

SOCIALIST REPUBLIC OF VIETNAM  
PEOPLE'S COMMITTEE OF HAI PHONG CITY

**SOCIALIST REPUBLIC OF VIETNAM  
PREPARATORY SURVEY  
ON  
HAI PHONG ARTERIAL ROAD  
CONSTRUCTION PROJECT**

**RESETTLEMENT ACTION PLAN (RAP)  
VU YEN BRIDGE**

December 2016

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)

CHODAI CO., LTD.  
ORIENTAL CONSULTANTS GLOBAL CO., LTD.  
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**HAI PHONG CITY PEOPLE'S COMMITTEE  
URBAN DEVELOPMENT CONSTRUCTION PROJECT  
MANAGEMENT BOARD**



**HAI PHONG ARTERIAL TRUNK ROAD  
CONSTRUCTION PROJECT**

**VU YEN BRIDGE CONSTRUCTION PROJECT**

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**RESETTLEMENT ACTION PLAN**

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**December 2016**

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## List of Abbreviation

CAR	Compensation, Assistance and Resettlement
CPC	Commune People's Committee
DD	Detailed Design
DDR	Due Diligence Report
DOC	Department of Construction
DOF	Department of Finance
DOLISA	Department of Labor, Invalids and Social Affairs (DOLISA)
DONRE	Department of Natural Resources and Environment
DPC	District People's Committee
DMS	Detailed Measurement Survey
DRC(s)	District's Resettlement Committee(s)
DULM	Department of Urban and Land Management
EA	Executing Agency
EM	External Monitoring
EMA	External Monitoring Agency
FGM	Focus Group Meeting
GOV	Government of Vietnam
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HH(s)	Household(s)
HPPC	Hai Phong City People's Committee
IMO	Independent Monitoring Organization
IM	Internal Monitoring
IMA	Internal Monitoring Agency
IOL	Inventory of Loss
IRP	Income Restoration Program
JICA	Japan International Cooperation Agency
LFDC	District's Land Fund Development Center
LURC	Land User Rights Certificate

MO	Monitoring Organization
MOC	Ministry of Construction
MOF	Ministry of Finance
MOLISA	Ministry of Labour, Invalids and Social Affairs
ODA	Official Development Assistance
OP	Operational Policy
PAP(s)	Project Affected Person(s)
PC(s)	People's Committee(s)
PIB	Public Information Booklet
PMU	Project Management Unit
RAP	Resettlement Action Plan
RCS	Replacement Cost Survey
ROW	Right of Way
RPF	Resettlement Policy Framework
RR3	Ring Road No. 3
RS	Relocation Site
SHM	Stakeholder Meeting
USD	United States Dollar
VND	Vietnam Dong
VSIP	Vietnam Singapore Industrial Park
VTC	Vocational Training Center
WB	World Bank
WPC	Ward People's Committee
WU	Women's Union

## Definition of Terms

Assistance	Additional support provided to Project Affected Persons (PAPs) who are losing assets (particularly productive assets), incomes, employment or sources of living, to supplement the compensation payment for acquired assets to achieve, at a minimum, the full restoration of living standards and quality of life.
CAR Plan	The compensation, assistance and resettlement plan (CAR Plan) is developed by the results of the RAP, detailed measurement survey (DMS), any other field surveys conducted after the land acquisition notice by Hai Phong People's Committee. Policy and conditions of CAR Plan is originated from the RAP, one of the initial document for approval of investment policy and project investment decision and also updated as a part of local feasibility study. The CAR Plan shall be submitted to JICA for confirming compliance and identity with the RAP.
Cut-off-date	Displaced Persons / Project Affected Persons (PAPs) and local communities will be informed of the cut-off date for each Project component at the stake holder meeting. Any illegal persons moving into the project area after that date will not be entitled to compensation and assistance under the Project. Final eligibility of compensation and assistance for each properties are determined by detailed measurement survey and other related field surveys after insurance of land acquisition notice.
Detailed Measurement Survey (DMS)	The finalization and/or validation of the results of the inventory of asset losses (IOL), severity of impacts, and list of PAPs done earlier during the preparation of the final resettlement plan.
Eligibility / Entitlement	The range of compensation, assistance measures and assessments comprising income restoration support, moving assistance, income assistance, relocation and resettlement assistance to the PAPs to restore their economic and social facilities depending on the type and severity of their losses.



Income restoration	Livelihoods restoration refers to that compensation for PAPs who suffers loss of income sources or means of livelihoods to restore their income and living standards to the pre- displacement levels.
Inventory of Loss (IOL)	The process of tally, location, measurement and identification of replacement cost of all fixed assets that will be recovered or adversely affected by, or because of the project. These include, (without limitation or being in an exhaustive list) lands used for residence, business, agriculture, ponds, dwelling, stalls and shops; other structures such as fences, tombs, and wells; trees with commercial value; and sources of income and livelihood. It also includes assessing the severity of the impacts on the PAPs' affected land, property, assets livelihood and productive capacity.
Replacement cost	A method of valuation of assets (including land, shelter, access to services, structures, crops, etc.) that helps determine the amount of compensation sufficient to replace lost assets, covering transaction costs, which may include taxes, fees, transportation, labor, etc. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Resettlement The RAP, in accordance with JICA's Guidelines for Environmental and Social Considerations and World Bank's Operational Policy on Involuntary Resettlement (OP 4.12), covers the involuntary taking of land that results in (i) relocation or loss of shelter, (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

Vulnerable Groups and Individuals at risk Those who might suffer disproportionately from adverse project impacts and/or be less able to access the project benefits and compensation, including livelihood restoration and assets compensations, when compared to the rest of the PAPs. Vulnerable peoples include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status, may be more heavily affected by economic or physical displacement than others and who may be more limited than the population at large in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable people can be an entire group (like an ethnic minority community), or individual households (HHs).

## **EXECUTIVE SUMMARY**

### **Project Background:**

Based on the “Amendment of Hai Phong Construction Master Plan to 2025 and Vision to 2050, September 2009”, Hai Phong City plans to redevelop the existing city area and develop new residential areas and industrial complexes on the north side of the Cam River. Due to the large scale of the development plans, severe traffic congestion in the city is expected to increase in the near future. There are currently two bridges crossing the Cam River, however it is predicted that the bridges do not have enough capacity to cope with increasing future traffic. Improvement of the ring road and construction of new facilities to cross Cam River are possible solutions to this issue. The Ministry of Economy, Trade and Industry of Japan carried out the Preliminary Feasibility Study on the Hai Phong Arterial Road Construction Project in Hai Phong, Vietnam, and submitted the report to the Hai Phong People’s Committee (HPPC) in February 2014. HPPC examined the report and consulted with Vietnamese ODA agencies to apply for Preparatory Survey assistance to Japan International Cooperation Agency (JICA) to be loaned to the Project.

### **Scope of Land Acquisition and Resettlement:**

One of the three (3) components of the Hai Phong Arterial Trunk Road Project, the Vu Yen Bridge Construction Project (hereinafter referred to as "the Project") may cause land acquisition and resettlement in Hai An District of Hai Phong City. The total land acquisition areas are estimated around 7.3 hectare, in which, there are 3.8 hectare of aquaculture area; 2.6 hectare of business land area, and 0.9 hectare of public land area.

### **Avoidance and Mitigation of Impacts:**

During the project preparation process, the Stakeholder Meetings had been carried out. Based on the opinion from such opportunities of public participation, there have been some adjustments in design to minimize the impacts of land acquisition to avoid and mitigate some sections passing through the cultural site, resident areas.

### **Legal Framework and Entitlements:**

A compensation policy framework has been prepared based on the current policies and regulations of the Government of Vietnam (GOV) and JICA. The overall objective of the resettlement policy is to ensure that all those affected properties by the project shall

receive compensation for the impacts of the project by the replacement cost. In addition, special assistances will be provided to the severely affected households, displaced households, households losing income and vulnerable groups so that they have the ability to recover income and living standards at least equal to or higher than the pre-project level.

**Consultation and Information Disclosure:**

Information dissemination to PAPs and involved agencies is an important part of Project preparation and implementation. During the project identification and preparation, the information dissemination and community consultation were conducted in May, 2015 with the participation who are representatives of the social and political organizations in the wards/ communes, key stakeholders and community of affected people. Feedback and opinions of the affected people as well as stakeholders are used as input information for building this Resettlement Action Plan.

**Grievance Redress Mechanism (GRM):**

Complaints related to any aspects of the Project will be solved through negotiation in order to reach consensus from both sides. In case of complaints, the affected households will be exempted from all fees. The four-step mechanism for grievance redress is established and carried out with the First Step at Commune People's Committee and the final step is at the Court. The PMU will cooperate with the District People's Committee (DPC) Land Fund Development Center (LFDC) to participate in and advise for solutions and replies to the complaints.

**Replacement Cost Survey (RCS):**

RCS had been conducted (i) during the RAP preparation in order to define total cost estimate for the RAP implementation; and (ii) any time during the RAP implementation when there is a fluctuation in the market.

**Budget:**

Total cost for land acquisition and resettlement of the Project is estimated 138,609,691,000 VND (6,229,649USD, in the case of 1USD=22,250VND).

**Monitoring and Reporting:**

Resettlement implementation will be monitored and evaluated to ensure

appropriateness of activities in the RAP by both internal and independent external monitoring agencies. These monitoring activities will determine the Project's actual progress, the possibility of its success, and any difficulties arising, and facilitate adjustments to the Project implementation as soon as possible. The External Monitoring Agency (EMA) will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the Project Management Unit (PMU), and the PMU will submit to JICA.

# 1. DESCRIPTION OF THE PROJECT

## 1.1 Project Outline

The project area is located in Hai Phong City, the third largest city of Vietnam, located in the northern part of the country, approximately 100 km away in the east side from Ha Noi. The Hai Phong Arterial Trunk Road Project is originally consists of three components, namely;

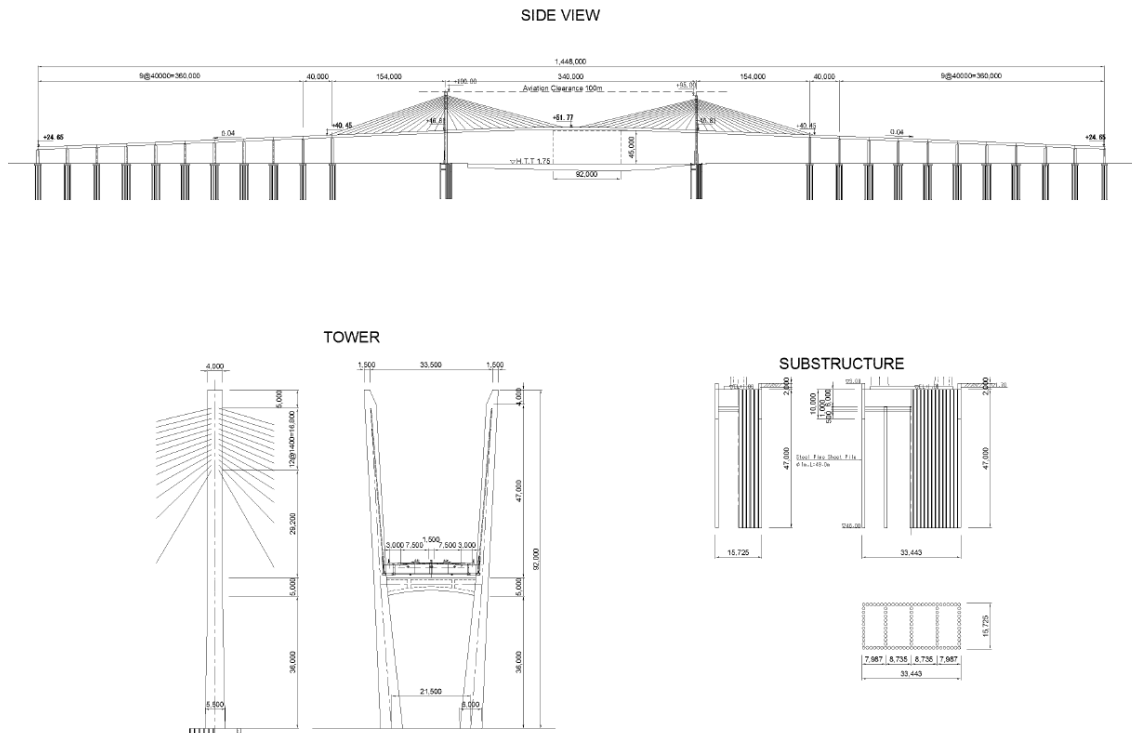
- (1) Nguyen Trai Bridge,
- (2) Vu Yen Bridge,
- (3) Hai Phong Ring Road No. 3.

Among the three components, this RAP was prepared for the Vu Yen Bridge Construction Project (hereinafter referred to as "the Project"). The locations of the Projects are shown in Figure 1.1-1.



**Figure 1.1-1 Project Location**

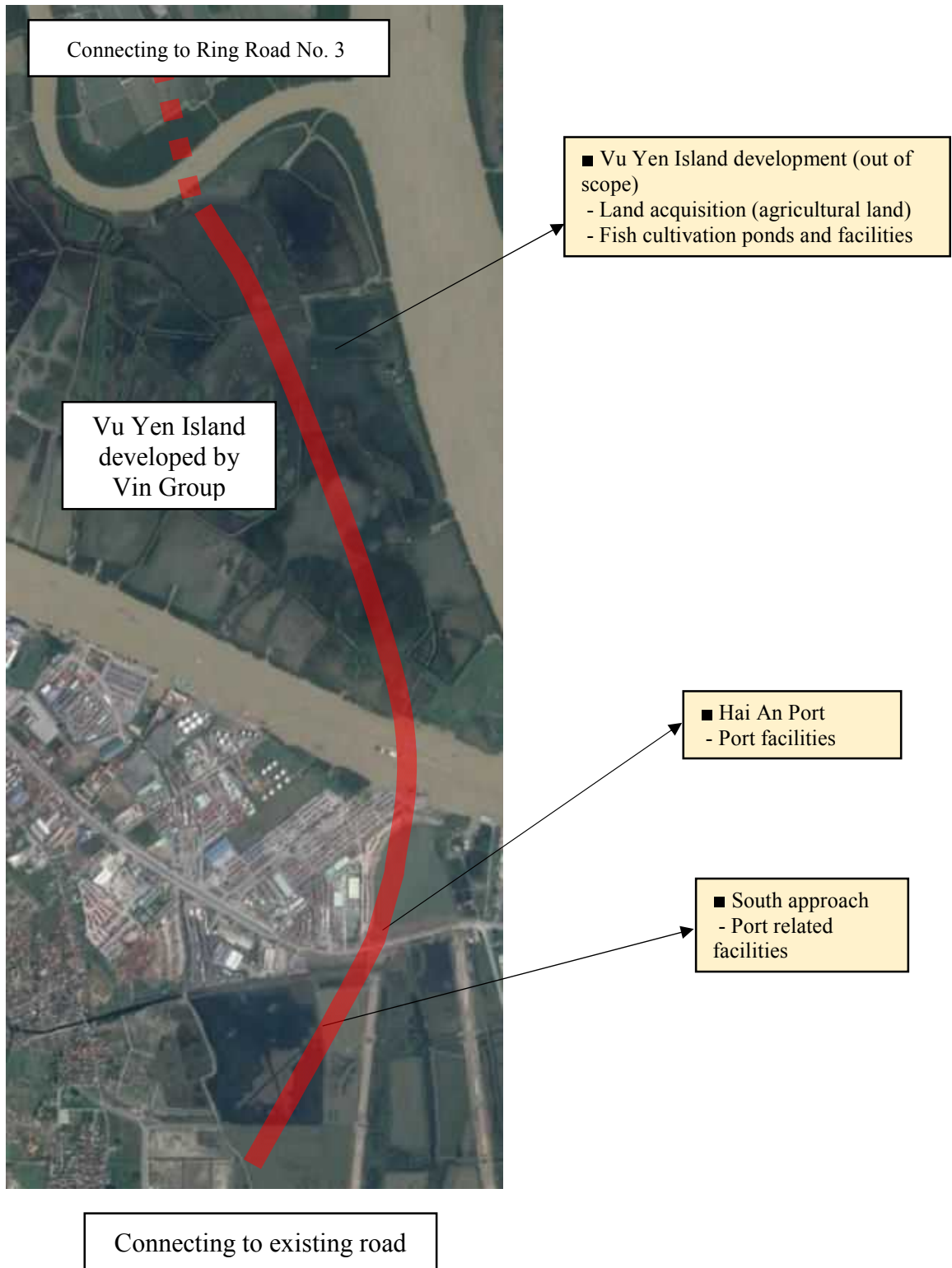
Vu Yen Bridge has total length of 3.6 km including main bridge and approach roads. North end of the approach road is the connecting point to RR3 (at station Km 13+000) in Vu Yen Island. The alignment is originated from southern part of the Cam River and passes over the Hai An port area, and end at the aquaculture area in Vu Yen Island. Figure 1.1-2 shows outline figures of Vu Yen Bridge.



**Figure 1.1-2 Design of Vu Yen Bridge**

## 1.2 Estimated Resettlement Cases

The port facilities in the southern approach road would be relocated. Wetlands including the fish cultivation areas in Vu Yen Island would be acquired by Vin Group which has started their development project including commerce, tourism, golf, and other activities. Although the land acquisition process of the area will be implemented under the Vin Group's project, the JICA project have to confirm whether the process and level of resettlement activities had been done complying to the requirements of the JICA Environmental Guidelines such as compensation by full replacement cost. Therefore, a due diligence examination and due diligence report (DDR) would be required when the Vu Yen Bridge Project acquire the land in Vu Yen Island where Vin Group once acquired their land from private and/or public sectors.



Base material photo from Google Map

**Figure 1.2-1 Resettlement Elements in Vu Yen Bridge**



### **1.3 Objectives of the Resettlement Action Plan (RAP)**

This Resettlement Action Plan (RAP) is prepared based on both Vietnamese legal framework and the JICA Environmental Guidelines to fulfil any policy gaps between GOV and JICA. The RAP identifies adverse impacts such as the number of project affected persons (PAPs) due to the Project, mitigation measures, policy of compensation and other assistances for PAPs, and etc.

According to the JICA Environmental Guidelines 7. Involuntary Resettlement of Appendix-1 shows that: “It is desirable that the Resettlement action plan include elements laid out in the World Bank Safeguard Policy OP 4.12, annex A”. Standing on above mentioned points, the RAP is designed based on the following important items:

- Policies by the GOV related to land acquisition and resettlement, such as the Land Law, the Public Investment Law, and its relevant decrees and circulars;
- OP 4.12 on Involuntary Resettlement and its relevant Annex and Involuntary Resettlement Sourcebook issued by the World Bank;
- Decisions by Hai Phong People's Committee (hereinafter referred to as "HPPC") on compensation, assistances and resettlement;
- Civil design of the project;
- Results of socio-economic survey and census of the project affected people;
- Results of inventory of losses (IOL) survey for land, assets attached to land and livelihoods of PAPs (Project Affected Persons);
- Results of replacement cost survey (RCS)
- Results of stakeholder meeting (SHM) and focus group meeting (FGM) with PAPs;
- Results of consultations with the key stakeholders of the project;

etc.

The RAP will be updated to the plan of compensation, assistance and resettlement (hereinafter referred to as "CAR Plan") after the finalization of technical designs, such as detailed design (DD), and further property survey and socio-economic surveys, such as detailed measurement survey (DMS) after the project investment decision.

## **2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

This chapter describes resettlement impacts on households which are affected by the land acquisition of the project. During the period of alignment and design consideration, the survey tried to avoid any kind of resettlement impacts at first, and

consider minimization of resettlement cases as the secondary countermeasure to reduce the impact. As a result, appropriate mitigation measures are discussed for inevitable resettlement impacts in accordance with relevant laws, regulations, policies and guidelines. Estimated project impacts related to land acquisition and resettlement are described as below. Further information on each property such as structure, land, crops, trees, etc., is elaborated in the report of replacement cost survey (Appendix-1)

## 2.1 Positive Impact

Vu Yen Bridge construction aims to promote efficiency of local distribution between industrial complex on the north bank of the Cam River and Lach Huyen Port or Hanoi - Hai Phong Highway.

## 2.2 Adverse impacts

The estimated impacts caused by the project have different characteristics and degrees depending on the component, such as bridges, roads, and intersections. Agricultural lands (aquaculture surface water) of Vu Yen Bridge are only located in north bank of the Cam river - Vu Yen Island. This area will be acquired by on-going project of Vin Group respectively, therefore, the IOL to identify the land owners and social-economic information was not implemented in these areas. Based on the field surveys the estimated impacts by land acquisition of the Project are as shown in Table 2.2-1 and Table 2.2-2. It is estimated that aquaculture surface water land area of 38,200 m<sup>2</sup> (approximately 3.8 ha) and business land area of 26,085 (in Hai An Port area) are to be acquired by the Project. The area of acquired land is likely to change due to further design of civil works.

**Table 2.2-1 Estimated Impact of Land Acquisition and Resettlement**

Components	Side	Area of Land Acquisition	Notes
Vu Yen Bridge	North	40,550 m <sup>2</sup>	Fish cultivation ponds and agricultural lands are affected on Vu Yen Island.
	South	33,135 m <sup>2</sup>	Hai An Port and related facilities are affected.
<b>Total</b>	-	<b>73,685 m<sup>2</sup></b>	

**Table 2.2-2 Land Acquisition by Type of Land**

<b>Residential Land (m<sup>2</sup>)</b>	<b>Agriculture Land (m<sup>2</sup>)</b>	<b>Aquaculture surface water (m<sup>2</sup>)</b>	<b>Business Land (m<sup>2</sup>)</b>	<b>Public Land (m<sup>2</sup>)</b>	<b>Total (m<sup>2</sup>)</b>
-	-	38,200	26,085	9,400	73,685

### **3. STAKEHOLDER MEETING AND PUBLIC DISCLOSURE**

#### **3.1 Stakeholder Meeting**

During the survey, stakeholder meeting (SHM) has been conducted with aim to collect information and opinion from the residents nearby planned project sites. The process may reduce or eliminate potential negative impacts of the project for the local residents and prepare in advance to deal with the remaining impact caused by the project preparation, implementation and operation. Main objectives of the SHM are:

- (1) Dissemination of information on the Project plan to project-affected-people and local communities.
- (2) Collection of opinions and comments of the PAPs and local communities on the Project plan, particularly on the proposed impact mitigation measures.
- (3) Promotion of the active participation of the PAPs and local communities into the Project implementation from the early stage of the Project planning.
- (4) In particular, promoting the participation of the PAPs and local communities into the tasks relating to compensation, resettlement, and land clearance for the Project.
- (5) Ensuring the accountability of the tasks relating to land acquisition, compensation, resettlement, and livelihood restoration.

The SHM were organized at 2 communes in May 2015. In a SHM, firstly the project outlines including purposes, benefit, planned affected area, expected negative impacts are explained to the participants and followed by questions and answer session. At the same time, participants were informed that the timing of the census survey, socio-economic survey and IOL following the SHM is considered cut-off-date to determine eligible persons and properties.

The schedule and outline of each meeting is shown in the table below.

**Table 3.1-1 Schedule of the Consultation Meeting**

No	Location	Date	Number of participants		
			Male	Female	Total
1	Dong Hai 2 Ward, Hai An District	29/5/2015	13	6	19
2	Nam Hai Ward, Hai An District	30/5/2015	4	1	5

Major questions and answers of the SHM are synthesized in Table 3.1-2; detailed contents and a meeting list are presented in Appendix-2; some of images taken at the commune/ward meeting are provided in Appendix-3.

**Table 3.1-2 Major Dialogues in the Stakeholder Meeting**

No.	Issues	Opinions/Comments	Answers
<b>Dong Hai No. 2 Ward</b>			
1	<ul style="list-style-type: none"> <li>- Hoang Cau Trading JSC: The project will affect the enterprise while the remaining land is not enough for business activities.</li> <li>- VNT Logistic Company: Land acquisition affects the company's production and workers' lives.</li> </ul>	<p>The project owners must take measures to compensate and facilitate production stabilization for enterprises.</p>	<p>The project owner will study the measures and support for its business and production operations.</p>
<p><b>Nam Hai Ward:</b> As within the scope of the project, the only affected entity is Nam Hai Maritime Investment Co. Ltd, the meeting was held right at such company.</p>			
2	<ul style="list-style-type: none"> <li>- The enterprise has experienced land acquisition by Hanoi - Hai Phong Expressway Project acquiring (20ha), Lach Tray - Ho Dong Road Project (12ha), Dinh Vu Service Area (12ha)</li> </ul>	<ul style="list-style-type: none"> <li>- The project owner should have the suitable compensation policy for it to have the alternative facility to ensure the current business operations.</li> <li>- The local authority should implement the project according to the approved planning after acquiring land.</li> </ul>	<p>The project owner will study the measures to support for its business and production operations.</p>

### **3.2 Information Disclosure and Public Information**

Information disclosure regarding the project is an important part of the project preparation and implementation to ensure that the PAPs are timely and fully informed of land acquisition, compensation and resettlement. This will also enable the PAPs to participate in and express their desires on resettlement policy and programs. Representatives of the District People's Committee (DPC) and the Commune People's Committee (CPC) in the project area, and leaders of the communities shall co-ordinate with the PMU to implement information disclosure and public information appropriately.

The drafted RAP should be disclosed on the website of related PC (Vietnamese version) as well as JICA's website (English version). Following document in implementation stage, such as the CAR Plan also should be disclosed at PC and/or PC's website for public.

The agencies and individuals affected by land acquisition and resettlement, the representative of People's Committees (PCs), mass organizations such as Farmer Association, Women Association, local Vietnam Fatherland Front of the affected communes in the Project site shall participate in the public information meeting during the land acquisition processes such as detailed measurement survey (DMS), negotiation and compensation, and resettlement.

The PAPs may ask for information about compensation policy anytime without having to wait for the public information campaign. PAPs may take part in the planning process and assist the project owner and PCs in conducting public consultation, inform them of issues relating to compensation, assistance and resettlement (CAR) that are under concern of PAPs through communication channels (such as telephone or letter to the commune PC and Consultant office, etc.)

## **4. LEGAL FRAMEWORK AND POLICY GPAPS**

### **4.1 Legal Framework**

The legal framework in Vietnam related to the RAP with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), the Land Law 2013 (revised), and other relevant decrees/guidelines. The principal legal documents applied for the RAP includes the followings:

- Constitution of Vietnam, 2013

- The Land Law 2013 which has been effective since July 1, 2014
- Construction Law No.50/2014/QH13 dated 18/6/2014 by National Assembly;
- Urban Plan Law No. 30/2009/QH12 dated 17/6/2009 by National Assembly;
- Decree No. 35/2015/ND-CP dated 13/4/2015 by Government regarding managing, using paddy field land;
- Decree No. 43/2014/ND-CP guiding in detail some articles of the Land Law 2013
- Decree No. 44/2014/ND-CP provides on method to determine land price; make adjust land price brackets, land price board; valuate specific land price and land price consultancy activities.
- Decree No. 47/2014/ND-CP providing compensation, support, resettlement when land is recovered by the State
- Decree No. 38/2013/ND-CP of 23 April 2013, on management and use of official development assistance (ODA) and concessional loans of donors.
- Circular No. 36/2014/TT-BTNMT dated 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory
- Circular No. 37/2014/TT-BTNMT dated 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land.
- Decision No. 1956/2009/QD-TTg, dated November 17 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020;
- Decision No. 52/2012/QD-TTg, dated November 16 2012, on the support policies on employment and vocational training to farmers whose agricultural land has been recovered by the State;
- Document of Prime Minister No. 1665/TTg-CN, dated October 17 2006, regarding management of clearance of site, mine and explosive ordnance for transport construction
- Decision No. 2680/2014/QD-UBND dated 03/12/2014 by HPPC issued Regulation on detail of contents on compensation, assistance, resettlement when State implement land acquisition in area of Hai Phong city;
- Decision No. 2970/2014/QD-UBND dated 25/12/2014 by HPPC issued Regulation on land price of Hai Phong city in 05 year (2015-2019);
- Decision No.58/2015/QD-UBND dated 12/01/2015 by HPPC issued plant, aqua culturing unit handbook, investment cost to aqua culturing land for compensation, assistance work when State implement land acquisition in Hai Phong city area;

- Decision No. 324/QD-UBND dated 05/02/2015 by HPPC regarding issuing unit price of architecture structure for compensation, assistance work when State acquire land in Hai Phong City area;

Table 4.1-1 shows most important laws and regulations structure under the Land Law relevant to land acquisition and resettlement.

**Table 4.1-1 Laws and Regulations Relevant to Land Acquisition and Resettlement**

<b>Name</b>	<b>Enactment Year / Enforcement Year / Number</b>	<b>Outline / Function</b>
Land Law	Enactment: 29 November 2013 Enforcement: 1 July 2014 Number: Law No. 45/2013/QH13	Integrated land policy of Vietnam
Decree: Detailing a Number of Articles of the Land Law	Enactment: 15 May 2014 Enforcement: 1 July 2014 Number: Decree No. 43/2014/ND-CP	Implementation guidelines for some specific clauses in the Land Law including land acquisition
Decree: Regulations on Land Price	Enactment: 15 May 2014 Enforcement: 1 July 2014 Number: Decree No. 44/2014/ND-CP	Regulations for land pricing method including land price framework, price list and other consultancy services
Decree: On compensation, support and resettlement upon land recovery by the State	Enactment: 15 May 2014 Enforcement: 1 July 2014 Number: Decree No. 47/2014/ND-CP	Regulations for land acquisition and expropriation
Stipulating the certificates of land use right, house ownership and other assets on land	Enactment: 19 May 2014 Enforcement: 5 July 2014 Number : Circular No. 23/2014/TT-BTNMT	Guidance for land use right certification by Ministry of Natural Resources and Environment (MONRE)

In addition to the laws and regulations above, other Decrees related to land policies as shown below have also been newly enforced.

- Decree No. 45/2014/ND-CP on collection of land use fees
- Decree No. 46/2014/ND-CP on collection of land rent and water surface rent

At the same time with the enactment of the Land Law (2013), several subordinate legal and administrative documents were abolished. Table 4.1-2 shows the abolished

subordinate legal documents under the new Land Law and the new regal frameworks. The table summarizes the contents of the major legal documents.

**Table 4.1-2 Major Abolished Decrees after the New Land Law (2013)**

<b>Name</b>	<b>Number</b>	<b>Number of Decree Replaced</b>
On the Implementation of the Land Law	Decree 181/2004/ND-CP	Decree No. 43/2014/ND-CP
Amending and supplementing a number of articles of the Decrees guiding the implementation of the Land Law and Decree no. 187/2004/ND-CP on transformation of state companies into joint-stock companies	Decree No. 17/2006/ND-CP	Decree No. 43/2014/ND-CP Decree No. 47/2014/ND-CP
Additionally stipulating the grant of land use right certificates, recovery of land, exercise of land use rights, order and procedures for compensation, support and resettlement upon land recovery by the State, and settlement of land related complaints	Decree No. 84/2007/ND-CP	Decree No. 43/2014/ND-CP
Additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement	Decree No. 69/2009/ND-CP	Decree No. 47/2014/ND-CP
Methods of determining land prices and assorted-land price brackets	Decree 188/2004/ND-CP	Decree No. 44/2014/ND-CP
Amending and supplementing a number of articles of Decree No. 188/2004/ND-CP of 26 November 2004 on methods of determining land prices and price brackets of land of different categories	Decree No. 123/2007/ND-CP 27	Decree No. 44/2014/ND-CP
Compensation, support and resettlement when land is recovered by the State.	Decree 197/2004/ND-CP	Decree No. 47/2014/ND-CP

#### **4.1.1 Land Law (2013)**

The Land Law (2013) prescribes the frameworks of land use rights, powers and responsibilities of the Government in representing the Vietnamese people and uniformly managing land, the regime of land management and use, and the rights and obligations of land users involving land. The principal framework is based on the former Land Law (2003), however, there has been some restructurings of the legal framework among other relevant laws and regulations including newly introduced regulations and decisions.



In the Land Law (2013), the land as a resource is the property of all the people and the State represents its uniformed management. This concept aims at boosting modernization and industrialization of the country through unified and effective management of the land. In addition, in matters related to real estate development and transactions including land categories and land prices, the government bears the responsibility for decision making.

Under the Land Law, land users may be allocated land or leased land, have land use rights recognized by the State, or receive transfer of land use rights in accordance with the Land Law. The land use rights are to be returned to the State for the stipulated purpose including socio-economic development for the national or public interest by the Land Law including infrastructure projects with Official Development Assistance (ODA). Such land acquisition (land recovery) concepts are elaborated in Chapter 6 of the Land Law (2013).

The Land Law also mentions land evaluation, pricing, and its publication. According to Article 33 of the Land Law, a People's Committee at provincial level shall establish a land price framework and price list (tariffs) every 5 years starting in 2015 based on the price framework provided by Ministry of Natural Resources and Environment. However, Article 114 provides the list of cases using land price table and according to that, compensation for land acquisition does not covered by the 5 years updating pricing system. Based on Provision 4 of Article 114, unit price of compensation for land acquisition is belonging to special cases and determined by independent evaluating method.

In addition to compensation for land and structures, the Land Law stipulated principles of compensation for damage to assets and damage incurred due to stopped production and business when State recovers land in Article 88, and compensation for plants and livestock in Article 90.

For special cases of compensation, assistance and resettlement, Clause 2 of Article 87 stipulated that:

"For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply."

#### **4.1.2 Decree: Detailing a Number of Articles of the Land Law (No. 43/2014/ND-CP)**

This Decree covers and describes some specific articles of the Land Law as shown below:

- The system of land management office
- Land use plan
- Land acquisition, land distribution, land lease, change of land purpose
- Land registration, land use right, ownership of properties on the land
- Land use framework
- Land management and administrative procedures

#### **4.1.3 Decree: Regulations on Land Price (No. 44/2014/ND-CP)**

The Decree defines the determination of land price based on the Land Law as shown below;

- Land price determination method, such as the sales comparison approach, income approach, discount cash flow method, etc.
- The land price framework managed by MONRE is the basis for the land price tariff determined by a People's Committee at the provincial level
- Consultancy services for land price determination

However, these land pricing system is not applicable to land acquisition by the State based on e), 4, of Article 114 of the Land Law, where "Specific land price" are defined. Based on this regulation under the new Land Law (2013), the most important function of this Decree in terms of resettlement is Section 3: Specific Land Price in Chapter 2, which shows the measures for evaluate and calculate compensation amount.

Other regulations or administrative decisions related to resettlement plan to be issued by HPPC in relation to the Land Law (2013), and its relevant decrees and circulars.

#### **4.1.4 JICA's Policy on Involuntary Resettlement**

The policy provisions on involuntary resettlement of JICA are shown in the JICA Environmental Guidelines. And item 3 of Article 2.6 in this guideline describes that "JICA confirms that projects do not deviate significantly from the World Bank's Safeguard Policies". Therefore, the main documents relevant to the land acquisition

and resettlement of the Project are:

- JICA Guidelines for Environmental and Social Considerations (2010)
- The World Bank's Safeguard Policies (Operational Policy / Bank Policy 4.12 and its Annex in particular)
- Involuntary Resettlement Sourcebook (the World Bank)

Item 2 of Article 1.6, "Requirement of project proponents" of the JICA Environmental Guidelines describes that involuntary resettlement in case of Category A project must be fulfill Article 7, "Involuntary Resettlement" of Annex 1 "Environmental and social consideration required for intended project": "it is desirable that the resettlement action plan include elements laid out in the World Bank Safeguard Policy, OP. 4.12, Annex A".

JICA's fundamental policy on involuntary resettlement is as following:

**Table 4.1-3 JICA's Policy on Involuntary Resettlement**

<p>I. The Government of recipient country will use the Project Resettlement Policy (the Project Policy) for a JICA's project specifically because existing national laws and regulations have not been designed to address involuntary resettlement according to international practice, including JICA's policy. The Project Policy is aimed at filling-in any gaps in what local laws and regulations cannot provide in order to help ensure that PAPs are able to rehabilitate themselves to at least their pre-project condition. This section discusses the principles of the Project Policy and the entitlements of the PAPs based on the type and degree of their losses. Where there are gaps between the recipient country legal framework for resettlement and JICA's Policy on Involuntary Resettlement, practicable mutually agreeable approaches will be designed consistent with Government practices and JICA's Policy.</p> <p>II. Land acquisition and involuntary resettlement will be avoided where feasible, or minimized, by identifying possible alternative project designs that have the least adverse impact on the communities in the project area.</p> <p>III. Where displacement of households is unavoidable, all PAPs (including communities) losing assets, livelihoods or resources will be fully compensated and assisted so that they can improve, or at least restore, their former economic and social conditions.</p> <p>IV. Compensation and rehabilitation support will be provided to any PAPs, that is, any person or household or business which on account of project implementation would have his, her or their:</p> <ul style="list-style-type: none"><li>• Standard of living adversely affected;</li><li>• Right, title or interest in any house, interest in, or right to use, any land (including premises, agricultural and grazing land, commercial properties, tenancy, or right in annual or perennial crops and trees or any other fixed or moveable assets, acquired or possessed, temporarily or permanently;</li><li>• Income earning opportunities, business, occupation, work or place of residence or habitat adversely affected temporarily or permanently; or</li><li>• Social and cultural activities and relationships affected or any other losses that may be identified during the process of resettlement planning.</li></ul> <p>V. All affected people will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against achievement of the objectives outlined above. Lack of legal rights to the assets lost or adversely affected tenure status and social or economic status will not bar the PAPs from entitlements to such compensation and rehabilitation measures or resettlement objectives. All PAPs residing, working, doing business and/or cultivating land within the project impacted areas as of the date of the latest census and inventory of lost assets(IOL), are entitled to compensation for their lost assets (land and/or non-land assets), at replacement cost, if available and restoration of incomes and businesses,</p>
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- and will be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.
- VI. PAPs that lose only part of their physical assets will not be left with a portion that will be inadequate to sustain their current standard of living. The minimum size of remaining land and structures will be agreed during the resettlement planning process.
  - VII. People temporarily affected are to be considered PAPs and resettlement plans address the issue of temporary acquisition.
  - VIII. Where a host community is affected by the development of a resettlement site in that community, the host community shall be involved in any resettlement planning and decision-making. All attempts shall be made to minimize the adverse impacts of resettlement upon host communities.
  - IX. The resettlement plans will be designed in accordance with recipient country's Involuntary Resettlement Policy and JICA's Policy on Involuntary Resettlement.
  - X. The Resettlement Plan will be translated into local languages and disclosed for the reference of PAPs as well as other interested groups.
  - XI. Payment for land and/or non-land assets will be based on the principle of replacement cost.
  - XII. Compensation for PAPs dependent on agricultural activities will be land-based wherever possible. Land-based strategies may include provision of replacement land, ensuring greater security of tenure, and upgrading livelihoods of people without legal land titles. If replacement land is not available, other strategies may be built around opportunities for re-training, skill development, wage employment, or self-employment, including access to credit. Solely cash compensation will be avoided as an option if possible, as this may not address losses that are not easily quantified, such as access to services and traditional rights, and may eventually lead to those populations being worse off than without the project.
  - XIII. Replacement lands, if the preferred option of PAPs, should be within the immediate vicinity of the affected lands wherever possible and be of comparable productive capacity and potential<sup>1</sup>. As a second option, sites should be identified that minimize the social disruption of those affected; such lands should also have access to services and facilities similar to those available in the lands affected.
  - XIV. Resettlement assistance will be provided not only for immediate loss, but also for a transition period needed to restore livelihood and standards of living of PAPs. Such support could take the form of short-term jobs, subsistence support, salary maintenance, or similar arrangements.
  - XV. The resettlement plan must consider the needs of those most vulnerable to the adverse impacts of resettlement (including the poor, those without legal title to land, ethnic minorities, women, children, elderly and disabled) and ensure they are considered in resettlement planning and mitigation measures identified. Assistance should be provided to help them improve their socio-economic status
  - XVI. PAPs will be involved in the process of developing and implementing resettlement plans.
  - XVII. PAPs and their communities will be consulted about the project, the rights and options available to them, and proposed mitigation measures for adverse effects, and to the extent possible be involved in the decisions that are made concerning their resettlement.
  - XVIII. Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition (including compensation and income restoration measures) within the agreed implementation period. The funds for all resettlement activities will come from the Government.
  - XIX. Displacement does not occur before provision of compensation and of other assistance required for relocation. Sufficient civic infrastructure must be provided in resettlement site prior to relocation. Acquisition of assets, payment of compensation, and the resettlement and start of the livelihood rehabilitation activities of PAPs, will be completed prior to any construction activities, except when a court of law orders so in expropriation cases. (Livelihood restoration measures must also be in place but not necessarily completed prior to construction activities, as these may be ongoing activities.)
  - XX. Organization and administrative arrangements for the effective preparation and implementation of the resettlement plan will be identified and in place prior to the commencement of the process; this will include the provision of adequate human resources for supervision, consultation, and monitoring of land acquisition and rehabilitation activities.

<sup>1</sup> Agricultural land for land of equal productive capacity means that the land provided as compensation should be able to produce the same or better yield the AP was producing on his/her land prior to the project. The production should be in the planting season immediately following the land acquisition. It can be for a future period if transitional allowance equal to the household's previous yield is provided to the AP household while waiting for the land to get back to the same productivity as the previous land.

XXI. Appropriate reporting (including auditing and redress functions), monitoring and evaluation mechanisms, will be identified and set in place as part of the resettlement management system. An external monitoring group will be hired by the project and will evaluate the resettlement process and final outcome. Such groups may include qualified NGOs, research institutions or universities.

#### Cut-off-date of Eligibility

The cut-off-date of eligibility refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as PAPs and be eligible to Project entitlements. In the Project, cut-off dates for titleholders are the beginning date of the population census survey; May - July, 2015). This dates have been disclosed to each affected village by the relevant local governments and the villages have disclosed to their populations. The establishment of the eligibility cut-off date is intended to prevent the influx of ineligible non-residents who might take advantage of Project entitlements

#### Principle of Replacement Cost

All compensation for land and non-land assets owned by households/shop owners who meet the cut-off-date will be based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without depreciation and without deduction for taxes and/or costs of transaction as follows:

For example:

- a. *Productive Land (agricultural, aquaculture, garden and forest) based on actual current market prices that reflect recent land sales in the area, and in the absence of such recent sales, based on recent sales in comparable locations with comparable attributes, fees and taxes or in the absence of such sales, based on productive value;*
- b. *Residential land based on actual current market prices that reflect recent land sales, and in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes; fees and taxes.*
- c. *Existing local government regulations\* for compensation calculations for building, crops and trees will be used where ever available.*
- d. *Houses and other related structures based on actual current market prices of affected materials;*
- e. *Annual crops equivalent to current market value of crops at the time of compensation;*
- f. *For perennial crops, cash compensation at replacement cost that should be in line with local government regulations, if available, is equivalent to current market value given the type and age at the time of compensation.*
- g. *For timber trees, cash compensation at replacement cost that should be in line with local government regulations, if available, will be equivalent to current market value for each type, age and relevant productive value at the time of compensation based on the diameter at breast height of each tree.*

## 4.2 Policy Gap Analysis

Policy gaps related to land acquisition and resettlement were analyzed by comparing the JICA Environmental Guidelines and the Vietnam's legal system. Referring to past projects in Vietnam, key gaps or notable points were discussed.

As stipulated in the Clause 2, Article 87 of the Land Law, the project is one of the special cases and committed policy between GOV and development partners, JICA Environmental Guidelines in this case, shall apply principally.

Table 4.2-1 shows the result of the gap analysis concerning land acquisition and resettlement and the countermeasures written on this table will be applied for the Project.

**Table 4.2-1 Policy Gap Analysis between JICA Guidelines and Vietnamese Country System**

No.	(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy	(B) Vietnamese Law & Regulations	Gaps between (A) and (B)	Countermeasures for filling gaps
1.	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.	N/A	This item is not completely covered by Vietnamese legal system	Based on the JICA Environmental Guidelines, land acquisition and resettlement shall be avoided and/or minimized during alignment decision process, structure planning, and any other discussion related to resettlement impact.
2.	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken.	N/A	This item is not covered by Vietnamese legal system	Based on the JICA Environmental Guidelines, RAP secures "improve or at least restore their standard of living, income opportunities and production levels to pre-project levels" by using appropriate entitlement matrix.
3.	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels.	Clause 1 of Article 83 of the Land Law stipulated that all land users whose land is acquired are considered for receiving State support which includes the measures for stabilizing their livelihoods, production and development. Article 85 of the Land Law stipulates that "in the concentrated resettlement areas, infrastructure must be developed synchronously, ensuring construction standards and regulations and conformity with the conditions, customs and practices of each region and area".	This item is not covered fully by Vietnamese country system. Clause 1 of Article 83 of the Land Law mentions assistance by the Government for livelihood stability and Article 85 of the Land Law requires to provide basic infrastructure in resettlement sites. However, it is not regulated or stipulated that PAPs can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels.	Based on the JICA Environmental Guidelines, RAP secures "improve or at least restore their standard of living, income opportunities and production levels to pre-project levels" by using appropriate entitlement matrix.

No.	(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy	(B) Vietnamese Law & Regulations	Gaps between (A) and (B)	Countermeasures for filling gaps
4.	Compensation must be based on the full replacement cost as much as possible.	<p>[Land] Compensation principle on land is written in Article 74 of the Land Law and stated that "specific land price" is applied to calculate the compensation amount. Specific land price is defined in Article 114 and Clause 4 e) of Article 114 of the Land Law states it is used as a basis for compensation amount when State acquired land. For agricultural land which was used before July 01, 2004, of which land users are households and individuals directly engaged in agricultural production but have not been granted a certificate or not being eligible to be granted a certificate of land use right and ownership of houses and other land attached assets under the Land Law, Clause 2 of Article 77 of the Land Law states that the compensation must be made for the land area which is actually used and does not exceed the agricultural land allocation quota prescribed in Article 129 (e.g. Not exceeding 02 hectares for each type of land).</p> <p>[Structures] Clause 1 and Clause</p>	<p>[Land] It is not clear whether the expression "Market Price" has the same meaning as "replacement cost" under the JICA Environmental Guidelines. In addition, eligibilities on farming land are different in some cases stipulated in Article 77 of the Land Law</p> <p>[Structure] It is not clear whether the expression "equivalent to the value of new construction..." has the same meaning of "replacement cost" under the JICA Environmental Guidelines</p>	Replacement Cost Survey (RCS) was conducted based on the standard of the JICA Environmental Guidelines (the World Bank's definition and level of standards). The result is compared with the government's official unit price for determining validity. The result shall be respected for future CAR Plan in Vietnamese domestic procedures. If there are cases stipulated in Clause 2 of Article 77 or Clause 2 of Article 89 of the Land Law, compensation and assistance should be given by using concept of the JICA Environmental Guidelines.

No.	<b>(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy</b>	<b>(B) Vietnamese Law &amp; Regulations</b>	<b>Gaps between (A) and (B)</b>	<b>Countermeasures for filling gaps</b>
		<p>3 of Article 89 of the Land Law specifies that "the compensation amount is equivalent to the value of new construction facilities with equivalent technical standards prescribed by specialized law". However, the case of Clause 2, PAPs except the cases illustrated in Clause 1 does not mention clearly "compensation by replacement cost".</p> <p>In addition, business/production loss and other properties such as plants and livestock are stipulated in the Land Law, however, it is not clearly mentioned "compensation by replacement cost".</p>		
5.	Compensation and other kinds of assistance must be provided prior to displacement.	Article 53 of the Law on land 2013 stipulates: The decision by the State to allocate land, lease land which is being used to the other users shall be done only after the State competent agency decides to revoke land under the provisions of this law and the compensation, support and resettlement must be done in accordance with the provisions of the law for the case	No significant gaps	Compensation, assistance, and relocation site have to be done and prepared prior to displacement.



No.	(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy	(B) Vietnamese Law & Regulations	Gaps between (A) and (B)	Countermeasures for filling gaps
		of clearance.		
6.	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public.	There is no system to prepare resettlement action plan at the time of pre-feasibility study or environmental review by development partners. Land Acquisition Plan is prepared based on the Land Law and other related decrees and circulars after the decision of land acquisition (recovery).	This item is not covered fully by Vietnamese country system.	The RAP is developed with sufficient adherence to the JICA Environmental Guidelines.
7.	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance.	Article 69 of the Land Law specifies public consultation at planning and implementation stage.	No significant gaps	Not required
8.	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people		Language using for the consultations are not specified in the Vietnamese legal system	Based on the JICA Environmental Guidelines, consultations have to be implemented in understandable language
9.	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans.		This item is not covered by the Vietnamese legal system in monitoring stage	Based on the JICA Environmental Guidelines, in case of the Category A projects, stakeholder meetings are organized at least two times, at the time of the draft

No.	(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy	(B) Vietnamese Law & Regulations	Gaps between (A) and (B)	Countermeasures for filling gaps
				scoping and at the time of draft reporting, supplemented by focus group meetings as parts of public participation in planning stage. In addition to above mentioned meetings, the RAP proposed promotion of public participation in monitoring stage as well as implementation stage.
10.	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.	N/A	This item is not covered by the Vietnamese legal system	Based on the JICA Environmental Guidelines, Grievance Redress Mechanism is planned in the RAP.
11.	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits.	After project approval by the Government followed by the decision of land acquisition by the People's Committee, a detailed measurement survey (DMS) is implemented.	At the early stage, or during F/S period before the project officially certified, a cut-off date is not clearly declared. The time of land acquisition decision was recognized as practical cut-off-date in past cases.	Based on the JICA Environmental Guidelines, the cut-off date is explained at the 1st time stakeholder meetings.

No.	<b>(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy</b>	<b>(B) Vietnamese Law &amp; Regulations</b>	<b>Gaps between (A) and (B)</b>	<b>Countermeasures for filling gaps</b>
12.	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying.	<p>Article 82 of the Land Law stipulates that illegal land use can be recovered by the State without compensation.</p> <p>Clause 2 of Article 92 of the Land Law stipulates illegal land attached assets can be acquired without compensation.</p> <p>Clause 2 of Article 77 of the Land Law, the Government does not compensate land users who violate land legislation, elaborated in Article 64 of the Land Law, and owners of illegally established land attached assets, and unregistered land users of agricultural land after 1 July 2004.</p> <p>Article 88 and 92 of the Land Law does not allow compensation for non-legitimate owner of the land attached assists.</p> <p>Article 94 and 157 of the Land Law covers compensation for the damage caused by limited land use and damage on land attached assets in case of restrictions due to establishment of safety corridors, but only for legally recognized land users.</p>	This item has gaps regarding the eligibility of legal rights and illegal cases. In addition, it is not sure that the Clause 1 a) of Article 83 of the Land Law: "When State recovers land, in addition to receiving compensation in accordance with this Law, land users shall also be considered for receiving support from the State;" can apply to informal PAPs in terms of assistance even in the case that they does not have eligibility for compensation.	Based on the JICA Environmental Guidelines, appropriate entitlements are discussed in the RAP for both formal and informal cases. In principle, both formal and informal settlers are eligible for compensation and other conditions, including assistances, rights to relocate to the resettlement site, etc.

No.	<b>(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy</b>	<b>(B) Vietnamese Law &amp; Regulations</b>	<b>Gaps between (A) and (B)</b>	<b>Countermeasures for filling gaps</b>
13.	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.	Article 74 of the Land Law mentions the "land for land" compensation in principle. In the case of relocation site preparation, Article 85 of the Land Law describes the introduction of necessary infrastructure and considerations on harmonization with surrounding communes.	This item has no significant gaps.	PAPs shall be given compensation options based on the RAP to select "land for land" of "cash for land".
14.	Provide support for the transition period (between displacement and livelihood restoration).	Article 84 of the Land Law covers some kinds of assistance for business disturbance and income restoration. However, unregistered owners of commercial structures/business for the cost of re-establishing their business activities, net income loss during the transition period, and cost of transferring and re-installing plant, machinery, etc. are not eligible for compensation.	Non-registered cases and transition period are not covered by the domestic legal systems.	The RAP may cover the non-registered cases and compensation for temporary business disturbance, income restoration at the early stage, or any other allowance are considered.

No.	<b>(A) JICA Guidelines for Environmental and Social Considerations with World Bank Safeguard Policy</b>	<b>(B) Vietnamese Law &amp; Regulations</b>	<b>Gaps between (A) and (B)</b>	<b>Countermeasures for filling gaps</b>
15.	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc.	There is no clear description of special considerations for socially vulnerable groups except Article 27 of the Land Law regarding land use fee and land allocation.	This item is not covered by the Vietnamese legal system	Based on needs assessment through stakeholder meetings, socio-economic surveys, focus group meetings etc., special considerations for vulnerable groups, such as households headed/with woman, handicapped, elderly, poor, and etc., are discussed and reflected in the RAP.
16.	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared.	There is no requirement for preparing an abbreviated RAP at the level required under the JICA Environmental Guidelines.	This item is not covered by the Vietnamese legal system	Based on the JICA Environmental Guidelines, the abbreviated RAP shall be prepared under the stipulated conditions
17.	Internal and external monitoring system must be established and implemented properly	Article 13 of the Land Law covers general monitoring and evaluation, but not particularly resettlement.	This item is not covered by the Vietnamese legal system	Based on the JICA Environmental Guidelines, a monitoring framework composed by internal monitoring, external monitoring, and evaluation is established in the RAP.

## 5. COMPENSATION POLICY, ELIGIBILITY AND ENTITLEMENT

### 5.1 Compensation Policy

Principle policy on land acquisition and involuntary resettlement is based on the JICA Environmental Guidelines and JICA's policy described in Table 4.1-3. Compensation policy of the project should comply with the policy.

Projects affected persons (PAPs) who have assets within or reside within the area of project land-take before the cut-off date are entitled to compensation for their losses. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.

- The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) in a timely and consultative manner. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites
- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. The choice of *land for land* must be offered to those losing 30% or more of their productive land. If land is not available, the PMU must assure itself, that this is indeed the case. Those losing 30% or more of their land will have to be assisted to restore their livelihood. The same principles apply for the poor and vulnerable people losing 10% or more of their productive landholding.
- PAPs that prefer “land for land” will be provided with land plots with the equivalent productive capacity for lost lands or a combination of land (a standard land plot) in a new residential area nearby for residential land, and cash adjustment for difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- PAPs who prefers “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.

- Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest).
- The PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties.
- Compensation and rehabilitation assistance must be provided to each PAP at least 30 days prior to the taking of the assets for those who are not to be relocated and 60 days for those who will have to be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.
- If, by the end of the project, livelihoods have been shown not as before project, additional measures should be considered.
- Financial services (such as loans or credits) will be provided to PAPs if necessary. The installment amounts and the schedule of payments will be within the repayment capacity of PAP.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to PAPs losing income sources, especially to vulnerable groups, in order to enhance their future prospects toward livelihood restoration and improvement.
- The previous level of community services and resources, encountered prior to displacement, will be maintained or improved for resettlement areas
- Because there are observed several numbers of graves in the paddy field and family alters in specific houses in the project area, assistance for religious ceremony should be considered as well as the compensation for physical loss and/or relocation.

## **5.2 Eligibility Criteria**

### **5.2.1 Project affected persons (PAPs)**

People directly affected by the project through the loss of land, residences, other structures, business, assets, or access to resources, specifically are:

- Persons whose agricultural land will be affected (permanently or temporarily) by the Project;

- Persons whose residential land/houses will be affected (permanently or temporarily) by the Project;
- Persons whose leased-houses will be affected (permanently or temporarily) by the Project;
- Persons whose businesses, occupations, or places of work will be affected (permanently or temporarily) by the Project;
- Persons whose crops (annual and perennial)/ trees will be affected in part or in total by the Project;
- Persons whose other assets or access to those assets, will be affected in part or in total by the Project; and
- Persons whose livelihoods will be impacted (permanently or temporarily) due to restriction of access to protected areas by the Project.
- Community owned assets, collective assets, enterprise, any other governmental and private organizations, whose properties, production measures, and livelihoods will be impacted (permanently or temporarily) due to land acquisition, restriction of access, any other direct/indirect impacts by the Project.

### **5.2.2 Vulnerable groups**

Based on the initial socioeconomic surveys, the vulnerable groups will generally include the following:

- Poor and poorest households as identified by pertinent national survey results;
- Poor landholders that have limited productive land (this will be determined by the minimum amount of farm land needed to be a viable farmer in the project area)
- Households and individuals who have the stability economic condition is affected severely because of at least 10% means of production of them are affected by Project.
- Other PAP identified by the project management unit and who may not be protected through national land compensation or land titling; or
- Any additional groups identified by the socio economic surveys and by meaningful public consultation.

### **5.2.3 Gender**

Considerations on gender issues should be paid much attention during the project



implementation process as follows:

- During the Detailed Measurement Survey (DMS), income restoration program, resettlement site preparation and any other opportunities of public hearing, women's voices should be carefully listened to know their rights and choices
- Representatives of Women's Unions should be invited to participate in public hearing processes as well as grievance redress process.
- The female headed households will be encouraged and supported to fully participate in planning and implementation of income restoration programs as well as assistance.
- Job creation by the project implementation and operation should consider priorities on women.

### **5.3 Entitlement**

The eligibility for entitlement to compensation is determined by asset ownership criteria:

- (i) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country. In the consideration, it is also useful to document how long they have been using the land or the assets associated with it);
- (ii) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- (iii) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (i) and (ii) are provided compensation for the land they lose, and other assistance. Persons covered under (iii) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date and acceptable to JICA. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (i), (ii), or (iii) are provided compensation for loss of owned or used assets other than land.

Based on the resettlement policy gap analysis and field surveys, PAPs' eligibility has been discussed as the entitlement matrix in Table 5.3-1.

**Table 5.3-1 Entitlement Matrix**

Impacts	Eligible Persons / Level of Impact	Entitlements	Implementation Arrangements
<p><b>1. Productive land</b>  (Agricultural land, garden, pond, etc.) Either in or out of the residential area.</p>	<p><b>1.1 Marginal loss (&lt;30% of land holding or &lt;10% for vulnerable group)</b>  The remaining area of affected plot is still economically viable for use or meets the expected personal yield.</p>	<p><u>1.1.1 PAPs with Land User Rights Certificate (LURC)*</u>                      1) Cash compensation at replacement cost (free from taxes and transaction costs)                      * Including the people who has LURC and the people has enough condition to get LURC based on the Land Law                      2) Land for land compensation can be an option if PAPs required                      3) Cash compensation for structures, crops, trees and other assets on the land are compensated with full replacement cost.</p> <p><u>1.1.2 PAPs with temporal / leased right</u>                      1) Cash compensation at the amount corresponding to the remaining investment on the land                      2) Cash compensation for structures, crops, trees and other assets on the land are compensated with full replacement cost.</p> <p><u>1.1.3 PAPs without formal / customary rights</u>                      1) PAPs receive assistance corresponding to 30-100% of land replacement cost                      2) Agricultural land started to use before July 1, 2004 is compensated as per Clause 2, Article 77 of the land law                      3) In case PAPs use public land where there was agreement to return the land to the Government, they are not be compensated. In such cases, however, structures, crops, trees and other assets on the land are compensated with full replacement cost.</p>	<p>- Affected households to be notified at least ninety days (90) before land acquisition by the Project</p> <p>- The owner of land will hand over the land within twenty (20) days from the date of compensation</p>

Impacts	Eligible Persons / Level of Impact	Entitlements	Implementation Arrangements
	<b>1.2 Marginal Loss (&gt;30% or &gt;10% for vulnerable groups)</b>	<p><u>1.2.1 PAPs with Land User Rights Certificate (LURC)*</u></p> <ol style="list-style-type: none"> <li>1) Land for land compensation should be given as the preferred option.</li> <li>2) If appropriate land is not available, or at the PAP's choice, cash compensation can be provided for the lost area with full replacement cost (free from taxes and transaction costs).</li> <li>3) PAPs are provided with the additional rehabilitation measures to restore the source of income</li> <li>4) Cash compensation for structures, crops, trees and other assets on the land are compensated with full replacement cost.</li> </ol> <p>* Including the people who has LURC and the people has enough condition to get LURC based on the Land Law</p> <p><u>1.2.2 PAPs with temporal / leased right</u></p> <ol style="list-style-type: none"> <li>1) Cash compensation at the amount corresponding to the remaining investment on the land</li> <li>2) Cash compensation for structures, crops, trees and other assets on the land are compensated with full replacement cost.</li> <li>3) PAPs are provided with the additional rehabilitation measures to restore the source of income</li> </ol> <p><u>1.2.3 PAPs without formal / customary rights</u></p> <ol style="list-style-type: none"> <li>1) PAPs receive assistance corresponding to 30-100% of land replacement cost</li> <li>2) Agricultural land started to use before July 1, 2004 is compensated as per Clause 2, Article 77 of the land law</li> <li>3) In case PAPs use public land where there was agreement to return the land to the Government, they are not be compensated. In such cased, however, structures, crops, trees and other assets on the land are compensated with full replacement cost.</li> </ol>	
<b>2. Crops and Trees, aquaculture</b>	<b>2.1 Owners</b>	<p><u>2.1.1 PAPs with legal status of land</u></p> <p>For annual and perennial standing crops or trees, aquaculture products, compensation in cash will be paid to the affected persons, who cultivate the land, at full replacement cost in local markets to ensure the compensation is sufficient to replace the lost standing</p>	PAPs will be given notice several months in advance. Crops grown

Impacts	Eligible Persons / Level of Impact	Entitlements	Implementation Arrangements
<b>products</b>		<p>crops, trees or aquaculture products.</p> <p><u>2.1.2 PAPs without legal status of land</u>            For annual and perennial standing crops or trees, aquaculture products, assistance in cash will be paid to the affected persons, who cultivate the land, at full replacement cost in local markets to ensure the assistance is sufficient to replace the lost standing crops, trees or aquaculture products.</p>	after issuance of the deadline will not be compensated.
<b>3. Public structures</b>	<b>3.1 Loss of, or damage to public assets</b>	<p>Either in;</p> <p>1) cash compensation to cover the cost of restoring the affected facilities, or            2) in kind compensation based on the price fixed by the government between responsible organization (e.g. land fund development center) and owners of assets.</p>	Displacement will be carried out by the owners prior to the commencement of construction.
<b>4. Commune owned assets, collective assets</b>	<b>4.1 Loss of, or damage to assets</b> (Assets of village, ward, commune, district, provincial government unit)	<p>Either in;</p> <p>1) cash compensation to cover the cost of restoring the affected facilities, or            2) in kind compensation based on the price fixed by the government between responsible organization (e.g. land fund development center) and owners of assets.</p>	
<b>5. Loss of Income/ Livelihood due to loss of productive land</b>	<b>5.1 Impacts due to permanent loss of 30% or more of their total productive land or where &lt;30% land affected but the remaining land is rendered unviable.</b> (Legal, legal-realizable land users and PAPs with lease agreement over the affected land)	<p><u>Allowance for Loss of Livelihood</u>            PAPs will be compensated with one-time payment at cash of equivalent to 30 kg of rice/person/month, including:</p> <p>1) Affected households losing 30% to 70% of their agricultural land will be assisted for 6 months if the remaining land is viable for continued use, and for 12 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may be given up to a maximum of 24 months;</p> <p>2) Affected households losing more than 70% of their agricultural land will be assisted for 12 months if the remaining land is viable for continuous use, and for 24 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some cases, in extremely difficult areas, the assistance may extend to a maximum of 36 months; In addition, these PAPs will be targeted for livelihood restoration program;</p>	

Impacts	Eligible Persons / Level of Impact	Entitlements	Implementation Arrangements
		3) In case of land-for-land compensation, PAP will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.	
	<b>5.2 PAPs who lose their productive land</b>	<p><b><u>Vocational conversion assistance</u></b></p> <p><b><u>6.2.1 PAPs who lose all of their productive land</u></b> Every PAP affected by loss of all of their productive land will be provided with additional assistance no more than 5 times the agricultural land price.</p> <p><b><u>6.2.2 PAPs who lose a part of their productive land</u></b> Every PAP will be provided with additional assistance based on actual circumstances in the locality to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels following the Clause 1, b) of Article 20, Decree 47/2014/NĐ-CP.</p>	
	<b>5.3 All affected households</b>	<p><b><u>Support for vocational training and job creation</u></b></p> <p>At least one member of households affected by loss of productive land will be entitled to vocational training and assistance in getting employment in the city. The PAPs participating in such training programs will be exempted from payment of tuition fees course will be paid directly to the vocational training centers. After finishing training courses, they will be given priority to be recruited in local manufacturing industries.</p>	
<b>6. Loss of Income/ Livelihood due to relocation of business</b>	<b>6.1 Marginal impacts (Owner of the affected business and employees)</b>	<p>PAPs losing income and/or business/productive assets due to land acquisition will be compensated as below;</p> <p>1) Allowance for Business Loss: All affected businesses and production households whose income is affected will be compensated or supported for losses in business equivalent to 30% of their actual annual income: (a) For licensed businesses the compensation will be based on their average yearly income declared with the taxation agency over the previous three years, and (b) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% comparing to registered business cases.</p> <p>2) Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the provincial regulations to affected employees during the transition period for a maximum of 6 months, and will be assisted in finding</p>	PAPs will be given priority for business relocation at conveniently located in order to maximize their benefit from business opportunities.

Impacts	Eligible Persons / Level of Impact	Entitlements	Implementation Arrangements
		alternative employment.	
<b>7. Allowances /Assistance Targeted to Vulnerable Households</b>	<b>7.1 Loss of land and non-land assets</b> (Affected vulnerable groups regardless of severity of impacts. The vulnerable groups were defined as in Glossary)	<p><u>8.1.1 Landless households</u> Assistance through the following provision that PAP can either pay in installment to buy or rent it for living</p> <ol style="list-style-type: none"> <li>1) an apartment in the resettlement site</li> <li>2) a land plot to build a house by themselves</li> </ol> <p><u>8.1.2 Other vulnerable groups</u> Whether they have to be relocated or not, (female headed households with dependents, households with disabled persons, elderly without any source of support, ethnic minority households) will get the same support given to poor households in accordance with the HPPC. - These households are entitled to take part in Income Restoration Program</p>	- Allowance for households as per Government regulation (social policy households, heroic mothers, wounded, dead soldiers). If the household eligible to more than one additional support allowance for the vulnerable people, only one package with the highest value will be applied
<b>8. Other Allowances/ Assistances</b>	<b>8.1 Loss of land and non-land assets</b>	<p><u>11.1.1 Incentive Bonus</u> All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an additional incentive allowance of 3-5 mil VND.</p> <p><u>11.1.2 Repair Allowance</u></p> <ol style="list-style-type: none"> <li>1) If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a repair allowance equivalent to compensation for the affected part of the structure to enable PAPs to restore it to former or better conditions.</li> <li>2) The relocating households with children who are going to schools will be supported with 1-year tuition as regulated by the Ministry of Education</li> <li>3) Based on the actual situation of the locality, HPPC Chairman issues other</li> </ol>	

Impacts	Eligible Persons / Level of Impact	Entitlements	Implementation Arrangements
		allowances to ensure accommodation and livelihood restoration for PAPs, if needed.	
<b>9. Temporary impacts</b>	<b>Temporary loss of land and assets.</b>	<p>1) Compensation for all damaged or lost assets, including trees, crops at full replacement cost</p> <p>2) Rental in cash for the land acquired at a rate which will be not less than the revenue that would have been derived from the affected property during disruption</p> <p>3) Restoration of the land within 3 months after use: The contractor is expected to return the land in its original condition within 3 months of the termination of the civil works.</p> <p>4) Relocation of the Hai An Port is the pre-condition of the project and its relocation activities including budget preparation is independent from the project. However, in case that the port relocation is facing to delay and affected by the construction of Vu Yen Bridge, the project owner and HPPC should discuss compensation/assistance with the port owner.</p> <p>5) For business disturbance due to temporary impacts, compensation and assistance should be discussed based on "6. Loss of Income/Livelihood due to relocation of business" in this table depending on the situation and degree of impacts.</p>	If the quality of land is radically changed when returned to PAPs, requiring PAPs to change in the types of land use; then PAPs should be compensated for all estimated cost of losses.
<b>10. Any other impacts that may be identified during implementation</b>	<b>Individuals, organizations in the project area</b>	<p>1) Entitlements to compensation and other assistance would be provided in accordance with the compensation policy.</p> <p>2) Secondary impacts on production and business or PAPs isolated from access to resources temporarily have to be compensated and supported in accordance with the RAP.</p>	In case of impacts on livelihoods of PAPs, the contractors, construction units have to agree with the households on payment for disruption of business.

## **6. IMPLEMENTATION ARRANGEMENT**

### **6.1 Procedures of Compensation, Assistance and Resettlement**

The overall responsibility for preparing land acquisition and resettlement belongs to the PMU, under HPPC. As an implementing body, the PMU shall be responsible for managing preparatory activities, such as field surveys, stakeholder meetings, and developing the RAP during the survey period. Other relevant bodies, especially PCs at the local level (district, commune, etc.) also have important roles to implement and promote surveys with appropriate participation of local people.

After the RAP preparation process, the draft RAP will be initially reviewed by the PMU assisted by Department of Natural Resources and Environment (DONRE) in Hai Phong City, which is a regional organization of the central ministry, MONRE. Based on the results of review and comments from DONRE, HPPC will finally issue the certification to authorize the RAP.

Once the RAP is approved and the project enters the implementation stage after the investment policy approval by the Prime Minister and the project investment decision by HPPC, working groups such as the District's Land Fund Development Center (LFDC) take over activities in the field such as detailed measurement survey (DMS). The results are approved by District People's Committee and District's Environmental Resource Division prepares the decisions of land acquisition approved by the District People's Committee in the following implementation steps.

Based on the Land Law (2013), Public Investment Law (2014), and other relevant decree and circulars, procedures of land acquisition and resettlement are mainly divided into four stages described as below.

Stage-1: "Investment Policy Approval" is the first preparation phase which covers the pre-F/S survey with EIA report preparation. In addition, the RAP is required not due to domestic legal system but JICA's Environmental Guidelines.

Stage-2: "Program/Project Investment Decision" covers F/S report following the results of investment policy approval and resettlement policy framework is developed based on the RAP prepared in former phase.

Stage-3: Public Investment Plan is prepared based on F/S report and land acquisition notification is issued by a competent organization. After the notification, detailed measurement survey (DMS) is implemented to prepare the CAR Plan.

Stage-4: Plans prepared in the previous phase is implemented in parallel with preparation for construction.



During the Stage-1 and Stage-2, the PMU will prepare Resettlement Policy Framework (RPF) in Vietnamese complying with approved the RAP in English for domestic procedures for investment policy approval and project investment decision. RPF should be submitted to JICA for reviewing and confirming identification with the RAP.

After the project investment decision (Stage-3 and 4), District People's Committee will issue land acquisition notice followed by necessary field works such as DMS. Based on the results of the surveys, the plan of compensation, assistance and resettlement (CAR Plan) is developed. Once again the CAR Plan should be submitted to JICA for reviewing and confirming identification with the RAP and other relevant documents. During these stages, the project areas where land had been acquired under the project of VSIP and Vin Group should be confirmed by due diligence studies by the PMU and the JICA side in terms of its resettlement processes and level of compensation/assistance.

Thus, the Project is required to comply with not only Vietnamese laws and regulation but also the JICA Environmental Guidelines, therefore the CAR policy and the CAR plan shall be reflected the contents of the RAP and submitted to JICA for concurrence.

Table 6.1-1 shows the general flow of land acquisition and resettlement in Vietnam based on Land Law (2013).

**Table 6.1-1 Flow of Land Acquisition and Resettlement based on the Land Law**

Steps	Outline
1. Land Acquisition Notice (Decision of Land Acquisition)	Based on Article 66 of the Land Law, the People's Committee at the provincial level decides on land acquisition and issues a notice followed by public information by the media and local People's Committees. Beforehand, DONRE's evaluation letter of land use needs has to be approved by the People's Committee.
2. Cadastral Survey and Detailed Measurement Survey (DMS) Implementation	Based on documents on land acquisition issued by the People's Committee, People's Committees at the local level associated with other relevant authorities such as DONRE direct and manage necessary surveys including cadastral surveys, Detailed Measurement Surveys, etc. for fixing entitlement conditions. Due diligence studies will be done for the area of VSIP and Vin Group.
3. Planning, Evaluation, and Approving the General Plan on Land Acquisition and Resettlement	According to the results of field and document surveys in the previous step, the People's Committee develops a general plan for land acquisition and resettlement by asking opinions from the public at public meetings. Opinions are recorded for discussing measures to be reflected in the land acquisition plan.

Steps	Outline
4. Land Acquisition Plan and Public Disclosure	The People's Committee at the provincial level or district level issues a decision of land acquisition letter associated with relevant authorities. The decision shall be disclosed at local commune offices. In parallel with these activities, landmarks for clearance areas are marked, compensation rates are determined, and necessary documentation and budgetary processes are prepared.
5. Compensation	Based on Article 93 of the Land Law, compensation shall be made within 30 days after the issuance of the decision on land acquisition.
6. Land Clearance and Hand Over	The acquired land will be handed over to the project owner through the People's Committee.

Once Program/Project Investment Decision is completed and land acquisition notice is issued, preparation and implementation of resettlement activities are commenced under competent agencies in local project site level. Based on fundamental law and regulations under central government, each level of people's committee also issued their own guidelines to implement land acquisition.

## 7. INSTITUTIONAL ARRANGEMENT

Organizations related to land acquisition and resettlement are principally under the umbrella of HPPC. During the preparing phases before obtaining project investment decisions, the PMU plays a single coordination body to prepare and promote necessary processes including the RAP. After the project investment decision, in the phase of implementation, local PCs, relevant departments, and established specific committees under HPPC function as implementation bodies. These relevant organizations have some experiences and capacities on land acquisition and resettlement under ODA loans, such as JICA and the World Bank. However, this project would be the first case between new legal framework of the Land Law, Public Investment Law, and other relevant laws and regulations as well as JICA's Environmental Guideline (2010). Therefore, mutual understandings and frequent confirmation should be promoted during the whole project processes from survey and design phase to implementation and monitoring phases.

### 7.1 Hai Phong City's People Committee (HPPC)

The HPPC is the principal authority at the provincial level. In decision No 2680/2014/QĐ-UBND according to its competency, HPPC has assigned the district with responsibilities, tasks and power for implementation of compensation, assistance and resettlement to affected people, in case of land acquisition within the Hai Phong City's boundaries. Thus HPPC will take responsibilities as follows:

- (1) Reviewing the RAP and approving it after the draft final RAP have got agreement from JICA;
- (2) Responsible for the final decision on compensation unit costs, assistances, allowances, and on supporting policies for PAPs, poor and vulnerable affected groups, in accordance with the RAP approved;
- (3) Direct relevant agencies in solving unsolved complaints/grievances of PAPs on compensation, assistance and resettlement in accordance with its competency;
- (4) Timely provide necessary budget for resettlement implementation;
- (5) Ensure that the project's resettlement activities would be carried out in compliance with policies and provisions of the RAP approved.

The tasks, responsibilities and competency of Hai Phong City's Resettlement Steering Committee include as follows.

- (1) Supervision, monitoring resettlement implementation performed by concerned organizations, individuals. Direct related city's line departments to timely solve emerged issues in accordance with their competence.
- (2) Receive all complaints, suggestions on remained or newly emerged issues related to application of project resettlement policies and/or during resettlement implementation to guide advice on measures remedying them or report to HPPC for solving the problems, in accordance with its competency.
- (3) Coordinate with the DONRE to advice on allocation of land, dwellings, to serve relocation demand of PAPs and options balancing dwelling and land budget for resettlement between different projects.
- (4) Conduct regular supervision, monitoring of the project, identified remained or emerged issues to direct or recommend measures to solve the problems; Prepare and submit monthly, quarterly and annual report on status of resettlement implementation within the City.
- (5) Fulfill other assigned responsibilities, tasks.
- (6) Supervise, monitor and speed up resettlement implementation to ensure that it is carried out in accordance with the approved RAP.

## **7.2 Project Management Unit**

The PMU will be the body who assists HPPC to directly manage the project. The PMU will be responsible for daily internal monitoring implementing the RAP. Responsibilities will include the following:

- (1) Responsible for cooperation, organization for implementation and internal monitoring of the project resettlement activities. Sign contracts with relevant organizations/agencies for implementation of certain specific resettlement works; (ii)

Preparing the CAR plan in accordance with provisions of the approved the RAP. Submit them to HPPC for approval and to JICA for concurrence before implementation.

- (2) Adhere preparation of resettlement dwelling fund to organize and remove PAPs to new relocation sites, or ask HPPC to arrange relocation for PAPs. Pay cost of project's resettlement infrastructure development and dwellings in resettlement sites in accordance with existing regulations.
- (3) Submit HPPC organize appraisal, approval.
- (4) Prepare resettlement cost estimate to submit to Department of Finance (DOF) and DPC for approval. After 5 days receiving decision on the resettlement cost estimate, allocate the budget to concerned agencies,
- (5) Participate District's Resettlement Committees (DRCs). Actively cooperate with them to prepare compensation options in accordance with existing regulations and approved policies,
- (6) Provide all project related materials, documents required for DRCs implementation of compensation, assistance and resettlement of PAPs;
- (7) Guiding all resettlement activities of the project in accordance with its policies and directives;
- (8) Checking approved compensation unit prices for land, structures and other assets. In case there exist a considerable gap between them and the market ones, the PMU will cooperate with DOF and other line departments, submitting recommendations to HPPC for review and amendment of them, following the rules of the RAP;
- (9) Prepare adequate and timely resettlement budget for preparation works as well as for delivery of compensation, assistance and resettlement to PAPs. Cooperate with DRCs to directly deliver compensation payment and allocate dwellings to PAPs.
- (10) Establishing and managing standardized PAPs databases for each component, as well as for the Project as a whole. The PAPs database should be kept updated and be accessible to all concerned parties
- (11) Prepare plan for ongoing internal monitoring to supervise implementation of project resettlement activities and compliance of its resettlement policies provisions.
- (12) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization
- (13) Cooperating fully with the external monitoring organization
- (14) Implement or coordinate due diligence studies and submit the due diligence report to JICA
- (15) Reporting periodically on resettlement activities to JICA

### **7.3 District People's Committees (DPC)**

In Clause 2 Article 28 Decision No. 2680/2014/QD-UBND dated 03/12/2014 by HPPC issued power attorney for District People's Committee as following: "City People's Committee issued power attorney for District People's Committee to decide land acquisition and approve alternative of compensation, assistance, resettlement for scenario regulated in Clause 3 Article 66 Land Law".

DPCs implement as Clause 4 Article 30 Decision No. 2680/2014/QD-UBND regarding responsibility of organization, individual related to compensation, assistance, resettlement work.

DPCs are responsible for:

- (1) Overall management of compensation, assistance and resettlement implementation within their respective competent boundaries. Establish DRCs and its working group for compensation, assistance and resettlement
- (2) Appraisal and approval of compensation options for PAPs of their respective districts
- (3) Issue Decision on the Project's land acquisition.
- (4) Issuing regulations and procedures of solving administrative matters related to the project resettlement and compensation implementation. Assign tasks, responsibilities of districts departments, Ward People's Committees (WPCs) /CPCs and working staff engaged in project's resettlement implementation,
- (5) Approve resettlement and land acquisition implementation costs in accordance with its competences
- (6) Solve grievance and accuse raised by PAPs in accordance with its competent power.

### **7.4 District's Resettlement Committees (DRCs)**

District Council of compensation, assistance and resettlement (District's Resettlement Committee, DRCs) takes roles in accordance with Clause 2 Article 27 Decision No. 2680/2014/QD-UBND dated 03/12/2014 by HPPC.

The staff of DRCs will include:

- Chairman or vice-chairman of DPC will chair their respective DRCs
- Vice Permanent of Council
- Head of district resettlement agency will be the standing Vice-Chairman of the DRC
- Head of District's Department of Finance as a member of DRC
- Head of District's Department of Urban and Land Management (DULM) as member
- Project Owner as member of the DRCs
- Chairman of affected WPCs/CPCs

- Head or deputy Head of District's Taxation Department as member
- When it's necessary, it may call internal affair management agencies to join the DRC
- When there is a need to review compensation options for the project, it may call additional members among the followings to join the DRC:
  - + Invite 1 or 2 representatives of PAPs
  - + Other members: of the Fatherland Front Committee, mass organizations including the Youth Union, Women's Union and Farmer Association, to participate in adequacy with actual needs, decided by the DRC chairman.
- In case of issue land, house for resettlement, DRCs supplement the component is representative of Division, Unit: Labor – Invalids and Social Affairs, Tax Department, Police, ex-soliders group.

The DRCs will base on collective working principles, following decisions made by the greater part of their members. In case if the different voices have equal number, then the decision made on side of the Chairman will be the final one.

The DRCs are responsible for:

- (1) Planning and implementing all daily resettlement activities of the subproject within their districts
- (2) Carry out project information dissemination and dissemination of information on project's compensation, assistance and resettlement policies, its schedule, organization, and implementation; mobilize PAPs and concerned parties to participate in resettlement implementation
- (3) Review and confirm about legality of land use rights, houses, structures and other affected properties
- (4) Review and submit to DPC for approval compensation, rehabilitation options of PAPs within their district
- (5) Receiving grievances and appointing inspectors to redress PAPs grievances on resettlement policies and entitlements;
- (6) Paying special attention to the needs and demands of specific groups (ethnic minority groups) and vulnerable people (children, the elderly, woman/single headed households);
- (7) Cooperating fully with the external monitoring organization. Receive and review recommendations of the IMO and take adequate corrective actions, if necessary, ensuring that the PAPs could be able restoring their prior-project living standards.
- (8) Solve the recommendation / grievance of people who compensated, assisted about the related issues on compensation, assistance, resettlement alternative and submit to District People's Committee to solve the issues which exceed power limit.
- (9) Guide project owner and local governments to implement of payment for compensation, assistance, resettlement.

## **7.5 Other Relevant Organizations**

(1) District's Departments of Natural Resources, Environment, Housing and Land Management:

- Cooperate with WPCs/CPCs to check and confirm on legality of PAPs' land use rights, and time they use the land;
- Review land compensation prices and compensation ratio applied for affected land given by the options.

(2) District's Department of Urban Management and Construction:

- Guide the working group to prepare documentation on house, structures and identify/confirm about their legality. Appraise their compensation unit prices and ratio applied for affected structures, evaluate value of houses, structures, and assess level of impacts on them.
- Propose measures to solve issues related to partial impacts on houses/structures

(3) District Department of Labors, Invalids and Social Affairs:

Cooperate with WPCs/CPCs confirm about HHs receiving social assistance and special policies of the Government.

(4) District Department of Taxation:

Guide the registered business and non-agricultural producer PAPs, who have to be relocated, to numerate their annual post tax business income average for three last years, for preparing business assistance measures.

(5) District Department of Inspection:

Receive and solve grievance of PAPs after they receive compensation option documents and the DPC decision on the matter.

## **7.6 Ward's/Commune People's Committee**

WPCs/CPCs is responsible for followings:

- (1) Participate as member of DRCs. Assign concerned ward/commune officials/professionals to participate all resettlement activities in its ward/commune;
- (2) Checking and affirming the legality status of affected land, houses, structures and other assets/losses (origins, original date of land use, status of house/structures and land use) of organizations, individuals located in project recovered areas, within respective competences, serving as basis for preparation of compensation and resettlement options.
- (3) Organize administrative implementation measures for DMS or confirm on land

acquisition based on existing land and properties management documents to provide basis for project developer to prepare compensation and resettlement options applied for cases when PAPs refuse to numerate their loses by themselves;

- (4) Organize administrative measures for implementation of land acquisition in accordance with functions commissioned or delegated by the Chairman of DPC.
- (5) Implement and solve issues related to compensation and resettlement in accordance with WPC/CPC competences.
- (6) Ward's/commune People's Committee (WPCs/CPCs) conduct and have responsibility about the accuracy of land source extract, population, household, social policy type and proposal on resettlement for people whose land is acquired.

Polices of affected wards, communes

- Organize for confirmation on residency and number of HH's members;
- Ensure social security throughout the project's resettlement implementation;
- Consolidate report and report to DRCs/DPC on case violating state orders.

### **7.7 District's Land Fund Development Center (LFDC)**

The main responsibilities of the District's Land Fund Development Center (LFDC) are as follows:

- (1) Assist the DPCs and HPPC in disseminating information related to the RAP;
- (2) Conduct detailed measurement survey (DMS) and develop the CAR Plan within their district before submitting the CAR Plan to DPC and the PMU for consideration;
- (3) Represent DPC in planning and implementing land acquisition, compensation payment, provision of assistance, organization of resettlement, and other relevant activities within their district - as agreed in the RAP. Take the lead in designing and approve the design for resettlement sites, and work closely with relevant authorities to agree on unit costs for residential plots in the resettlement site.
- (4) Take lead in consulting with households who indicate their need to resettle in district resettlement site, and propose a final plan for resettlement that will be detailed in the CAR Plan.
- (5) Conduct meetings with resettled households to agree on the resettlement plan and timely hand over the residential plots to qualified resettling households. Conduct consultation and design income restoration program for affected households.
- (6) Work and coordinate closely with project's stakeholders, including the PMU, PMU's consultants, to prepare and implement the CAR Plan.
- (7) Assist the DPC in handling complaints at district level.



## **8. GRIEVANCE REDRESS MECHANISM (GRM)**

### **8.1 General Mechanism**

Agencies in charge of implementing the procedure for handling grievance during compensation and land acquisition in the project affected areas should be established as Grievance Redress Committee (GRC). Depending on the functions and tasks at each level, the mechanism for handling complaints by PAPs will be regulated in accordance with legal documents promulgated by the State. Detailed procedures on handling grievances will be established for the Project to ensure that PAPs have the opportunity to present their complaints about compensation and resettlement.

This mechanism will be designed to be simple, understandable, quick and fair. Handling complaints at each Project level will facilitate the smooth implantation of the Project. PAPs who do not agree with the decision on compensation, assistance and resettlement are entitled to raise complaints based on the legal regulations. