for a specific development project is unnecessary provided that it is consistent to the plan. The EIA guidelines require assessment of potential, induced, cumulative, and trans-boundary impacts.
299. The EIA system emphasizes preventive measures, such as avoiding environmentally and socially sensitive sites as much as possible from the outset. Based on assessment of potential impacts, measures are developed to minimize, mitigate and/or compensate the impacts encountered. These measures are required to be built into construction contracts and will be monitored and supervised by environmental authority during the operation of the project.
300. The EIA system requires institutional arrangements with clear responsibilities and resources in the environmental management plan to support implementation.
301. The EIA system requires timely disclosure of project and EA information. Project proponents must announce both the preparation and disclosure of EA documents to the environmental authority prior to approval. Public consultation is mandatory by EIA law for projects that require EIA Reports and responses to public comments must be included in the EIA report. Upon receipt of EA documents, local EPBs will conduct public consultation by disclosing the full EA documents and soliciting public feedbacks through their websites before approving the report. Environmental grievance/complaint systems are well established in Guizhou's provincial and local EPBs and include universally available internet registries and phone hotlines.
302. Generally, the EIA system applied to the activities supported under the Program is well aligned with the key planning elements of the World Bank PforR Policy in terms of screening, alternative analysis, assessment of cumulative impacts, development of mitigation measures, requirements of institutional arrangements for implementation, and public consultation and grievance redress.

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

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

303. The EIA guidelines provide detailed guidance on the identification and screening of sensitive environmental and cultural resources, including surveys of baseline environmental data. Key sensitive areas such as rivers, reservoirs, nature reserves, wetland parks, forest parks, and scenic areas are identified for detailed survey and special assessment. Cultural resources are screening through consultation/approval of the relevant authority and field investigation. Therefore, the Chinese EIA system has well established processes for early identification and screening of potentially important biodiversity and cultural resource areas that are consistent with this key element.
304. The Chinese environmental protection system emphasizes the protection, maintenance and rehabilitation of natural habitats through a comprehensive set of laws, regulations, guidelines and standards. Avoiding such sensitive areas is the top priority of the EIA. Special assessment is mandatory and necessary mitigation

or offset measures are to be included in the environmental management plan when avoiding these areas is not possible. The environmental protection system in China is well aligned with this key planning element.

305. During the initial screening stage of the program, the activities involving natural habitats and natural forests have been excluded. Important biodiversity and cultural resource areas will not be involved.

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

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

307. The activities to be supported under the Program will only take place in existing farmlands or disused land in rural area. There will not any activities involving significant excavations, demolition, movement of earth, flooding, or other environmental changes; and any activities located in, or in the vicinity of, a physical cultural resources site recognized by the borrower.

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

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

308. China has established a comprehensive management and supervision system for work safety as discussed in previous sections. This system ensures the screening of safety issues and occupational hazards, assessment of work safety, and assessment of occupational diseases hazards during project preparation, design and construction, and supervision during operation. The ultimate responsibility of occupation health and safety rests with enterprises that are closely supervised by work safety and health authorities. The system is consistent with the World Bank PforR Directive.

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

309. The Work Safety Law and Regulations for Safety Management of Dangerous Chemicals, as well as their implementation systems, provide a comprehensive framework for managing hazardous materials. It requires special permit systems for production, storage and sale of dangerous chemicals in accordance with established management practices. It also enforces the certification of workers involved in handling dangerous chemicals. A comprehensive management system addressing the production, management,

storage, transport of dangerous chemical, and disposal of hazardous materials is in place that is consistent with this planning element requirement.

310. The activities to be supported under the Program will involve the production and management and disposal of medical wastes. The current system is aligned with the good international practice and the WHO including permitting, trainings on health protection and various operation procedures.

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

311. The EIA and work safety systems incorporate environmental and work-related risk assessment measures into the project design and implementation. As discussed in previous sections, China has also established other risk assessment systems for projects that are prone to flood and natural hazards to avoid, minimize or mitigate community, individual, and worker risks. The activities to be supported by the Program are located outside the areas prone to natural disasters.

312. This Program will involve the use of medical radioactive device which would cause risk to the health and safety of communities. The comprehensive and stringent system for radiation management has been established in China and Guizhou, with strong institutional capacity and continuum procedure for review, approval, acceptance, training, operation and supervision. This system is assessed capable to minimize and mitigate the radiation impact on communities.

## **6.2 Assessment of social management systems against core principles**

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

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

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

314. The activities supported under the Program will not cause large-scale land acquisition that might result in emergence of landless farmers. There might be small amount of land acquisition for certain aged care facility improvement. For these land acquisition, current land acquisition procedures will be rigorously followed, under the affected villages are engaged in land impact survey, survey outcome confirmation, and public hearing. The sufficient multiple compensation and livelihood approaches have been adopted, and affected people are assisted in improving or at least restoring their livelihood and living standards; Relevant regulations on disclosing information related to land acquisition has been developed. In addition, the

practice of land acquisition in Guizhou indicates that those affecting people lacking full legal rights to resources they use or occupation, can also get necessary compensation or assistance.

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

*PforR Directive(j): undertake free, prior, and informed consultations if the Indigenous Peoples are potentially affected (positively or negatively), to determine whether there is broad community support for the Program activities; ensure that the Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples; (k) and give attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups; and, if necessary, take special measures to promote equitable access to the Program benefits.*

315. The state and Guizhou Province have formulated a series of policies on ethnic minority development, including respecting for minority views, safeguarding the political equality of ethnic minorities, respecting the customs of ethnic minorities, supporting the development of ethnic minorities, and planning the economic and social development of ethnic communities. The current legal framework supports the lawful rights and interests of minority nationalities, and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities.

316. Both provincial and local ethnic and religious departments are responsible for securing resources to promote economic development and protection of ethnic minority culture in minority concentrated areas as ethnic minorities account for one quarter of total population in the project areas. Under the Program, ethnic minority counties and townships will be consulted and given similar opportunities to propose aged care projects to be included in government aged care improvement programs as well as under proposed Program.

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

317. On the issue of giving special attention to vulnerable group including the poor, disabled, women, and the elderly, there is established system in China for that. Local Women's Federation are responsible for ensuring equal rights of women in development. Local Bureau of Civil Affairs are responsible for the welfare of families with no working capabilities or under the poverty line, and these vulnerable people are covered by minimum living allowance. The Leading Group Office for Poverty Alleviation is responsible for carrying out poverty alleviation programs funded by designated funds from central and provincial government. All three agencies participated in preparation missions, and are well consulted to seek their recommendations to the Program in terms of benefiting vulnerable groups. These efforts have made sure that vulnerable groups are well considered under the Program. Under the Program, while most aged care projects will benefit millions of elderly population in selected municipalities, some vulnerable groups such as low income elderly requiring assisted living will be given access to institutional care to be supported by the governments.

*Consider conflict risks, including distributional equity and cultural sensitivities. (NA)*

**Table 5. Assessment of Environmental and Social Systems based on the World Bank Policy for PforRs**

<b>a. Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program’s environmental and social impacts.</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the Program level.	China has developed an adequate legal framework for environmental and social impact assessment, backed by a set of comprehensive laws, regulations, technical guidelines and standards, which apply nationwide. Over the decades, it has gradually evolved into a comprehensive system that is consistent with the Program. The Guizhou provincial and municipal EPBs have well established institutional arrangements with qualified staff and technical expertise for managing the environmental impact assessment of construction projects.	Consistent.
Incorporate recognized elements of environmental and social assessment good practice, including: (i) early screening of potential impacts; (ii) consideration of strategic, technical, and site alternatives(including the “no action” alternative); (iii) explicit assessment of potential induced, cumulative, and transboundary impacts; (iv)identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized;(v) clear articulation of institutional responsibilities and resources to support implementation of plans; and (vi)responsiveness and accountability through stakeholder consultation, timely dissemination of the Program information, and responsive grievance redress measures.	The Chinese EIA system has well-defined guidelines covering screening, alternative analysis, impact assessment, mitigation measures, management plan, and consultation.	Consistent.

