

- iii) The land user's current address is not clear since he/she may be living overseas or simply somewhere that is not known.

According to the Thach That LACB, the transaction for the household will be finally decided by Ha Tay PC.

(2) Rest of Phase-1 Land

The resettlement plan will be prepared after the survey on existing land use and the required compensation for the remaining area of Phase-1. It is currently estimated that approximately 500 to 600 households are estimated to be resettled from the area as follows.

Table 8.2-2 Approximate Number of Resettled Households

Phase Stage	Phase-1 (2012)		Phase-2 (2020)	Total	
	Stage-1 (ongoing)	Rest		Whole	Excluding Stage-1
Land Acquisition (ha)	200	610*	800	1,610	1,410
No. of households	165	500-600	735-835	around 1,500	1,335
No. of people (approximate)	800	2,500-3,000	3,700-4,200	7,500	6,700
Schedule of resettlement	by beginning of August 2007	by end of 2008	not certain	-	-

Note: * 70 ha has been acquired according to Ha Tay PC

No. of people is calculated based on approximately 5 persons a household according to HHTP-MB

Source: Interview survey for HHTP-MB and JICA Study Team

Thach That (District) LACB empowered by Ha Tay PC is still surveying the detailed status of the land user and amount of land acquisition and compensation for rest of Phase-1 and Phase-2.

Due to the request of providing the document such as RAP on resettlement and compensation, a report named "REPORT ON THE RESULT OF COMPENSATION, RESETTLEMENT SUPPORT, LAND ACQUISITION IN HOA LAC HI-TECH PARK" issued on 9th July, 2007 and summarizing the current status of resettlement and compensation for the rest of Phase-1 area was provided by HHTP-MB. However, the RAP has not been prepared for this area as well as the case for Phase-1 Stage-1 and it shall be prepared as soon as possible once all the detailed study of resettlement will be completed.

The insufficient items in the documents obtained for the past and future resettlement and compensation for HHTP development were tabulated in Table 8.2-4. In order to prepare the RAP for HHTP area excluding Phase-1 Stage-1 area, the highlighted parts should be clarified by executing agency for resettlement and compensation (Thach That District LACB).

(3) Northern Resettlement Area from mainly Phase-1 Stage-1 Land

The breakdown of the future land use in northern resettlement area located in the north of Road No. 84 is summarized in the following table.

**Table 8.2-3 Breakdown of the Future Land Use in Resettlement Area
Northern from Road No. 84**

Land Use	Resettlement area for Phase-1 Stage-1 and a part of remaining Phase-1	Army		Other	Total
		Existing	Relocation	(Existing residence and farm etc.)	
Area (ha)	8.76 (7.88 ha for Stage-1)	12-13 (10 and 2-3)	70	103-104	195
Schedule	Resettlement from Phase-1 Stage-1 completed by August 2007	-	relocated within 2008	-	-

Source: Interview survey for HHTP-MB

Out of the above 8.76 ha for total resettlement area, 7.88 ha has been developed for the resettled households from Phase-1 Stage-1 area.

The steps for resettlement of residents in Phase-1 Stage-1 are almost completed. In the beginning of August 2007 the official decision on the duty for resettlement of residents will be issued by the Ha Tay PC and all the residents in the Stage-1 area shall leave the area. Before the decision as of end of June, 115 households left the area and 50 are still staying in the area. However, it does not mean that all the 115 households moved to the allocated residential area that is 300 m² for each household in northern resettlement area. Some people received the land in the area but lives in other places with keeping the land. If the land value is more than the allocated 300 m² in the resettlement area, the residents receive the compensation for the loss caused by the difference of the value between original and allocated land.

Report on the detailed planning of the above-mentioned resettlement area of 7.88 ha, dated November 2003 with mainly infrastructure plan was prepared by Ha Tay PC. However, the Resettlement Action Plan (RAP) required in accordance with the land law in Vietnam updated in 2003 was not prepared for the area.

(4) Southern Resettlement Area from mainly Rest of Phase-1 and Phase-2 Lands

The southern resettlement area of around 110 ha is still under discussion of excluding the existing residential area from HHTP development area and would be bigger including the northeast site in HHTP area for future expansion for the relocation from Phase-2 area. The rough breakdown of the land area is described in the following table.

According to plan, total resettlement area for both stages (Phase-1 Stage 1 and rest of Phase-1) with approximately more than 2,000 households to be relocated will be implemented in two stages. The first stage is expected to be completed by the end of June 2008 and the second stage will be intended to be handed over to the Phase-2.

A total area of land for resettlement from the rest of Phase-1 area is 36.5 ha of which 6.55 ha has been allocated to residents and remaining 30.5 ha is under allocation.

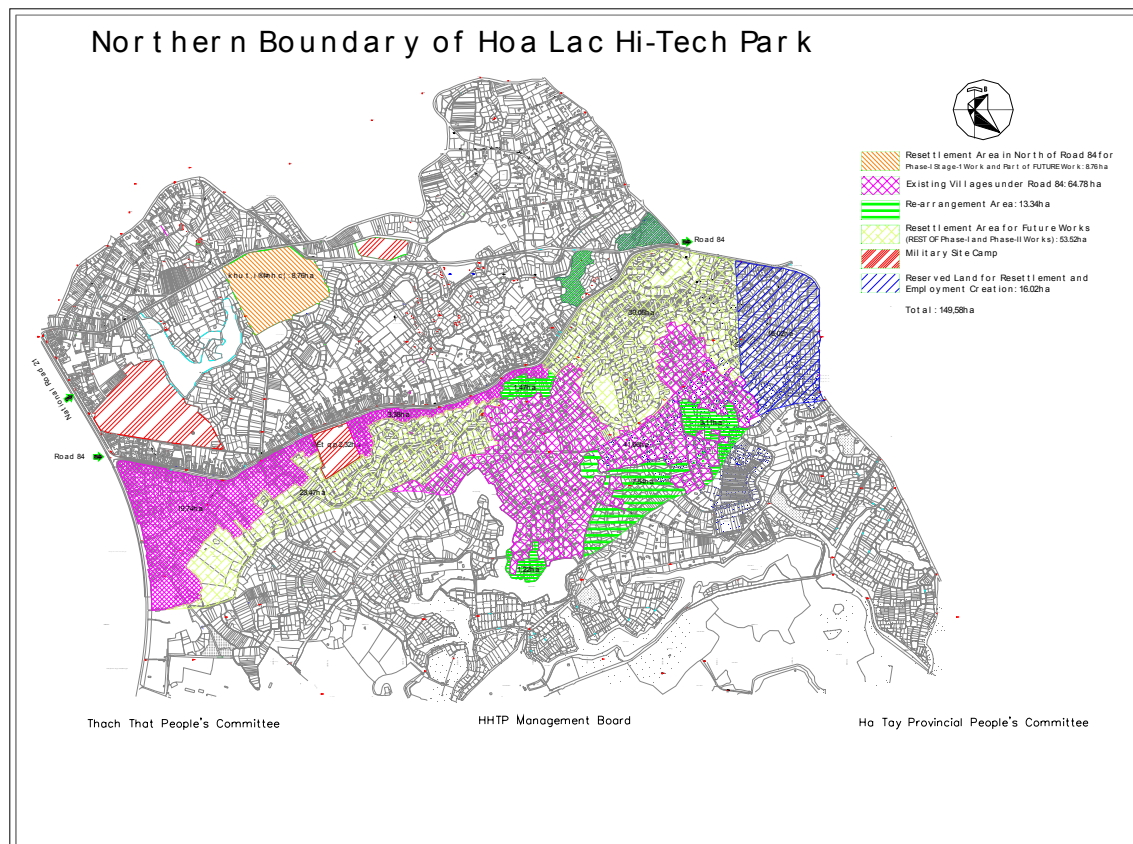
**Table 8.2-4 Breakdown of the Future Land Use in Resettlement Area
Southern from Road No. 84**

Land Use	Resettlement Area from Rest of Phase-1	Resettlement area for Phase-2	Other	Total
			(Existing residence and farm etc.)	
Area (ha)	36.5	around 20 (and 45 expansion)	around 55	around 110 (and 45 for future expansion)
Schedule	acquired by June 2008	Nil	-	-

Source: Interview survey for HHTP-MB

The resettlement area for Phase-2 of around 20 ha seems to be insufficient. The HHTP-MB and the Ha Tay PC is considering the expansion of southern resettlement area (around 45 ha) adding the northwest of HHTP development area and the utilization of available land in northern resettlement area by moving the scattered existing residential areas to the condensed land rearrangement area that will be developed and producing more available space.

Figure 8.2-3 illustrates the land allocations for above-mentioned land use. However, out of 45 ha future expansion, only 16.02 ha is shown in the map in a part of Amenity Zone. According to HHTP-MB, the lack of about 29 ha will be expanded to the east of the northern boundary area.



Source: HHTP-MB

Figure 8.2-3 Resettlement Land in Northern Boundary of HHTP

8.2.3 Announcement for Residents and Decisions on Compensation

The announcement and explanatory meetings have held in communal people's committee offices among such as 1) representatives from hamlets, 2) veteran association, 3) fatherland front, 4) women council, 5) youth union, 6) representative from the project owner, 7) chairman and vice chairman of commune, and 8) land acquisition and compensation committee/board. The contents were 1) Announcement of related decisions such as decision on establishment of land acquisition board and working group, and 2) decision on unit price to be applied to compensation of land, fruit crops and other

(1) Phase-1 Stage-1

A few announcements to representatives from hamlets, veteran association, fatherland front, women council, youth union, representative from the project owner, chairman and vice chairman of commune, director of land acquisition board on the land acquisition and compensation for the residents in Phase-1 Stage-1 area had been held by Thach That PC during years 2003 and 2004. However, since the existing Thach That LACB was established after the meetings there are no records of the meetings.

(2) Rest of Phase-1

Several meetings have been held for notification of decision on land acquisition and compensation for residents in rest of Phase-1 area in HHTP. The summary of each meeting is tabulated in Table 8.2-5. The numbers of participants for the meeting are enough many and it means that announcement for residents on land acquisition have been conducted enough and almost residents know that their land or properties will be acquired for the development of HHTP and they will be compensated by the government for the acquisition. However, Thach That LACB does not have any minutes of meetings and the main objective was only announcement. It seems that any opinions in the meetings were not reflected on the decisions by Ha Tay Province on the procedure and unit prices of land and compensation.

Table 8.2-5 Summary of Meeting Held by Thach That Land Acquisition Committee

No.	Contents of meeting	participants	No. of participants
2007/1/15	Notification of decision on land recovery, decision on establishment of land acquisition committee and counter group and policies on support to compensation unit price, distribution of declaration format to households in hamlet no.9 of Ha Bang commune	Party executive committee, people's committee of organization, members of district LA committee, project owner and households	150
2007/1/15	Same contents with above for households in hamlet of Tan Xa commune	Party executive committee, people's committee of organization, members of district LA committee, project owner and households	300
2007/1/29	Same content with above for households in hamlet no.7 and no.8 of Ha Bang commune	Party executive committee, people's committee of organization, members of district LA committee, project owner and households	280

No.	Contents of meeting	participants	No. of participants
	Same contents with above for households in hamlet no.4, 5 and 6 of Ha Bang commune	Party executive committee, people's committee of organization, members of district LA committee, project owner and households	360
2007/4/25	Meeting with Toan Thang Ltd., company regarding land acquisition of 600 ha in HHTP	Party executive committee, people's committee of commune, finance and land office department, district LA committee, leader of the Ltd., Company	20
2007/6/5	Conference on dissemination of policies and regimes for land acquisition of 600 ha in HHTP with the Ha Bang commune contractual public benefit land receipt households	Party executive committee, people's committee of organization, members of district LA committee, project owner and households (82 households)	125
2007/6/15	Same contents with ones on 15 th and 29 th Jan. 2007 for households in hamlet no.7 and 8 of Thach Hoa commune	Party executive committee, commune people's committee of organization, members of district LA committee, project owner and households	350
2007/6/20	Same contents with above for households in hamlet no.4, 6 and 9 of Tan Xa commune	Party executive committee, commune people's committee of organization, members of district LA committee, project owner and households	550

Source: Thach That District Land Acquisition Board

8.2.4 Legislation on Resettlement and Compensation

(1) Decisions on Resettlement and Compensation

The following is the obtained decisions from HHTP-MB and Thach That District LACB issued by Ha Tay PC.

Table 8.2-6 List of Recent Decisions on Resettlement and Compensation obtained from Ha Tay People's Committee

No.	Ref. No.	Date	Title
1	289/2006/QD-UBND	20/Feb/2006	Regarding the issuance of Regulation on compensation, support and resettlement when the land is recovered by the State on the land area of Ha Tay
2	2224/2006/QD-UBND	18/Dec/2006	Regarding regulation on various types of land price on the land area of Ha Tay
3	493/2007/QD-UBND	22/Mar/2007	Adjustment and Completion of the Regulation of compensation, assistance, resettlement when Government recover land of Ha Tay province, promulgated with Decision No 289/2006/QD-UBND dated February 20, 2006 of Province's People committee.
4	494/2007/QD-UBND	22/Mar/2007	Regarding the issuance of Price Listing for compensation, support to land acquisition on housing, architecture objects, trees, fruit crops in Ha Tay area scope.

Source: Ha Tay PC/Thach That District Land Acquisition Committee

Out of four decisions above, Decision No. 289/2006/QD-UBND provides the unit or fixed compensation and support amount regarding resettlement and it was amended by Decision No. 493/2007/QD-UBMD. Decision No. 2224/2006/QD-UBND provides the unit land prices for the lands in Ha Tay Province.

Decision No. 494/2007/QĐ-UBND provides the compensation and support for housings and architectures and it has an attachment list of unit prices for compensation on removal of various types of architectures and trees caused by land acquisition for development works by the government.

(2) Requirements by Regulation

- According to the government regulation, all the assets as architecture objects, houses...etc will be demolished and by the local residents themselves
- Following Ha Tay PC, other assets such as trees and fruit crops there is another point of view which is in the contrast to the above regulation that; 1) Any assets on the compensated land area will be the property of the investment owner; and 2) The local residents can fully collect and bring whatever exist on the compensated land area.
- Due to this reason, Planning - Construction and Environment Department under HHTP-MB is preparing a letter to ask Ha Tay province why it is like that.

(3) Responsibilities of Concerned Agencies and Required Process in Land Law 2003 and Decree 197 on Land Acquisition and Resettlement issued by Central Government

1) Resettlement

According to Decree 197/2004/ND-CP, the agencies assigned by provincial level people's committee (perhaps Thach That LACB in case of HHTP Area) shall disclose the tentative resettlement (action) plan to all the target households to be resettled and it shall be announced in the commune level people's committee office also in twenty days prior to the appraisal of resettlement plan by Ha Tay PC. In case of Ha Tay the Provincial Land Acquisition Appraisal Committee shown in Figure 8.1-1 seems to appraise the plan. The contents of disclosed tentative resettlement plan are specified as follows:

1. Full name and address of residents whose lands are acquired
2. Area, rank, category, location and origin of the recovered (acquired) land. In addition, quantity of assets to be damaged.
3. Basic data for calculating the amounts of compensation and support
4. Target households requiring the resettlement support

Source: Circular 116/2004/TT-BTC

Contents of Tentative Resettlement Action Plan Disclosed

2) Compensation

The responsibilities of each agency concerned for compensation for land acquisition can be summarized as following table:

Table 8.2-7 Responsibilities of Agency on Compensation Process

Process	Responsible Agency
General	The central government organizes the land acquisition, compensation and resettlement. The practical businesses are conducted by people's committee of province or district/commune levels.
Planning	People's committees of provincial level decide the compensation plan and the amount.
Prosecution of planning	People's committees of district or commune levels provide the information to public and they practically conduct the adjustment works with compensation and resettlement committees, concerned agencies in the government and investors etc.
Monitoring	Not clearly specified about monitoring but specified that ministry of finance supervise and check the execution of compensation, support and resettlement policies and ministry of planning and investment owe the guidance and investigation of preparation and execution of resettlement plan. In addition, the claims from public are responded in accordance with land law and adjusted by district people's committees.

Source: Decree 197/2004/ND-CP

3) General Process on Compensation and Resettlement

The general process on land acquisition and compensation stipulated in Part VI of Circular 116/2004/TT-BTC and Decree 197/2004/ND-CP. The executing agency in charge of land acquisition and compensation is mentioned as "LACB".

Table 8.2-8 General Process on Compensation and Resettlement stipulated by Central Government Documents

No.	Process	Responsible Party
1	Announcement of land acquisition and resettlement to land users and delivery of application form	LACB
2	Application of asset to be compensated	Land users
3	Confirmation of application contents along with on-site inspection	LACB
4	Preparation of tentative land acquisition, compensation, support and resettlement plan ("RAP" hereunder)	LACB
5	Announcement of tentative RAP in the office of LACB or commune level people's committee	LACB
6	Public consultation and discussion on tentative RAP	LACB
7	Finalization of RAP after responding to the public comments	LACB
8	Approval of RAP (1)	District level people's committee
9	Approval of RAP (2)	Provincial level people's committee
10	Announcement of final RAP in land acquisition board office or commune level PC office	LACB
11	Signature on document for payment and submission	Land user
12	Filing and management of all the relevant documents on compensation, support and resettlement	LACB

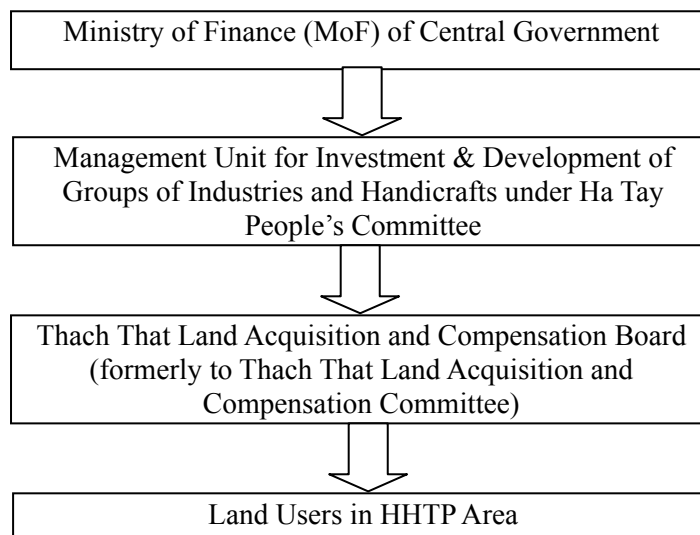
Source: Circular 116 and Decree 198

(4) Resettlement Action Plan (RAP) or Land Acquisition and Resettlement Action Plan (LARAP)

So far any Resettlement Action Plan (RAP) or Land Acquisition and Resettlement Action Plan (LARAP) following the required contents by Circular 116 have not been prepared for the land acquisition and resettlement of HHTP land. What were prepared on resettlement was only the design report of the infrastructure in northern resettlement area (7.88 ha) for residents from Phase-1 Stage-1 and progress report on the result of compensation, resettlement and land acquisition for the rest of Phase-1 area and many part of Phase-2 area. If those report included the sufficient contents covering the required contents in Circular 116, the preparation of RAP seems to be easy. However, as tabulated in Table 8.2-9 the reports are lack of much necessary information as highlighted in the table. Thach That LACB provided a document for resettlement from the rest of Phase-1 area called as “RAP”. However, the document also does not include the detailed schedule and even the budget or ceiling amount of land acquisition and compensation.

(5) Capital Flow for Land Acquisition and Compensation

As shown in the flowchart below, the capital for land acquisition and compensation for HHTP area is paid to land users from Ministry of Finance through Management Unit in Ha Tay PC and Thach That LACB. Before the establishment of the board, the capital was transferred to Thach That Land Acquisition and Compensation Committee from management unit of Ha Tay PC.



Source: Interview survey for Land Acquisition Board and HHTP-MB

Figure 8.2-4 Capital Flow for Land Acquisition and Compensation

Table 8.2-9 Sample Contents of Resettlement Plan and Lack of Contents in HHTP Resettlement Documents

Table of Contents (in Sample RAP)	Main Contents	Rest of Phase-I and many part of Phase-II (1298.86 ha)	Phase-I Stage-1
Plan of resettlement - Investment project of the construction of the central arterial road in the Me Linh new city	-	Report on the Result of Compensation, Resettlement Support, Land Acquisition in Hoa Lac Hi-Tech Park	Presentation - Detailed Planning of Resettlement Area of 7.88 ha, Resettlement Area in the North of Road No. 84, Hoa Lac Hi-
I. General Introduction			
1.1 Overview	Background etc.	OK - first paragraph	OK - "1. The necessity to make planning"
1.2 Scope of the Project	-	No	Explanation on scope of resettlement only
1.3 Foundations for the Plan on resettlement	Relevant articles in the laws	No	OK - "3. Basis for making planning"
1.4 Classification of sufferers	List of targets and ways to be resettled or compensated	Only total areas and number of households to be resettled (no breakdown)	Only areas and number of households to be resettled (no breakdown)
1.5 Matrix of impacted interests and rights	Table of targets above with "implementation schedule"	No	No
II. Current situation, scope and technical standards of the project			
2.1 Current situation	Current situation of geography etc.	No	OK - "II. Natural Condition and Current
2.2 Scope and technical standards of the project	design standards for roads	No	OK - "Technical infrastructure development
III. Planning scheme of resettlement quarter			
3.1 The current situation of site clearance on the route			
3.1.1 Compensation range of site clearance	stretch of road	Not necessary in HHTP	Not necessary in HHTP
3.1.2 Volume of site clearance	Land use plan etc.	No	OK (3.2 Land use plan)
3.2 Compensation and the options for resettlement			
1. Foundation, principle and methods of compensation for site clearance	Explanations for specific cases and options of compensation	No	No
2. Implementation	Explanation in text for the process of compensation (who will implement)	No	No
3. Plan of resettlement	List and texts of notes/notices for concerned agencies in implementing the resettlement and compensation	OK (II. Difficulties and III. Proposals) but should be updated and added	OK (V. Conclusion - Pending Issued and Recommendations), but should have been updated and added
According to Circular 116, following is necessary items to be included in RAP:			
Part I			
Determining the levels of compensation and/or support for each person who has land recovered.		No	No
Part II			
1) Resettlement arrangement plans, the land price for land use tax calculation, selling prices and rents applicable to houses in the resettlement area:		1) total cost for compensation is mentioned but breakdown is required 2) the progress and status in past is mentioned but the schedule in future should be added.	the total cost for compensation is mentioned but breakdown as detail as possible was necessarily.
2) money amounts payable by persons who have land recovered to the Statebudget to fulfill their land related financial obligations according to land		No	No
3) money amounts payable for land use, purchase of houses in the resettlement area, etc.		No	No

Source: JICA Study Team

- (6) Difference between Actual Legal Framework taken for Land Acquisition for HHTP Project and Usual Framework in Land Law and Circular issued by Central Government

Generally the steps taken for land acquisition, compensation and resettlement for HHTP area have been similar with required contents by documents issued by central government. However, at least following contents seems to have been deficits on the past administrative procedure observed from the data collection and interview survey with HHTP-MB and LACB by JICA Study Team, mentioned in order of process tabulated in “(3) 3) General Process on Compensation and Resettlement”.

1. Lack of required detailed contents in the documents corresponding to tentative RAP or RAP (process No. 4 and 7)
2. Lack of minutes of public consultation meetings (process No. 6)
3. Lack of responses to public comments (Process No. 7)
4. Lack of further explanation or negation with land users for obtaining the signature of them on documents regarding payment of land acquisition and compensation (Process No. 11)
5. Insufficient filing of documents having raised in the process of land acquisition, compensation and resettlement

8.3 Future Steps and Frameworks of Land Acquisition and Resettlement

- (1) General Steps in accordance with Decree 197

The required steps for future land acquisition when following the Vietnamese land law 2003 and Decree 197/2004/ND-CP issued by central government were mentioned in “8.2.4 Legislation on Resettlement and Compensation”.

- (2) Adopted Land Price for Acquisition of Rest of Phase-1 and Phase-2 Lands

The JICA Study Team obtained the decision regarding on various types of land price on the land area of Ha Tay issued on 18th December 2006 by Ha Tay PC and conducted the interview survey for Thach That District LACB on which categories on the decision would be mainly adopted for the lands in HHTP to be acquired in the near future. The land prices are tabulated as follows.

Table 8.3-1 Land Prices mostly adopted to the On-going and Future Land Acquisition in HHTP Area

No.	Category	Amount (VND/m ²)
1	Residential in rural area along the main transport road and traffic connector, commercial and tourism and industrial zone	840,000
2	Residential in rural area (far from main transport road)	280,000
3	Land for annual tree planting such as Cassava	44,118
4	Land for long year trees planting	51,471
5	Land for production afforest	19,608
6	Land for aquacultural breeding (fish pond etc.)	44,118

Source: Decision No. 2224/2006/QD-UBND and interview survey to Thach That LACB

Along with the price for land acquisition the fixed amount of compensation for many categories were specified. In principle, it is fixed and following the official unit rate as stipulated by the Ha Tay PC and the rates are adopted to all the land acquisition regarding the development projects in Ha Tay Province. However, according to Thach That Land Acquisition Board (LAB), in extremely special case LAB will collect the residents' opinion and propose to provincial level or higher level for consideration and making adjustment, if any. However, it seems that the room of adjusting the fixed land price stipulated by the Ha Tay PC is quite few observed from the fact that many land users continued to complain in case of Phase-1 Stage-1 land acquisition.

(3) Vocational Training for changing Jobs

So far Ha Tay PC and Thach That PC have held some training seminars for public in the rest of Phase-1 area but the record of the seminar is not available. The committees do not plan to conduct the further practical vocational trainings to the resettled residents or land users who should quit the agricultural and production works due to the land acquisition of HHTP area. According to the Decision No. 494/2007/QD-UBND on compensation, only 10,000 VND/person is supported to such residents and land users.

(4) Preparation of RAP (or LARAP)

As mentioned above, RAP including detailed contents required by Decision No. 494 should be prepared as soon as possible even if the land acquisition and resettlement on the rest of Phase-1 area is on-going. For organizing the total land acquisition, compensation and resettlement works, the preparation of LARAP is more ideal.

(5) Preparation of Design Report for Resettlement Area from the rest of Phase-1 and a part of Phase-2

As the case of design report for resettlement area from Phase-1 Stage-1 area in northern residential area (7.88 ha), the design report of residential sections and infrastructure plan for resettlement area from the rest of Phase-1 and a part of Phase-2 in southern resettlement area will be prepared by Ha Tay PC.

(6) Resettlement caused by expansion of trunk roads

According to the interview survey to HHTP MB, all the houses adjacent to the Lang-Hoa Lac Expressway (north side) and National Road 21 (east side) in HHTP area will be removed. However, it will be removed by the scheme of future road expansion of the both roads. The Lang-Hoa Lac Expressway will be expanded to 140 m from the original status of about 10 m by the year 2009. The expansion plan of National Road 21 is not certain yet.

8.4 Issues on Land Acquisition and Compensation

The following five issues can be nominated as most major issues from the overall discussions and analysis.

(1) Lack of Preparation of RAP or LARAP for Resettlement

As mentioned in section 8.2.4 (6) many necessary contents or documents has been lacking in the process of land acquisition, compensation and resettlement and only some scattered internal documents have been prepared by Ha Tay Province and Thach That District PCs. From the fact it can be observed that the committees have continued to follow the previous decree (Decree No. 22/1998/ND-CP) without clear mention of “the formulation and implementation of resettlement project” that require such as the preparation of RAP and not fully followed the new decree even after the issuance although the decree regulates many requirements documents and contents on resettlement procedure. As well, as mentioned in 8.2.5 (3), the RAPs/LARAPs following the required contents in Circular 116 was not prepared for Phase-1 Stage-1 resettlement and even tentative RAP for the rest of Phase-1 has not been prepared. If the RAP and further LARAP was properly prepared after the issuance of Decree 197/2004/ND-CP the delay of land acquisition and compensation for Phase-1 Stage-1 could be shortened by preparing the detailed schedule of land acquisition and resettlement and proper information to the resettled residents.

(2) Insufficient Disclosure of Information and Lack of Public Consultation

In the case of land acquisition and compensation for Phase-1 Stage-1 area, there are no records of announcement or public consultation meetings. It is doubted if the proper information was provided to the public about their resettlements in Phase-1 Stage-1 area since the previous decree on land acquisition and compensation did not mention clearly the requirement of disclosure of information on resettlement that is required in the Article 34 of the Decree 197. In the case of one for the rest of Phase-1 area also, the date and number of participants have been recorded but the minutes of meetings have not been prepared. From these facts it can be obviously said that few opinions from land users and residents were reflected on the land acquisition and compensation procedures and amount of payments for them.

(3) Inadequate compensation procedures with land users after sending letters of payments by LACB

The documents with at least the orders of resettlements, total paid amounts and column of counter signatures between Thach That District (or Ha Tay Province) and the land users seem to be delivered from Thach That PC to land users. By the end of 2004 the documents were sent to all the land users and concerned agencies announced or understood that land acquisition was completed by 2005. However, actually many land users did not accept the amounts and the documents were suspended for a long time. Since there was no room of negotiation, the documents were continued to be suspended and Thach That PC seems not to have paid much attention and gone to the explanation to

the land users.

(4) Long period for resettlement after compensation agreement

According to the Thach That LACB, even after agreement by land users for the offered condition of land and compensation in 2005 some land users continued to stay in their land until the time of final deadline announced by LACB (August 2007) approached. The interval between 2005 and 2007 is obviously too long.

(5) Insufficient sharing of information among concerned agencies

The HHTP-MB does not have sufficient data on land acquisition and resettlement of HHTP area that LACB has. It can be said that the data on land acquisition and compensation is not shared by the key concerned agencies properly. It avoids the proper involvement of such agencies for land acquisition works and give the necessary comments.

In addition, the following three issues can be only guessed due to the insufficient background data from other projects or provinces to analyze, e.g. particularly land and compensation amounts due to the sensitivity to analyze.

(6) Unreasonable Unit Prices for Land and Compensation and Inflexibility of Unit Prices in Decisions

According to the interview survey for Thach That LACB, many land users complained about the low unit prices of land and did not accept the price for a long time after fixed price for land acquisition and compensation was finally informed to each of them. However, Thach That PC and Ha Tay PC insisted on the fixed unit prices according to the decisions by Ha Tay Province and did not change the price. It seems a main reason of much delayed land acquisition and resettlement in Phase-1 Stage-1 area.

(7) No Vocational Trainings and Unreasonable Compensation for changing the Jobs

There has not been any vocational training for the residents or land users who have to quit the businesses such as agriculture and fish breeding in Phase-1 area. And the monetary support for them to change the jobs is only VND 10,000 a person. Obviously the amount is quite small for the big tasks for which the residents sacrifice their lives and it seems that land users feel reluctant to sell their land, quit their business and then change the jobs.

(8) Un-possession of Land Use Right Certificates of some Land Users

In order to certify that they are the official land users, the land users should present the Land Use Rights Certificates (LURC) issued by people's committee of communes. However, according to HHTP-MB many land users did not possess the LURCs in the case of land acquisition of Phase-1 Stage-1 area. Out of them, some party should have been the illegal residents indeed. However, it was possible that some other parties should have been almost official land users but LURCs were not issued to them by the people's committee of communes relating to the lack of time since the framework of land use

right was only specified in the first land law published in 1993 and after only 10 years the land acquisition for HHTP land was initiated from 2003. In case the land users who had lived in the lands from long before 1993 do not possess LURCs they have to show the certificate of no dispute on their lands issued by commune level people's committee in order to receive the compensation according to the Decree 197/2004/ND-CP. However, issuance of such a certificate seems quite difficult. Those circumstances seem to have made the past land acquisition and compensation works more complicated.

8.5 Recommendation for accelerating Land Acquisition and Resettlement

After the initiation of land acquisition from April 2002, the progress is quite slow and only 270 ha land has been acquired as of March 2007. However, the remaining land of about 540 ha for Phase-1 is planned to be acquired by June 2008 in accordance with the order by prime minister (Letter No. 1310/TTg-KG dated August 24, 2006). Out of the 540 ha land Ha Tay Province officially stated that about 400 ha of land acquisition will be completed within the year 2007 by his letter No. 96 BC/BQL dated 23 May 2007.

In order to realize the schedule the possible actions to be taken by Ha Tay Province and Thach That Land Acquisition and Compensation Board (LACB) for the major six issues of land acquisition listed in section 8.4 were analyzed and shown as correlation chart in Figure 8.5-1.

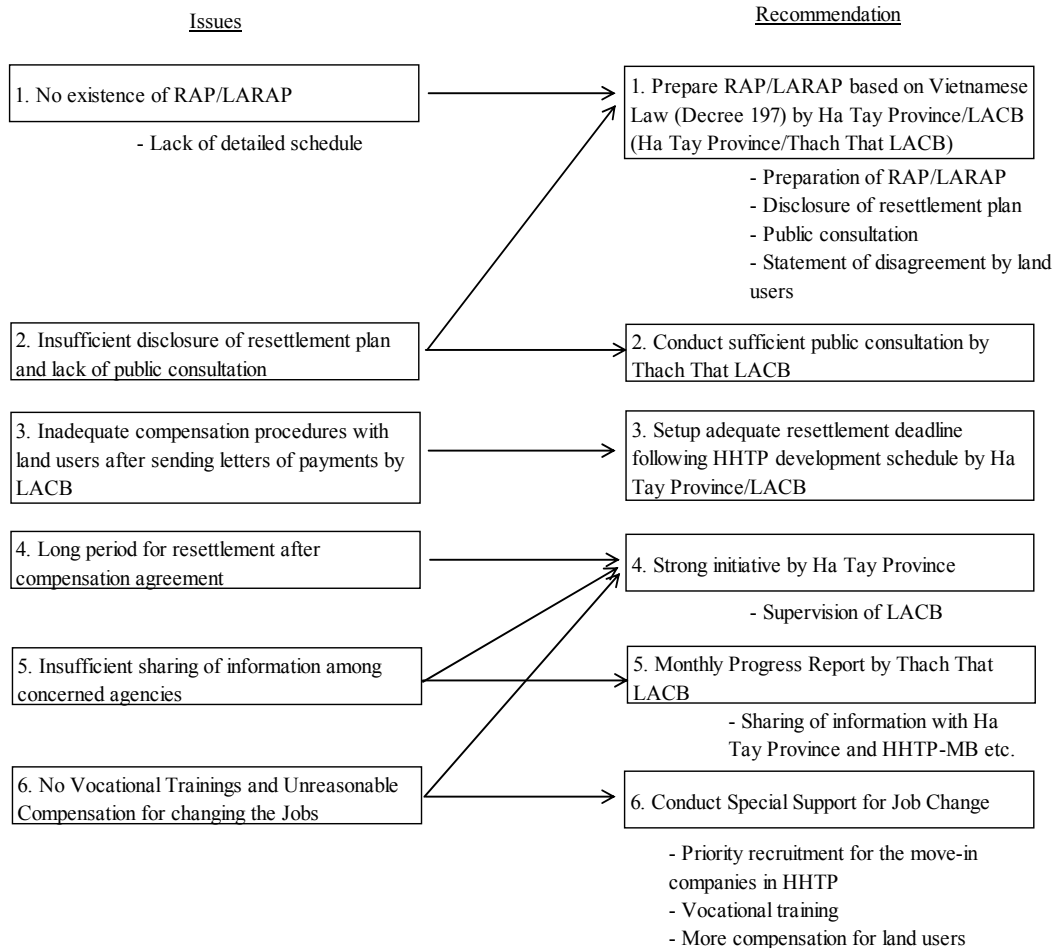


Figure 8.5-1 Recommendations on Land Acquisition from Analysis of Issues

The nominated six recommendations in Figure 9.1-2 are explained as follows.

(1) Preparation of RAP or LARAP for On-going and Future Land Acquisition and Resettlement based on Vietnamese Law (Decree 197)

As mentioned in section 8.4 the RAP or LARAP fulfilling the required contents by decree on land acquisition and resettlement have not been prepared for Phase-1 Stage-1 area and ongoing land acquisition works for rest of Phase-1 area. Once the RAP or further LARAP are prepared with the required contents in Decree 197 on land acquisition, compensation and resettlement, the most of lacking information such as detailed schedule including disclosure of tentative resettlement plan to land users and responses to statement of disagreement by land users on the conditions of compensation can be covered. It can enhance the observance of schedule and sufficient information for the understanding of resettlement procedures by land users. As a part of compensation and support, the adequate vocational training or monetary support for land users who have to change the job due to the land acquisition should be clearly mentioned. In order to prepare the proper detailed schedule and persuade the land users about the land acquisition, compensation and resettlement procedures the RAP and further LARAP are to be prepared even for on-going work for rest of Phase-1 area.

- (1') Full observance of Decree 197/2004/ND-CP on compensation, support and resettlement when land is recovered by the State

As mentioned in section 8.4 the requirements in the decree above have not been followed fully. From now on for the future land acquisition and resettlement and preparing RAP and LARAP, all the concerned agencies under Ha Tay PC should follow the Decree and the supervising ministries should give the guidance for the observation.

- (2) Sufficient Public Consultation by Thach That LACB

In order to establish the better compensation and support frameworks the sufficient number of public consultation should be held by Thach That LACB and the minutes of meetings should be prepared and reported to Ha Tay Province.

- (3) Setup of adequate resettlement deadline following HHTP development schedule

Even after quite long time from the initiation of land acquisition and resettlement works and further after the agreement on the conditions of resettlement between the people's committee and residents, the remaining residents could be observed in case of Phase-1 Stage-1 area. According to the HHTP-MB they were waiting for the date of final deadline (August 2007) for their eviction from the land. In order to avoid such situations, the final resettlement deadline should be setup earlier for at least the residents who agreed to resettle.

- (4) Strong Initiative by Ha Tay PC on Land Acquisition, Compensation and Resettlement Matter

At present the practical works of land acquisition is conducted more efficiently by Thach That LACB than the time before establishment of the board. However, as an upper committee who has strong power and decisions the Ha Tay PC should be involved more to the land acquisition process and be flexible to revise the decisions on compensation from now on in order to reduce the delay of project.

Along with it, the HHTP-MB as an executing agency of the project also should be involved more for the land acquisition for avoiding the delay of construction works following HHTP development schedule.

- (5) Monthly Progress Report by Thach That LACB

In order to achieve the land acquisition and resettlement works with quicker tempo than the past progress, the frequent preparation of progress report is required for adequate monitoring by Ha Tay People's Committee. The preparation of monthly base is recommendable and it should be sent to Ha Tay People's Committee and all the concerned agencies such as the HHTP-MB as well.

(5') Periodical meetings among the concerned agencies

Relevant to the above-mentioned progress report for sharing the progress and data for the land acquisition and resettlement matters for HHTP at least the following organizations are expected to be involved and the periodical meetings such as quarterly among the organizations are recommended to be held.

- Ha Tay Provincial People's Committee
- Thach That Land Acquisition and Compensation Committee/Board
- Committees of Tan Xa, Ha Bang, Thach Hoa, Binh Yen, and Dong Truc Communes
- HHTP Management Board

The result of the meetings should be quickly reported to central government such as Ministry of Finance that has a duty to guide on operation of policy for compensation, support and resettlement and Ministry of Planning and Investment that has duty to give the guidance for planning and operation of resettlement and Ministry of Science and Technology as a managing ministry of HHTP-MB.

(6) Special Supports for Job-Changes of Land Users

In order to reduce the reluctance of land users to sell the lands, quit the jobs such as agriculture and change to new jobs, the special supports by mainly Ha Tay Province such as 1) priority recruitments for move-in companies to HHTP, 2) vocational training to the major industries and 3) more compensation amount for land users in case they do not want to work in HHTP or shift to other kind of jobs than the ones of which skills can be provided by vocational training.

(6') Supports by Central Government

It is specified in Decree 197 that in case all the residents have to resettle due to the investment projects decided by the central government the prime minister submits the special resettlement policy to the ministries and offer the special supports for the residents such as supports for total construction costs in resettlement areas, improvement of lands in resettled agricultural farms and changing the jobs. Considering the scale and importance of HHTP project, provision of such special supports for particularly the job-changes mentioned above is worth considering by central government.

In addition to the major recommendations above, the following recommendations are worth considering for Ha Tay PC and Thach That LACB.

(a) Early and clear disclosure of plan for land users

For the on-going and future land acquisition and resettlement the disclosure of information on tentative resettlement plan for each commune should be announced in the communal committee office. It can enhance the earlier understanding of land users and agreement between government and land users on the contents of compensation.

(b) Periodical explanation and negotiation with land users by Thach That LACB

After preparing the document of land acquisition and resettlement, and sending it to land users the LACB should timely explain the contents of land acquisition and compensation to each land users and should have the negotiations with them. In case any unit prices decided by Ha Tay Province are unreasonable or cannot be suitable for actual situation in HHTP area, the applied prices should be properly updated.

(c) Strengthening of Thach That LACB and the Inventory Groups

With stronger involvement of aforementioned key agencies it should be carefully observed whether the number of staff and the role of each group in the board are appropriate or not. If the delay of land acquisition would be occurred the increase of the staff and re-organization in the board should be considered.

(d) Removal of the buildings by HHTP-MB or Land Acquisition Board

According to the interview survey to HHTP-MB and also the list of compensation amount attached to Decision No.494/2007/QD-UBND, the destructions/removals of the houses belong to the residents by managing the works from the amount of compensation for architectures. For some areas that require the urgent land acquisition, it should be discussed among concerned agencies about the possibility to destroy/remove the houses by government side such as HHTP-MB or Land Acquisition Board.

SECTION D

CONSTRUCTION MANAGEMENT FOR HHTP

9. INTERNAL CONSTRUCTION REGULATION FOR ZONE DEVELOPMENT (DRAFT)

Section-1 GENERAL

1. OBJECTIVES

- 1.1 To ensure the eco-friendly environment, harmony between zones and linkages with surrounding related developments.
- 1.2 To ensure safety and security condition for the activities and properties in the Park.
- 1.3 To protect environment and scenery of the natural resources inside and surrounding the Park.
- 1.4 To maximize the utilization of the facilities in the Park.
- 1.5 To prompt the synergy among the activities in the Park

2. PROHIBITIONS

- 2.1 Any activities to against the objective as set in Section-1.
- 2.2 Any environmental pollutions and contaminations.
- 2.3 Any activities to destroyed properties and suffocate activities in the Park.
- 2.4 Utilization of dangerous, hazardous and toxic materials.
- 2.5 Violation of the laws and regulations issued by Vietnamese Government and rules sets by the Park.

3. ALTERATION OF THE OPERATION AND USES

- 3.1 Alteration of the operations and uses of the Zones can be considered as far as the operation and uses is necessary to ensure the activities of the Zone.
- 3.2 The changes which make a damage, loss or disadvantage to other activities in the Park are prohibited.
- 3.3 Development Company (hereinafter refer as DC) or tenants shall responsible to settle and solve the claim, including the cost related to alteration taken.
- 3.4 In case of the alteration required to comply with governmental laws, the written approval of Management Board of Hoa Lac High-Tech Park(hereinafter refer as HHTTP-MB) will be necessary.
- 3.5 DC shall responsible to start construction works within three (3) years after the date of the utilization agreement of lease agreement signed between HHTTP-MB. And full development should be achieved within six (6) years after the date of signing the agreement.
- 3.6 In case of failure in achievement of Article 3.5 above, DC shall forfeit the unfinished development together with all unfinished structures in the Zone as well as expenses paid for the construction and decamp/demobilization of the DC's activities. HHTTP-MB will free to possess the Zone together with unfinished works and handing over all rights hold by DC for the development of the Zone.

Section-2 CONTROLS

1. APPROVALS

- 1.1 DC shall submit the plans, internal regulation for the tenants and specifications to HHTTP-MB, which may consists of:
 - a. A general plan, including zonal infrastructure of road, drainage, water supply, power supply, sewerage and telecommunication conduit.
 - b. Consumption or demand estimation for water supply, power supply, sewerage and telecommunication.
 - c. Plan of infrastructures connection to HHTTP common infrastructure to be requested.
 - d. Landscape consideration, such as greenery, park, buffer and fences.
- 1.2 Any development plan and internal regulation of the Zone shall be examined and

- approved by HHTP-MB before and during operation.
- 1.3 Any constructions and improvement works connecting to common infrastructure of HHTP shall be examined and approved by HHTP-MB before, during and after construction work.
 - 1.4 Design for the item below shall be followed to typical design set out by HHTP-MB.
 - a. Section of main road.
 - b. Street lighting, sign board and road marking.
 - c. Power distribution line, including ring main unit and specifications of distribution power cable.
 - 1.5 HHTP-MB shall review the plans from compliance and landscape viewpoint to preserve the eco-friendly environmental condition of the Park, and engineering viewpoint will be examined by relevant government authority after approval from HHTP-MB.
 - 1.6 All submitting document must be with the signature of General Director and company seal.
 - 1.7 The DC is not allowed to makes any excuse to the issues described in the Internal Regulation by the reason only of approval of the plan by the relevant government authority.
 - 1.8 HHTP-MB shall response or giving approval within fourteen (14) calendar days.
2. CONSTRUCTION SUPERVISION
- 2.1 DC shall obtain all necessary approvals and permits from authorized agency for the construction works.
 - 2.2 DC shall submit construction schedule and inform to HHTP-MB in writing within fourteen (14) calendar days before commencement of construction. Construction schedule shall includes name of Contractor, name of responsible/authorized person and contact address.
 - 2.3 DC shall submit every revision of the construction plan and schedule, as soon as possible.
 - 2.4 No direct works to the HHTP common infrastructure, except the connection point, is allowed unless DC obtains an approval from HHTP-MB in advance.
 - 2.5 DC shall inform the reason and alteration schedule to HHTP-MB in writing, in case of delay in the schedule of completion of construction.
 - 2.6 DC shall remove and demolish all waste, materials, temporary works and any facilities and/or equipments arising from its construction works soon after completion of the construction works.
 - 2.7 DC shall notify the completion of construction work in writing soon after completion and demobilization of the contractor's facilities and equipments.
3. INDEMNIFICATION
- 3.1 DC shall ensure to not obstruct the transportation and make damages to HHTP common infrastructure and other properties in the Park during construction work.
 - 3.2 By own responsibility, DC should bare any compensation to the damages caused during construction work. Moreover, DC should take out insurance to cover own property in the Park in respect of loss and liability risks.
 - 3.3 DC shall responsible and indemnify against all incident, claims, compensation and expenses cause due to the DC's construction works and/or any act, neglect or default of DC.

Section-3 SPECIFIC CONSTRUCTION CONTROLS

1. LANDSCAPE
 - 1.1 DC shall responsible for the landscaping and appearance maintenance of the Zone, not limited to greenery, design works and building controls.
 - 1.2 The landscape must keep harmony with adjoins to keep identification of the Park.
 - 1.3 DC shall observe twenty (20) meters setback and control the development works will

- be done by the Tenants of the Zone.
- 1.4 No any item below allows to be used for landscaping and planting in the Zone.
 - a. Crops
 - b. Fruit trees
 - c. Smell trees
- 1.5 Proper care and maintenance, which is not limited to watering, trimming and fertilizing, shall be responsible by DC.
- 1.6 Any damage and/or claim cause by the landscaping shall be fully responsible and compensate by DC.
- 1.7 In case of insufficient care of landscaping by DC, HHTP-MB will have notice and DC obligates to take a necessary action for the improvement within fourteen (14) calendar days.

2. CONSTRUCTION DENSITY

Maximum building coverage ratio, floor area ratio and number of storey for each zone shall be followed to prevent the landscape, eco-friendly atmospheres and world-wide class high-tech park environment.

Basic Indicator	Max. Bldg Coverage Ratio (%)	Max. Floor-Area Ratio (%)	Max. No. of Storey (number of floor)
1 Software Park	30	80	5
2 Research and Development Zone			
a. Research and Development	30	80	5
b. High Class Residential	40	80	3
3 High-Tech Industrial Zone	40	100	3
4 Education and Training Zone	35	150	5
5 Center of High-tech City	70	500	10 (extra height 30)
6 Mixed Use Zone	80	300	8
7 Residential Zone	50	150	4
8 Housing Complex	60	300	12
9 Reserved Area	40	100	3
10 Amenity Zone			
a. Golf Course	1	0.2	2
b. High Class Residential	40	80	3
11 Amusement Zone	5	1	3

3. CONNECTION TO HHTP COMMON INFRASTRUCTURE

- 3.1 Road
 - a. Basically, road section design shall follow typical design set out by HHTP-MB.
 - b. Marks, street lighting, sidewalks and crosswalk shall be planned considering the safety and landscape of the Park.
 - c. Intersection with street signal shall be designed with minimum distance of one (1) kilo meter.
- 3.2 Signs
 - a. Any signs shall be acquired approval from HHTP-MB in writing.
 - b. It is prohibited to place signs on the top of buildings and poles.

- c. Showy signs shall not be permitted.
- 3.3 Gate
- a. Maximum of two (2) gates for every block of High-Tech Industrial Zone, which is sorted by the HHTP common road constructed by HHTP-MB.
 - b. Maximum of four (4) gates for every block of other Zones, which is sorted by the HHTP common road constructed by HHTP-MB.
 - c. Prohibited to construct gate within twenty (20) meters from the property borderline.
 - d. Minimum distance of two hundred (200) meters from the intersection must be kept.
 - e. Design of the gate shall be submitted to HHTP-MB for its approval in line to keep better landscape and harmonious design of the Park.
- 3.4 Parking
- a. DC shall strictly establish zonal regulation and/or guideline for safety, convenient and sufficient of paved parking space and dust-free to the Tenants.
 - b. It is strictly prohibited to on-street parking without permission from HHTP-MB in advance.
 - c. Any vehicle parked on the street without permission shall be removed by HHTP-MB without prior notice and all responsibility, claims and costs occurred shall be bared by DC.
- 3.5 Fencing
- a. Inconsideration of landscape and sufficient design of the Park, design of fences must be approved by HHTP-MB before its construction.
 - b. Fence shall be open type fences made of painted iron bars or galvanized chain-link fencing material or other material with prior approval from HHTP-MB.
 - c. Maximum height of fences along HHTP common road shall be three (3) meters.
- 3.6 Drainage
- a. Connection works between Zone drain system to the HHTP common drain system shall be carried out by DC under the instruction and attendance of HHTP-MB.
 - b. DC shall properly maintain and clean all drains in the Zone in order not to make any bad affects to the HHTP common drain system.
 - c. DC shall take any responsibility, claims and cost occurs due to damages or obstacle of HHTP common drain system cause by the Zone's drain system.
- 3.7 Water Supply
- a. DC must not establish any water wells and all water demand shall be supplied by HHTP-MB from common water supply pipeline.
 - b. DC shall inform the required capacity of water supply to HHTP-MB with reasonable reason not less than thirty (30) calendar days before its utilization.
 - c. HHTP-MB has a right to shut down the water supply during periodical or emergency maintenance of water supply facilities.
 - d. DC shall provide water reservoir with minimum capacity of one (1) day.
 - e. Connection works between Zone water supply pipes to the HHTP common water supply pipeline shall be carried out by DC by the contractor approved by HHTP-MB under the instruction and attendance of HHTP-MB.
- 3.8 Power Supply
- a. DC shall inform the required capacity of power supply to HHTP-MB with reasonable reason before submission and/or negotiation with EVN or Power Company.
 - b. Power supply is under responsibility of EVN or Power Company.

- 3.9 Telecommunication
- a. DC shall inform the required capacity of telecommunication system to HHTP-MB with reasonable reason before submission and/or negotiation with the agency/company appointed by the Government.
 - b. Telecommunication system is under responsibility of the appointed agency/company.
4. ENVIRONMENTAL PRESERVATION
- 4.1 Sewerage
- a. DC shall utilize HHTP common sewerage system.
 - b. Connection works between Zone sewer pipes to the HHTP common sewer pipeline shall be carried out by DC by the contractor approved by HHTP-MB under the instruction and attendance of HHTP-MB.
 - c. DC shall provide a facilities to remove garbage before connecting Zone sewer pipes to HHTP common sewer pipeline and ensure no any garbage or solid waste entering to HHTP common sewer pipeline.
 - d. DC shall take any responsibility, claims and cost occurs due to damages or obstacle of HHTP common sewer system cause by the Zone's sewer system.
 - e. DC shall monitor the effluence water quality before the connection point to the HHTP common sewer pipeline and report to HHTP-MB monthly. The water sampling shall be done weekly and examine by the institutes approved by HHTP-MB.
 - f. DC must pre-treat in case of the effluence water quality is exceeding the following standards:
 - Biochemical Oxygen Demand (BOD₅) < 300 mg/l
 - Suspended Solids (SS) < 300 mg/l
 - Any radioactive substances
 - Any petroleum sprits
 - Any non-biodegradable pigments
 - Any colored water
 - Any liquid may damage the pipeline
 - g. HHTP-MB will send a notification to DC incase the violation of above Article 4.1 (f) was founded. DC shall fully responsible for the improvement within fourteen (14) calendar days.
 - h. In case of failure in achievement of Article 4.1 (g) above, HHTP-MB shall have a right to terminate the utilization or lease agreement between DC and stop the supply of water to the Zone. Furthermore, all responsibility, claims, costs occurred from the Tenants, DC of other Zone and HHTP-MB must be bared by DC.
- 4.2 Air Pollution
- a. DC shall install air pollution measurement devices at the major point agreed by HHTP-MB.
 - b. The air quality shall be in accordance with the requirements of Vietnamese Standard issued by Ministry of Construction (MOC) and Ministry of Natural Resources and Environment (MONRE).
- 4.3 Noise Pollution
- a. DC shall install noise measurement devices at the major point agreed by HHTP-MB.
 - b. The noise level shall be in accordance with the requirements of Vietnamese Standard issued by Ministry of Construction (MOC).
- 4.4 Solid Waste
- a. DC shall have own arrangement for each Zone with a company duly authorized by HHTP-MB to treat the disposals in sufficient way.

- b. Solid waste storage shall be strictly controlled to keep sufficient environmental of the Park, especially for sanitation and smell viewpoint.
- c. DC shall take any responsibility, claims and cost occurs due to damages or obstacle cause by the Zone's solid waste treatment system.

4.5 Others

- a. Utilization, production, storage, disposal and handling any dangerous or hazardous material inside the Park are prohibited.

5. SAFETY AND SECURITY MEASURES

5.1 DC shall ensure security and safety inside the Zone for any activities and properties.

5.2 DC shall install fire fighting system, emergency alarming or communication system inside the Zone.

6. OTHERS

6.1 Excuses for the Specific Construction Controls only excepted in emergency or disaster or other force measures under inevitability.