<b>b. Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
Include appropriate measures for the early identification and screening of potentially important biodiversity and cultural resource areas.	The EIA guidelines provide detailed guidance on identification and screening of sensitive environmental and cultural resources, including survey of baseline environmental conditions in geology, surface water, wild life, forest, wetland, fishery, rare and endangered species, and nature reserves. Key sensitive areas such as rivers, reservoirs, nature reserves, wetland parks, forest parks, and scenic areas are identified for detailed survey and special assessment. Cultural resources are screened through consultation/approval of relevant authorities and field investigation.	Consistent. Important biodiversity and cultural resource areas will not be involved in this program.
Support and promote the protection, conservation, maintenance, and rehabilitation of natural habitats; avoid significant conversion or degradation of critical natural habitats; and, if avoiding the significant conversion of natural habitats is not technically feasible, measures to mitigate or offset the adverse impacts of the Program activities are required.	The Chinese environmental protection system emphasizes the protection, maintenance and rehabilitation of natural habitats. Avoiding such sensitive areas is the top priority of the EIA. Special assessment is mandatory and necessary mitigation or offset measures are to be developed in the environmental management plan if avoidance is not feasible.	Consistent. The activities supported under the Program do not take place on sensitive environmental sites/areas.
Take into account potential adverse effects on physical cultural property and provide adequate measures to avoid, minimize, or mitigate such effects.	The Cultural Property Protection Law provides adequate legal framework and procedures for protecting cultural property during the EA process. If any physical cultural resource is impacted, impacts must be assessed, and consultation and approval must be secured with the cultural property authority, and protection measures be included in the environmental management plan.	Consistent. The activities supported under the Program do not take place in areas with existing physical cultural resources.

<b>b. Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
<b>c. Protect public and worker safety against the potential risks associated with: (i) construction and/or operations of facilities or other operational practices under the Program; (ii) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (iii) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
Promote adequate community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure; or, in carrying out activities that may be dependent on such infrastructure, incorporate safety measures, inspections, or remedial works as appropriate.	China has established a comprehensive management and supervision system for work safety. This system ensures the screening of safety issues and occupation hazards, assessment of work safety and occupational diseases hazard during project preparation, design and construction completion acceptance of work safety and health facilities, and supervision during operation.	Consistent. The activities to be supported by the program are labor intensive without involving large machinery or construction of large scale physical works. The safety risk is minimal.
Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated under the Program; promote the use of integrated pest management practices to manage or reduce pests or diseases vectors; and provide training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with the relevant international guidelines and conventions.	The legal system in China provides a comprehensive framework in managing hazardous materials, which requires special permit systems for production, storage and sale of dangerous chemicals. It requires the adoption of good and compliance management practices. It also enforces mandatory certification of workers involved in handling dangerous chemicals.	Consistent. The activities supported under the Program will involve use of pesticide in agricultural planting and planting of economic forests. But this issue can be adequately handled by the established system in China.
Include adequate measures to avoid, minimize, or mitigate community, individual, and worker risks when the Program activities are located in areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events	The EIA and work safety systems cover the environmental and work related risk assessment, and require necessary measures to be incorporated into the project design and implementation. In addition, China has established other risk assessment systems for projects that are in areas prone to flood and natural hazards (e.g. geo-hazard, earthquake) as part of project	Consistent.

<b>b. Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
	approval procedures.	

<b>d. manages land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards;</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
<ul style="list-style-type: none"> <li>- avoid or minimize land acquisition and related adverse impacts;</li> <li>- identify and address economic and social impacts caused by land acquisition or loss of access to natural resources,</li> <li>- including those affecting people lacking full legal rights to resources they use or occupy.</li> </ul>	<p>The current legal framework on land acquisition in China and Guizhou has well established to ensure affected people are assisted in improving or at least restoring their livelihood and living standards.</p> <p>The effort of avoid or minimize land acquisition is achieved through both project technical design such as project feasibility study and preliminary design, and relevant land department review process, including land preliminary examination and land use approval process.</p> <p>Under the existing land acquisition procedures, the potential social and economic impacts caused by land acquisition is addressed by engaging affected villages in the process of land impact survey, survey outcome confirmation, conducting public hearing, establishing unified compensation rates by provincial government, and providing employment opportunities and social security coverage for land loss farmers.</p> <p>For those affected people who may lack full legal rights to assets or resources they use or occupy, although the existing laws or regulations do not provide clear entitlements, in the actual implementation, depending on actual condition, certain level of</p>	<p>Consistent.</p> <p>The activities supported under the Program will not cause large-scale land acquisition that might result in emergence of landless farmers. There might be small amount of land acquisition for certain aged care facility improvement. For these land acquisition, current land acquisition procedures will be rigorously followed.</p> <p>The economic and social impacts caused by land acquisition or loss of access to natural resources are fully investigated and compensated.</p> <p>During the land acquisition implementation, support or compensation is considered through negotiation with affecting people lacking full legal rights</p>

	compensation are often provided following negotiation with affected parties.	
provide compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid before taking land or restricting access.	<p>Land compensation is provided based on district wide prices and unified annual output value of land, which is adjusted every 2-3 years.</p> <p>Engage qualified evaluation agencies to evaluate attachments to the affected land, develop compensation plan and sign final compensation agreements with the affected households.</p> <p>Specified types of temporarily occupied land and duration of occupation (up to 2 years) and give compensation to the affected people.</p>	Consistent.
provide supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment)	<p>Land policies system requests to use of multiple resettlement channels, including 1) agriculture-based resettlement; 2) employment-based resettlement; 3) shareholding-based resettlement; and 4) relocation-based resettlement. In addition, Policies have specified provision of endowment insurance and employment training to land-taken farmers.</p> <p>Land Contract Law specifies: women enjoy equal rights as men to contracting rural land; no special regulations governing provision of assistance to vulnerable groups affected by land acquisition.</p>	<p>Consistent.</p> <p>The activities supported under the Program will not cause large-scale land acquisition that might result in emergence of landless farmers. There might be small piece of land acquisition for aged care facility improvement, while the Program will rigorously comply with the law and regulation requirements.</p>
restore or replace public infrastructure and community services that may be adversely affected by the Program;	Public infrastructure and community services impacts should be surveyed, and restoration approaches should be considered to ensure the public infrastructure and community services restoration.	Consistent.
<b>e. give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights</b>		

<b>and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups;</b>		
<b>Key Elements</b>	<b>National and Provincial Systems</b>	<b>Key Findings</b>
undertake free, prior, and informed consultations if the Indigenous Peoples are potentially affected (positively or negatively), to determine whether there is broad community support for the Program activities	The state and Guizhou Province have formulated a series of policies on ethnic minority development, including respecting for minority views, safeguarding the political equality of ethnic minorities, respecting the customs of ethnic minorities, supporting the development of ethnic minorities, and planning the economic and social development of ethnic communities. The current legal framework supports the lawful rights and interests of minority nationalities, and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities, The activities under the Program involve building different aged care facilities in minority county, township and villages. The issue to be addressed is of adequate communication and coverage to ensure that those communities have equal opportunity to participate in these activities	Consistent.  A series of measures have been taken to conduct public consultation and participation activities, although there is no specific policy requirement for any development intervention to carry out prior, free and informed consultation with minority communities, and to obtain broad community support under the poverty reduction program
ensure that the Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples	Both provincial and local ethnic and religious departments are responsible for securing resources to promote economic development and protection of ethnic minority culture in minority concentrated areas as ethnic minorities account for one quarter of total population in the project areas. Among 40 project counties, 14 of them are ethnic minority counties and another 58 townships are ethnic minority townships. Under the Program, ethnic minority counties and townships will be consulted and given similar opportunities to propose aged care projects to be included in government aged care improvement programs as well as under proposed Program programs.	Consistent.
give attention to groups vulnerable to hardship or disadvantage, including as	On the issue of giving special attention to vulnerable group including the poor, disabled, women, and the elderly, there is	Consistent.  The petition system in Guizhou Province is

<p>relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups; and, if necessary, take special measures to promote equitable access to the Program benefits</p>	<p>established system in China for that. Local Women's Federation are responsible for ensuring equal rights of women in development. Local Bureau of Civil Affairs are responsible for the welfare of families with no working capabilities or under the poverty line, and these vulnerable people are covered by minimum living allowance. The Leading Group Office for Poverty Alleviation is responsible for carrying out poverty alleviation programs funded by designated funds from central and provincial government. All three agencies participated in preparation missions, and are well consulted to seek their recommendations to the Program in terms of benefiting vulnerable groups. These efforts have made sure that vulnerable groups are well considered under the Program. Under the Program, while most aged care projects will benefit millions of elderly population in selected municipalities, some vulnerable groups such as low income elderly requiring assisted living will be given access to institutional care to be supported by the governments.</p>	<p>one of the effective ways to express the interests of citizens.</p>
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## **SECTION VII: STALKHOLDERS CONSULTATION**

318. From November 26 to 27, 2018, public consultation meetings were conducted in two venues in Guizhou. The purposes of the multi-stakeholder consultation workshops were to: (a) introduce on the Environmental and Social Systems Assessment approach under the proposed Program for Results operation; (b) introduce the findings and recommendations of the assessment; and (c) seek comments and feedback on the key findings and recommendations of the ESSA.
319. Prior to the public consultation meetings, the Chinese version of ESSA was distributed to potential participants and disclosed on website of the Guizhou Provincial Department of Civil Affairs on November 22, 2018.
320. Two consultation workshops were held in Guiyang City and Xiuwen County respectively. Participants included the representatives of elderlies, women, and individuals of local communities, staff of aged care institutions, and officials from relevant government agencies in relation with the Program such as Development and Reform Commission (DRC), Natural Resources Department, Environment and Ecology Department, Civil Affairs Department, Health Commission, Ethnic and Religious Affairs Department, and Women's Federation at provincial level, and civil affairs bureau, finance bureau, land resources bureau, ethnic minority and religious bureau, and women federation from Guiyang City and Xiuwen County. Extensive discussions were seen during all the consultation meetings.
321. In all meetings, participants voiced strong support to the proposed Program. The participants agreed that overall the ESSA report is of good quality; the review and analysis of domestic laws and regulations are comprehensive and well-organized; the key environmental and social issues identified are consistent with the reality in general; the assessment of institutional arrangement and capacity and performance is objective; most of the recommendations made by the ESSA are pragmatic and achievable. More details are presented in Annex 2.
322. This version of ESSA was updated to reflect the public consultation inputs and will be disclosed locally and on the external website of the World Bank.

## **SECTION VIII: RECOMMENDATIONS**

323. Based on assessment of the environmental and social management system applicable to the proposed Program, it is concluded that China and Guizhou have established a comprehensive sets of environmental and social management system to address the environment, as well as land acquisition and indigenous peoples concerns related to the proposed activities under the Program. Such systems are principally well-aligned with the core principles and key planning elements as defined in the Bank Policy for PforR. As the Program is to support the aged care system development in Guizhou centered on institutional improvement and small infrastructure, such as rural happiness home, community daycare center, aged care institutions, with exclusion of potentially high-risk activities, the overall risk from environmental and social management perspective is rated as substantial.
324. While, there are certain inadequacies and gaps in such systems identified though this ESSA, based on which the following recommendations are proposed to Program Action Plan.

### **Recommendation 1: Establish environmental screening mechanism**

325. The provincial implementing agency should assign a staff with good demand of environmental knowledge to collect and review all of the proposals submitted by the Program districts/counties and to screen the candidate activities based on the exclusionary and limitation criteria. Close communication with local health commission and forestry bureau should be established and maintained by the provincial implementing agency throughout the Program cycle to monitor the proposal for health care service submitted by the institutions.
326. Adequate budget should be ensured to support the environmental screening in terms of site review and transportation. The process of screening and the results should be submitted to the provincial implementing agency in timely manner which will then be used to exclude the activities if involving natural critical NHs and PCRs. The liaison with the World Bank task team should be maintained by the provincial implementing agency and the bi-annual project progress report should contain the information of implementing the environmental screening mechanism.

### **Recommendation 2: Improve the environmental performance in medical waste management**

327. The internal management system within HCFs should be improved by enhancing training for quality control nurse and upgrading storage chambers to the standard<sup>28</sup>. The collection frequency and collection rate in HCFs at township or lower levels and the performance of the wet thermal facilities should be improved. A package of solutions should be developed which integrates technical, financial and regulatory actions, e.g., enhanced supervision, training, awareness building, concessionary arrangement and financial incentives, to address these issues related to medical waste management.
328. The Program should purchase service from the institutions with good environmental performance in medical waste management and radiation management proven by evidence<sup>29</sup> provided by EPB and health and family planning bureau. So, a due diligence review should be conducted by the implementing agency to collect such evidence as a condition for purchasing service or investing in improvement, e.g. upgrading, rehabilitation or expansion, of such facilities.

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<sup>28</sup> Method for Medical Waste Management in HCFs, 2003, Ministry of Health

<sup>29</sup> For the list of official documents as evidence, please see Annex 3

**Recommendation 3: Enhancing land acquisition monitoring process.**

329. To ensure a consistent and standard land acquisition monitoring process across all activities associated with upgrading and construction of aged care facilities, it is recommended to design and implement a protocol which includes:
- Develop an operation manual to standardize registry procedure with the relevant evidence indicating full compliance of land acquisition for land acquisition required under the Program, including land use certificate, compensation agreement, land price payment, and land lease agreement with affected parties.
  - Engage a qualified monitoring agency to conduct regular social monitoring among approved projects and conduct due diligence on the land use conditions for those institutions selected as potential aged care services providers to verify the full compliance of national laws and local regulations, as well as the protection of interests of the affected people.

**Recommendation 4: Enhance participation, consultation and grievance procedures for Program Implementation.**

330. To develop an operation manual on project consultation and grievance procedures so that a unified consultation and disclosure practice could be followed by relevant counties and districts in conducting program activities.

**Other Consideration(s)**

331. Considering the geographical coverage and the nature of the Program activities, OP 7.50 International Waterways or OP 7.60 Disputed Territories are not applicable to the Program.

## **Annex 1: List of Applicable Environmental and Social Law, Regulations and Guidelines**

### **1. Main Environmental Laws and Regulations**

*Environmental Protection Law (NPC, 1989, last amended in 2014)*

中华人民共和国环境保护法

*The Labor Law (2009)*

中华人民共和国劳动法

*Environmental Impact Assessment Law (NPC, 2002, last amended in 2016)*

中华人民共和国环境影响评价法

*Marine Environmental Protection Law (NPC, 1999, last amended in 2014)*

中华人民共和国海洋环境保护法

*Wildlife Protection Law (NPC, 2004)*

中华人民共和国野生动物保护法

*Water and Soil Conservation Law (NPC, 1991, last amended in 2010)*

中华人民共和国水土保持法

*Water Pollution Prevention and Control Law (NPC, 2008)*

中华人民共和国水污染防治法

*Noise Pollution Prevention and Control Law (NPC, 1996)*

中华人民共和国环境噪声污染防治法

*Air Pollution Prevention and Control Law (NPC, 1988, last amended in 2015)*

中华人民共和国大气污染防治法

*Solid Waste Pollution Prevention and Control Law (NPC, 1995, last amended in 2013)*

中华人民共和国固体废物污染环境防治法

*Cultural Property Protection Law (NPC, 1982, last amended in 2015)*

中华人民共和国文物保护法

*Forestry Law (NPC, 1984, last amended in 1998)*

中华人民共和国森林法

*Grassland Law (NPC, 1985, last amended in 2013)*

中华人民共和国草原法

*The Law on the prevention and control of infectious diseases (modified in 2014)*

中华人民共和国传染病防治法

*The Law of Prevention and Control of Radioactive Contamination (2003)*

中华人民共和国辐射污染防治法

*Regulations on Nature Reserves (SC, 1994, last amended in 2016)*

自然保护区条例

*Regulations on Wild Terrestrial Animal Protection (SC, 1992)*

陆生野生动物保护实施条例

*Regulations on Wild Aquatic Life Protection (SC, 1993, last amended in 2013)*

水生野生动物保护实施条例

*Regulations on Wild Plant Protection (SC, 1997)*

野生植物保护条例

*Regulations on Scenic Areas (SC, 2006)*

风景名胜区条例

*Regulations on Prevention of Ocean Pollution from Coastal Construction Projects (SC, 1990, last amended in 2007)*

防治海岸工程建设项目污染损害海洋环境管理条例

*Regulations on Prevention of Land-source Ocean Pollution (SC, 1990)*  
防治陆源污染物污染损害海洋环境管理条例  
*Regulations on Plan EIA (SC, 2009)*  
规划环境影响评价条例  
*The Medical waste management regulations (2003)*  
医疗废弃物管理条例  
*The regulation of biological safety of pathogenic micro-organism laboratory (2014)*  
*The regulation of circulation of vaccines and vaccination (2005)*  
*The regulation of AIDS (2006)*  
*Regulations on the Safety and Protection of Radioactive Isotopes and radiation Equipment (2005)*  
*Regulation of disinfection technique in healthcare settings (WS/T 367-2012)*

## **2. Main Environmental Management Rules and Codes**

*Regulations on Environmental Management of Construction Projects (SC, 1998, last amended in 2017)*  
建设项目环境保护管理条例  
*Categorized Directory for Environmental Management of Construction Projects (MEP, 2017)*  
建设项目环境保护分类管理名录  
*Environmental Protection Design for Construction Projects (MEP, 1987)*  
建设项目环境保护设计规定  
*Environment and Hygiene Standards for Construction Site (Ministry of Housing and Urban-Rural Development, 2013)*  
建筑施工现场环境与卫生标准  
*Management Rules for Safety of Construction Projects (SC, 2003)*  
建设工程安全生产管理条例  
*Interim Measures for Environmental Supervision (MEP, 2013)*  
环境监理工作暂行办法  
*Protection Rules for Urban Old and Famous Trees (Ministry of Housing and Urban-Rural Development, 2000)*  
城市古树名木保护管理办法  
*Environmental Protection Management Rules for Transport Project (Ministry of Communication, 2003)*  
交通建设项目环境保护管理办法  
*Implementation Rules of Water Pollution Prevention and Control Law (SC, 2000)*  
水污染防治法实施细则  
*Circular on strengthening EIA Management for Construction Projects Funded by International Financial Institutions (1993)*  
关于加强国际金融组织贷款建设项目环境影响评价管理工作的通知  
*Interim Measures for Public Consultation in EIA (MOEP, 2006)*  
环境影响评价公众参与暂行办法  
*Regulations of Forest Parks (Forestry Administration, 2011)*  
森林公园管理办法  
*Regulations on Wetland Parks (Forestry Administration, 2011)*  
国家湿地公园管理办法（试行）  
*The Inventory for Categories of Medical Solid Waste*  
医疗机构废弃物分类管理名录  
*Measures for the management of disinfection (modified in 2016)*

Method for Medical Wastes Management in HCFs (2003)  
Administrative Punishment Measures for Medical Waste Management (2004)  
Measures for the management of hospital infection (2006)  
Administrative Measures for Prevention and Control of Tuberculosis (2013)  
Radiological diagnosis and treatment management stipulation (2006)  
Method for Management of Occupational Health for Workers under Radioactive Environment (2016)  
General Requirements for Laboratory Biosafety (GB19489-2008)

### 3. Main Technical Guidelines for EIA Preparation

*Technical Guidelines for Environmental Impact Assessment: General Programme*  
环境影响评价技术导则—总纲 (HJ/T 2.1-2016)  
*Technical Guidelines for EIA: Surface Water Environment*  
环境影响评价技术导则—地面水环境 (HJ/T 2.3-93)  
*Technical Guidelines for Environmental Impact Assessment Groundwater Environment*  
环境影响评价技术导则地下水环境 (HJ 610-2016)  
*Technical Guidelines for Noise Impact Assessment*  
环境影响评价技术导则—声环境 (HJ2.4-2009)  
*Technical Guidelines for EIA: Atmospheric Environment*  
环境影响评价技术导则—大气环境 (HJ 2.2-2008)  
*Technical Guidelines for EIA: Ecological Environment of Nature Resource Development*  
环境影响评价技术导则—生态影响(HJ/T 19-2011)  
*Technical Guidelines for Water and Soil Conservation for Construction Projects*  
开发建设项目水土保持方案技术规范  
*Technical Guidelines for Environmental Risk Assessment on Projects*  
建设项目环境风险评价技术导则(HJ/T 169—2004)  
*Code for Environmental Impact Assessment of Water Conservancy and Hydro Projects*  
环境影响评价技术导则—水利水电工程(HJ/T 88-2003)  
*Technical Guidelines for Environment Impact Assessment of Urban Rail Transit*  
环境影响评价技术导则—城市轨道交通 (HJ 453—2008)  
*Guideline on Management of Radioactive Environmental Protection Environmental Impact Assessment Methods and standards on Electromagnetic Radiation*  
辐射环境保护管理导则—电磁辐射环境影响评价方法与标准 (HJ/T 10.3-1996)  
*Technical Guidelines on Environmental Impact Assessment of Electromagnetic Radiation from 500 KV Ultrahigh Voltage Transmission Project*  
500KV 超高压送变电工程电磁辐射环境影响评价技术规范 (HJ/T 24-1998)  
*Environmental Quality Risk Assessment Criteria for Soil at Manufacturing Facilities*  
工业企业土壤环境质量风险评价基准(HJ/T 25-1999)  
*Technical Guidelines for Environmental Impact Assessment: Civil Airport Projects*  
环境影响评价技术导则民用机场建设工程(HJ/T 87-2002)  
*Technical Guideline for Environmental Impact Assessment: Petrochemical Projects*  
环境影响评价技术导则石油化工建设项目(HJ/T 89-2003)  
*Technical Guideline for Environmental Impact Assessment: Terrestrial Petroleum and Natural Gas Development*  
环境影响评价技术导则陆地石油天然气开发建设项目(HJ/T 349-2007)  
*Technical Guideline for Environmental Impact Assessment: Hazardous Waste and Medical Waste Disposal Projects*

环境影响评价技术原则—危险废物和医疗废物处置设施建设项目  
*Technical Specifications for Zoning Classification of Urban Noise*  
 城市区域环境噪声适用区划分技术规范(GB/T15190-94)  
*Technical guideline for environmental risk assessment of tailings pond*  
 尾矿库环境风险评估技术导则（试行）(HJ 740—2015)  
*Technical guideline for environmental impact assessment iron and steel construction projects*  
 环境影响评价技术导则钢铁建设项目(HJ 708-2014)  
*Technical guidelines for environmental impact assessment of electric power transmission and distribution project*  
 环境影响评价技术导则输变电工程(HJ 24-2014)  
*Technical guidelines for environmental impact assessment Constructional project of coal development*  
 环境影响评价技术导则煤炭采选工程（HJ 619-2011）  
*Guideline for Technical Review of Environment Impact Assessment on Construction Projects*  
 建设项目环境影响技术评估导则(HJ 616-2011)  
*Technical guidelines for environmental impact assessment Pharmaceutical constructional project*  
 环境影响评价技术导则制药建设项目（HJ 611-2011）  
*Technical Guideline for Environmental Impact Assessment—Constructional project of Pesticide*  
 环境影响评价技术导则农药建设项目（HJ 582-2010）  
*Technical Guidelines for Plan Environmental Impact Assessment General principles*  
 规划环境影响评价技术导则总纲(2014-09-01)  
*Technical Guidelines for Plan EIA*  
 规划环境影响评价技术导则(HJ/T 130-2003)  
*Technical guidelines for plan environmental impact assessment — coal industry mining area plan*  
 规划环境影响评价技术导则煤炭工业矿区总体规划(HJ 463-2009)  
*Technical Guidelines for Environmental Impact Assessment of Development Area*  
 开发区区域环境影响评价技术导则（HJ/T 131-2003）  
*Hygienic standard for disinfection in hospitals (GB 15982-2012)*  
*Specifications for Infectious diseases prevention and control of hygiene supervision work (2010)*  
*Water Pollutants Discharge Standard for Health care facilities (GB18466-2005)*  
*Pollution Control Standard for Hazardous Waste Incineration（GB18484-2014）*  
*Technical Specifications for Construction of Concentrated Incineration Facilities for medical Wastes（HJ/T177--2005）*  
*Technical Specifications for Monitoring and Management of Concentrated Incineration Facilities Treating Medical Wastes, Pilot（HJ 516—2009）*  
*Technical Specifications for Concentrated Facilities using High Temperature Steam for Treatment of Medical Wastes, pilot（HJ/T 276—2006）*

#### **4. Main Work Safety and Occupational Health Laws and Regulations**

*Labor Law (NPC, 1994)*  
 中华人民共和国劳动法  
*Labor Contract Law (NPC, 2007)*  
 中华人民共和国劳动合同法  
*Work Safety Law (NPC, 2002)*  
 中华人民共和国安全生产法  
*Law of Prevention and Treatment of Occupational Diseases (NPC, 2011)*

中华人民共和国职业病防治法  
中华人民共和国尘肺病防治条例  
*Regulations on Safety Management in Construction Projects (SC No. 393)*  
建设工程安全生产管理条例  
*Regulation on Supervision and Management of “Three Simultaneousness” for Safety Facility in Construction Projects (SAWS, 2010)*  
建设项目安全设施三同时监督管理办法  
*Interim Measures for Supervision and Administration of the “Three Simultaneities” for Occupational Health at Construction Projects (SAWS, 2012)*  
建设项目职业卫生“三同时”监督管理暂行办法  
*Measures on Administrative Penalties for Violations of work safety (State Administration of Work Safety, 2007)*  
安全生产违法行为行政处罚办法  
*Regulation on Work Safety Permit (SC, 2014)*  
安全生产许可证条例  
*Provision on Administrative Review of work safety (State Administration of Work Safety, 2007)*  
安全生产行政复议规定  
*Regulations for Safety Management of Dangerous Chemicals (SC, 2002, last amended in 2013)*  
危险化学品安全管理条例  
*Implementation Measures on the Safety Licensing of Hazardous Chemical Construction Projects (State Administration of Work Safety, 2006)*  
危险化学品建设项目安全许可实施办法  
*Regulation on Labor Protection in Work Place with Hazardous Materials (SC, 2002)*  
使用有毒物品作业场所劳动保护条例  
*Measures on the Management of Work Safety Training (SAWS, 2012, last amended in 2015)*  
安全生产培训管理办法  
*Provision and Administration of Occupation Health at the Workplaces (SAWS, 2012)*  
工作场所职业卫生监督管理规定  
*Provision and Administration for Occupation Health for Employers (SAWS, 2012)*  
用人单位职业健康监护监督管理办法  
*Measures on Emergency Response Plan Management (SAWS, 2016)*  
生产安全事故应急预案管理办法  
*Occupational Disease Hazard Declaration Method (SAWS 2012)*  
*Management Methods on Classification of Occupational Disease in Construction Projects*  
建设项目职业病危害分类管理办法  
*Regulation on Supervision and Management of Occupational Hygiene at Work Place (SAWS, 2012)*  
*Supervision and Management Method on Occupational Health Protection of Employer (SAWS, 2012)*  
*Categorization and Checklist of Occupational Diseases (Health and Family Plan Commission, 2015)*  
职业病危害因素分类目录  
*Special Labor Protection Regulation for Women (SC, 1988, last amended in 2012)*  
女职工劳动保护特别规定  
*Technical Guidelines for Occupational Health Monitoring Ministry of Health, 2013)*  
职业健康监护技术规范  
*Hygiene Standards for Industrial Enterprises GBZ1-2010*  
工业企业设计卫生标准

*The Basic Standard for Ionizing Radiation Protection and Radiation Sources Safety Standards (GB 18871—2002)*

*Requirements for radiological protection in medical X-ray diagnosis 130-2013)*

*Specifications for Preparation of Assessment Report for Radiological Protection of Occupational Disease for Construction Projects (GBZ/T 181-2006)*

*Technical Specifications for Occupational Health Monitoring and Protection for Workers in Radioactive Environment (GBZ235-2011)*

*Stipulations for standards and Warning Labeling for Special Packages and Containers for Medical Wastes, issued by MEP, 2003*

*Technical Specifications for Vehicles Transporting Medical Wastes, pilot (GB 19217—2003)*

*Notice for Implementation of Action Plan for Concentrated collection and Disposal of Medical Wastes in Small Health Care facilities in Fujian Province (2016)*

## **5. Main Land Acquisition and transfer Laws and Regulations**

*Land Administration Law of the People's Republic of China (revised, issued and in effect since August 28, 2004);*

*中华人民共和国土地管理法*

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

*中华人民共和国农村土地承包法*

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

*中华人民共和国法律实施条例*

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

*国务院关于深化改革实施严格土地管理的决定*

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

*关于改进土地征用补偿和重新安置制度的指导方针*

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

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

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

*劳动和社会保障部和国土资源部关于有效解决土地占用农民社会保障有关问题的通知*

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

*中华人民共和国物权法*

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

*中华人民共和国关于占用耕地的税收暂行条例*

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

*中华人民共和国政府信息公开管理条例*

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

国务院关于印发更严格的征地拆迁管理工作, 切实保护受影响人民合法权益的通知  
*Circular of the Ministry of Land Resources about Further Ensuring Effective Administration of Land Acquisition (issued on June 26, 2010);*  
 国土资源部关于进一步确保土地征用有效管理的通知  
*Urgent Circular of the General Office of the Ministry of Land Resources about Strengthening Administration to Prevent Illegal Land Acquisition (Document No. 28 issued in 2013 by the General Office);*  
 国土资源部办公厅关于加强行政防止非法征地的紧急通知  
*Circular of the General Office of the Ministry of Land Resources about Further Ensuring Effective Disclosure of Information on Land Acquisition at the City/County Level (Document No. 29 issued in 2014 by the General Office);*  
 国土资源部办公厅关于进一步确保在市/县一级有效地公布土地购置信息的通知  
*Methods for Making Announcements about Land Acquisition (Decree No. 10 issued in 2001 by the Ministry of Land Resources);*  
 征用土地公告办法  
*Categorization of Status Quo Land Use (GB/T21010-2007)*  
 土地利用现状分类  
*Management measures for the transfer of rural land use right*  
 农村土地承包经营权流转管理办法  
*the Market Operation Code on Rural Land Use Rights Transfer (trial)*  
 农村土地经营权流转交易市场运行规范（试行）  
*the opinions on guiding the orderly transfer of rural land use right and developing agricultural moderate scale operation*  
 关于引导农村土地经营权有序流转发展农业适度规模经营的意见（2014）  
*Some opinions on the transfer management of land use right of peasant collective construction in Guizhou province*  
 贵州省农民集体所有建设用地使用权流转管理若干意见  
*Regulations on land supervision in Guizhou Province*  
 贵州省土地监察条例  
*Regulations on the administration of the transfer of land use rights in cities of Guizhou Province*  
 贵州省城镇国有土地使用权出让和转让管理规定  
*Measures for the implementation of national construction acquisition land in Guizhou Province (trial)*  
 贵州省国家建设征用土地实施办法（试行）  
*Urgent notice of the Office of the People's Government of Guizhou province on serious settlement of land acquisition compensation*  
 贵州省人民政府办公厅关于认真解决征地补偿安置问题的紧急通知  
*Notice of Guizhou Provincial People's government on issuing the dispute adjudication method of land acquisition compensation standard in Guizhou province*  
 贵州省人民政府关于印发贵州省征地补偿标准争议裁决办法的通知  
*Views on the allocation and use of land acquisition and compensation of peasants collectively by the general office of the people's government of Guizhou province*  
 贵州省人民政府办公厅关于规范农民集体所有土地征地补偿费分配和使用的意见  
*Regulations on the management of agricultural contract in Guizhou province*

贵州省农业承包合同管理条例

*Comments on the implementation of the employment training and social security work of the land-expropriated farmers in Guizhou province*

贵州省关于做好被征地农民就业培训和和社会保障工作的实施意见

## **6. Main ethnic minority Laws and Regulations**

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

《中华人民共和国民族区域自治法》（1984年10月1日施行）

*Regulations on administrative work of nationality townships of PRC*

《中华人民共和国民族乡行政工作条例》（1993年9月15日）

*the Administrative Procedure Law of the People's Republic of China*

中华人民共和国行政诉讼法

*The 12th five-year plan of ethnic minority undertakings*

《少数民族事业“十二五”规划》

*The 13th five-year plan on promoting the development of ethnic minority areas and ethnic minorities*

《“十三五”促进民族地区和人口较少民族发展规划》（国发〔2016〕79号）

*Development plan of minority nationalities in Guizhou Province (2011-2015)*

《贵州省少数民族事业发展规划（2011—2015年）》

*The work plan of poverty alleviation in minority villages in Guizhou province of 2017*

《贵州省2017年少数民族贫困村脱贫攻坚工作方案》

*The opinions of Guizhou ethnic religious committee on strengthening the poverty alleviation and development work of ethnic minorities*

《贵州省民委关于加强少数民族扶贫开发工作的意见》

*Implementation measures for the project management of minority development funds in Guizhou province (trial)*

《贵州省少数民族发展资金项目管理实施办法（试行）》

*Regulations on protection of minority rights in Guizhou Province*

《贵州省少数民族权益保障条例》

*Views on helping to accelerate the development of ethnic and ethnic communities*

《关于帮助少数民族和民族聚居地区加快发展的意见》

*Summary of the utilization of funds for minority development*

《少数民族发展资金管理使用情况总结》

*The 13th five-year plan for ethnic minorities in Guizhou province*

《贵州省少数民族事业“十三五”规划》

## **7. Main Public consultation and grievance redress Laws and Regulations**

*the government information disclosure ordinance*

政府信息公开条例

*Circular of the State Council on issuing the key points of 2016 government affairs public work*

国务院办公厅关于印发2016年政务公开工作要点的通知（国办发〔2016〕19号）

*the petition Ordinance*

信访条例

*Views of the State Council on further mobilizing social forces to participate in the development of poverty alleviation*

国务院办公厅关于进一步动员社会各方面力量参与扶贫开发的意见（国办发〔2014〕58号）

*Comments of the State Council on further perfecting the support system for needy persons*

国务院关于进一步健全特困人员救助供养制度的意见（国发〔2016〕14号）

*Poverty alleviation and development Program for Rural Handicapped (2011-2020)*

农村残疾人扶贫开发纲要（2011-2020年）

*Views on the implementation of poverty alleviation projects in education*

关于实施教育扶贫工程的意见（国办发〔2013〕86号）

*Women's development Plan in Guizhou Province (2011-2020)*

贵州省妇女发展规划（2011—2020年）

*Children's development plan in Guizhou Province (2011-2020)*

贵州省儿童发展规划（2011—2020年）

*Opinions on the implementation of the ingenious daughter-in-law's employment project and the action of promoting the poverty alleviation of the heroine*

关于实施巧媳妇创业就业工程，推动巾帼脱贫攻坚行动的意见

*Agricultural and rural Economic development planning during 13th Five-year period in Guizhou Province*

贵州省“十三五”农业和农村经济发展规划

*The implementation of the transfer of employment poverty alleviation in Guizhou Province in 2016*

贵州省2016年转移就业脱贫实施方案

*The 13th Five-year Plan of education poverty alleviation in Guizhou Province (2016)*

教育脱贫攻坚“十三五”规划

*Implementation comments on strengthening the construction of rural infrastructure, improving the appearance of village and promoting the construction of new countryside in Guizhou Province in 2008*

贵州省2008年加强农村基础设施建设搞好村容村貌整治推进新农村建设的实施意见

*Administrative measures for the construction of rural drinking water Safety project*

农村饮水安全工程建设管理办法

## **8. Main poverty alleviation Laws and Regulations**

*Circular of the State Council on adjusting the leading group of poverty alleviation development*

国务院办公厅关于调整国务院扶贫开发领导小组组成人员的通知（国办发〔2013〕63号）

*Opinions on the effective linking of the rural minimum living security system and the poverty alleviation development policy to enlarge the pilot work*

关于做好农村最低生活保障制度和扶贫开发政策有效衔接扩大试点工作的意见（国办发〔2010〕31号）

*13<sup>th</sup> Five-Year Plan of Poverty alleviation in China*

“十三五”脱贫攻坚规划（国发〔2016〕64号）

*The decision of the State Council to win the fight against poverty*

中共中央国务院关于打赢脱贫攻坚战的决定

*Views of the State Council on supporting the implementation of integrated use of financial agriculture funds in impoverished counties*

国务院办公厅关于支持贫困县开展统筹整合使用财政涉农资金试点的意见（国办发〔2016〕22号）

*The 13th Five-year Plan of Poverty alleviation in Guizhou Province*

贵州省人民政府办公厅关于印发贵州省“十三五”脱贫攻坚规划的通知

*The 13th Five-year Plan of Poverty alleviation in Lushi County*

卢氏县“十三五”扶贫攻坚规划

*The 13th Five-year Plan of Poverty alleviation in Fanxian County*

范县“十三五”扶贫攻坚规划

*The 13th Five-year Plan of Poverty alleviation in Ningling County*

宁陵县“十三五”扶贫攻坚规划

*Implementing measures comprehensive and integrated use of financial agriculture funds in Guizhou province*

贵州省开展统筹整合使用财政涉农资金试点实施办法

*the method of accurate recognition and management of poverty alleviation objects in Guizhou Province*

贵州省扶贫对象精准识别及管理实施办法

*Measures for evaluating the effectiveness of poverty alleviation in Guizhou Province*

贵州省脱贫工作成效考核办法

*Measures for the implementation of poverty exit in Guizhou province*

贵州省贫困退出实施办法

*Measures for the management of poverty alleviation funds in Guizhou province*

贵州省扶贫资金管理实施办法

## Annex 2: Summary of Consultation Workshop

### Introduction

1. Formal consultation meetings of the ESSA were conducted in Guiyang City and Xiuwen County respectively on November 26 and 27 in Guizhou Province.
2. The purposes of the multi-stakeholder consultation workshops were to: (a) introduce on the Environmental and Social Systems Assessment approach under the proposed Program for Results operation; (b) present the findings and recommendation of the assessment; and (c) seek comments and feedback on the key findings and recommendations of the ESSA.
3. Meeting agenda included: (a) presentation by the Bank team on the general concept of Program, including the Program proposed for financing; the scope, the thematic areas of coverage; (b) introduction of approach, key principles and requirements of ESSA for the Program; (c) a presentation on social aspects of the ESSA; (d) a presentation on environmental aspects of the ESSA; (e) Discussion & feedback.
4. Prior to the public consultation meetings, the Chinese version of the ESSA was distributed to potential participants and disclosed at the website of the Guizhou Provincial Department of Civil Affairs on November 22, 2018.
5. Participants of two workshops included the representatives of elderlies, women, and individuals of local communities, staff of aged care institutions, and officials from relevant government agencies in relation with the Program such as Development and Reform Commission, Natural Resources Department, Environment and Ecology Department, Civil Affairs Department, Health Commission, Ethnic and Religious Affairs Department, and Women's Federation at provincial level, and civil affairs bureau, finance bureau, land resources bureau, ethnic minority and religious bureau, and women federation from Guiyang City and Xiuwen County. Extensive discussions were seen during all the consultation meetings. Some participants provided additional details or updated information for the ESSA. The Bank team provided feedback to the participants as necessary.

### Summary of key comments of the consultation workshops

6. In the workshops, participants voiced strong support to the Program. The participants agreed that overall the ESSA report is of good quality; the review and analysis of domestic laws and regulations are comprehensive and well-organized; the key environmental and social issues identified are consistent with the reality in general; the assessment of institutional arrangement and capacity and performance is objective; most of the recommendations made by the ESSA are pragmatic and achievable.
7. The Participants suggested that the following aspects of the ESSA could be updated or revised. The ESSA team responded to their suggestions in the extensive discussion and some suggestions are agreed to be adopted:

**Table 2.1: Summary of consultation meetings comments/questions and responses**

No.	Comments /questions	Response from ESSA team	ESSA Revision
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1	Official of Provincial DRC: all the relevant departments should take an active part in the environmental and social management	Thanks	
2	Official from the Provincial Health Commission: there is a close liaison between the provincial civil affair department and the provincial Health Commission through a joint chair meeting.	Thanks, the ESSA finds that the approval of the health care facilities and the aged care facilities are managed in parallel by the two departments respectively without any cooperation and information sharing.	The official agrees to this finding after explanation by the task team.
3	Official from the Provincial Health Commission: generally agree to the findings and exclusion of the ESSA, and it is not necessary to physically integrate Class II and Class III HCFs. Physical integration with Class I HCF is adequate.	Thanks	
4	Official from the Provincial Health Commission: regarding the medical waste management, the inadequacy is due to the system itself or the performance of the system?	The system is comprehensive, but the performance of the system should be improved.	
5	Official from the Provincial Ecology and Environment Department: the HCF with sick beds less than 200 is subject to the EA Form.	Thanks, it is noted in the ESSA.	
6	Official from the Provincial Ecology and Environment Department: the HCFs should be subject to the EIA Report if it is within the protected area, so it seems not necessary to establish the screening mechanism.	The screening mechanism is for implementing the exclusion criteria identified in the ESSA, not only the protected area, but also the scale of the HCFs.	
7	Official of Provincial Natural Resource Department: there would be many aged care facilities to be located within the sceneries, suggests to include the forestry bureau into the institutions involving in the screening mechanism. The forestry bureau is now under the natural resource department.	Thanks, this suggestion is very helpful.	Include the forestry bureau into the screening mechanism.
8	The official of the Provincial Department of Civil Affairs agrees to the suggestion raised by the provincial natural resource department.		
9	Official of municipal finance bureau: it (ESSA) is very informative and detailed. But	Thanks, the concern will be delivered to the fiduciary team.	

	she is more concerned about the loan management.		
10	Official from Municipal EPB: she is very supportive of the program.	Thanks	
11	Official of Civil Affairs Bureau of Xiuwen County: suggest not pay more attention to whether the institutions be located in the protected area or not. If the system can handle this issue, the institutions can be allowed to be built in the protected area.	It is the policy of the Program that exclude the high-risk activities. If the institutions are to be located in the protected area, they should be regarded as high-risk activities.	
12	Official of Civil Affairs Bureau of Xiuwen County: there is not an official category for integration of aged care and health care in China, we should consider a way on how to best use the resources on health care when deliver the aged care.	Thanks, this comment will be delivered to the World Bank technical team.	
13	Official of Xiuwen Civil Affairs Bureau: so far there is no such plan to build the institutions in sceneries. The focus is now on the rural area, and it is piloting the project of purchasing service from institutions which are being upgraded or expanded. The issue is the standard to which the institutions need to be upgraded. The recommendations of the ESSA can be achieved in Xiuwen.	Thanks	
14	Official of Xiuwen Health Commission: the overall environmental risk is low. Xiuwen is making effort to strengthen the practice of medical waste packaging, and inspecting the performance of internal infection in HCFs. The HCFs in Xiuwen are mostly Class I HCF, the risk is low.	Thanks	
15	Official of Xiuwen Environment and Ecology Bureau: is very supportive to the findings and recommendations.	Thanks	
16	Official from provincial natural resources department agreed with the conclusion of ESSA that Guizhou has established a land acquisition system, and the provincial department is still responsible for approval all land acquisition for new construction, which requires survey of land areas, identification of ownerships, adequate compensation rates and rehabilitation schemes. The actual implementation was carried out by district/county bureaus.	Noted with thanks.	

17	<p>The official from Guiyang City natural resources bureau also confirmed that any land acquisition for new construction, including aged care facilities will follow land acquisition procedures. In addition, Guiyang is piloting the practice of applying for land acquisition on line. All relevant documents could be accessed on line, which could facilitate monitoring of land acquisition as some documents could be accessed on line, instead of obtaining from implementation agencies.</p>	<p>Such practice will create better conditions for project counties and districts to conduct regular monitoring of land acquisition for those activities involved with land acquisition as more required documents could be accessed on line.</p>	
18	<p>Official from Guiyang City ethnic minority and religious bureau indicated that minority communities not only will be consulted about different developments, but also provided additional resources called development fund for ethnic minority areas. Two project prefectures – Qiannan and Qianxinan Prefectures will share large portion of such resources as they have more minority population. These development funds will be used for local social economic development, including aged care facilities. The local city and county ethnic minority and religious bureaus will work with local communities to ensure smooth implementation of the proposed Program on aged care improvements.</p>	<p>Noted and some of these understanding will be reflected in ESSA.</p>	
19	<p>Official from Xiuwen County Land Resources Bureau also confirmed that there are sound policy and procedure for regulating land acquisition application and implementation in order to protect interests of affected people. ESSA is in alignment with local actual practices. Local township government has capacity for implementing land acquisition and compensation. He agreed with recommendation on enhancing monitoring of land acquisition and agreed to provide necessary support during implementation. On the issue of conducting screening during program implementation, one suggestion is to have local land resources bureau involved to avoid significant impacts, such as taking too much farmland or causing large relocation.</p>	<p>Thank you for confirming the current land acquisition practice. It is helpful to involve county or district land resources bureau in project screening, which will be updated in the ESSA.</p>	<p>Include the Bureau of Land and Resources in the screening mechanism</p>

20	Official from Xiuwen Women's Federation indicated the ESSA is quite comprehensive and informative and there were no specific comments. The official pointed that most existing public aged facilities are understaffed and the caregivers (most are female) lack capacity for providing specialized nursing services. There is a huge demand for capacity training on caregivers and the training is better to be carried out at specific facility.	This comment will be delivered to the World Bank technical team.	
21	Official from Xiuwen Ethnic Minority and Religious Bureau indicated that Xiuwen County is a Han dominated county with presence of several ethnic minorities. Ethnic minorities are provided with equal access to aged care service as compared with Han. The Ethnic Minority and Religious Bureau will provide support to Civil Affairs Bureau during the program implementation for consolidating special needs of ethnic minority recipients.	Noted with thanks	
22	Officials from Xiuwen Central Welfare Home and Saping Welfare Home did not have any comments on ESSA. They are supportive of this Program and eager to participate to expand current services for more elderly populations. In future during Program implementation, their focus will be on design services packages, target to most needed populations and delivery of quality aged care services. They believe the capacity of their current caregivers can be enhanced through tailored training under the Program.	This comment will be delivered to technical team.	
23	Representative from Longgang Residential Community in Xiuwen County: Two day-care centers were established and will be put into operation soon in this community. Currently, there is lacking experienced caregivers and fund for daily operation. They hope under the program both issues could be resolved, and quality of current facilities and services could be improved.	Noted with thanks.	
24	Representative from Zhenzhuhe Community in Xiuwen County stated that there is no aged care facility in their community although there is an urgent need for aged care services. It is hoped such situation could be improved under the program. The local community will play important role in stakeholder engagement and grievance redress during program	The information will be reflected in the revised ESSA.	

	implementation following the operation manual.		
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**Next steps**

The findings and comments of the consultation meetings were incorporated into the ESSA as appropriate. The final ESSA will be disclosed on the external website of the World Bank, and on the website of the Guizhou Department of Civil Affairs.

**Bank ESSA Consultation Team**

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### Annex 3: Institutional Responsibilities and Duties and Information Required

EHS Issues on HCF	Institutions	Documents/information required by the Laws/Regulations for performance evidence
<p>Medical Solid Waste and Medical Wastewater</p>	<ul style="list-style-type: none"> <li>• Provincial Health department is responsible for supervising and control of infectious disease during the whole cycle of medical waste management;</li> <li>• EPB is responsible for supervising and controlling environmental pollution during the whole cycle of medical waste management, including review and clearance of EA;</li> <li>• HCF is solely responsible for management of the EHS issues related to the medical wastes within the HCF. Normally the hospital infectious disease control department technically takes the charge of routine management of the issues.</li> </ul>	<ul style="list-style-type: none"> <li>• EA to be prepared by the HCFs which covers, as a key point, the assessment of the impacts of the medical waste and the corresponding mitigation measures, institutional arrangement, training plan and monitoring plan;</li> <li>• Contract signed between the HCF and the Medical solid waste disposal company, as a pre-condition for the approval of EA by EPB;</li> <li>• Environmental Facilities Examination and Acceptance Report, to be prepared by the HCF and submit to the EPB for approval before the operation of the HCF;</li> <li>• Record of site supervision, either by the health bureau or by the EPB for the performance of the management system for medical wastes within the HCF, which is periodically conducted.</li> </ul>
<p>Radiation on communities</p>	<ul style="list-style-type: none"> <li>• EPB is responsible for supervising and controlling the radioactive contamination in the whole cycle of the radioactive equipment, which require the HCF to prepare and submit the EIA report for approval by EPB before issuing the certificate for operation of the radioactive equipment or use of the radioactive isotopes in the case that the investment involves the procurement of radioactive equipment or conduct the radiotherapy.</li> <li>• HCF is responsible for prepare and submit the EIA report for radiation contamination and ensures that all of the relevant technical specifications and standards are adopted in the design and construction of the structures/buildings related to radioactive equipment and isotopes, if any.</li> </ul>	<ul style="list-style-type: none"> <li>• EA document to be prepared by the HCF and reviewed/approved by the EPB;</li> <li>• License for radiological diagnosis and radiotherapy to be issued by the EPB;</li> <li>• Radioactive protection facilities examination and acceptance report to be approved by EPB;</li> <li>• Record of site supervision issued by EPB for the performance of the management system for radiation within the HCF, which is periodically conducted.</li> </ul>

<b>EHS Issues on HCF</b>	<b>Institutions</b>	<b>Documents/information required by the Laws/Regulations for performance evidence</b>
Occupational health and safety related to medical wastes and radiation	<ul style="list-style-type: none"> <li>• Health bureau is responsible for supervising and controlling the infectious diseases within the HCFs;</li> <li>• Production Safety Bureau is responsible for supervising and controlling the infectious diseases in industrial enterprises;</li> <li>• HCF is responsible for establishing and operating the system of occupational health and safety protection, including training, monitoring and provision of protective gear.</li> </ul>	<ul style="list-style-type: none"> <li>• Occupational health and safety pre-assessment report to be prepared by the HCF and reviewed and cleared by the health department.</li> </ul>
Medical solid waste transportation and disposal	<ul style="list-style-type: none"> <li>• Provincial health bureau is responsible for the infectious disease supervision and administration during the cycle of transportation and disposal of medical solid waste;</li> <li>• Provincial EPB is responsible for environmental pollution supervision and administration during the cycle, including the flue gas, fly ash, wastewater, residues;</li> <li>• The owners/operators of medical waste disposal facility and transportation fleet is responsible for proper operation of the facilities and ensure environmental compliance, as well as provide occupational health and safety protection to its staff and workers.</li> </ul>	<ul style="list-style-type: none"> <li>• EA document to be prepared by the sponsor of the disposal and transportation projects and reviewed and approved by EPB;</li> <li>• Environmental Safety Assessment report, a free-stand document, to be prepared by the sponsor of the project and approved by the EPB;</li> <li>• Environmental examination and acceptance report to be prepared by the sponsor and reviewed by the EPB before operation of the disposal facility;</li> <li>• Effluent data monitored on-line and transferred to the EPB;</li> <li>• Flue gas Dioxins 30 monitoring report prepared by the management of the disposal facility on annual basis for EPB's review;</li> <li>• Regular supervision record on the environmental performance of the disposal facility by EPB.</li> </ul>

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• <sup>30</sup> Flue gas Dioxins cannot be monitored by on-line sensors, thus a certified lab. is engaged by the facility management to sample and analysis the Dioxons.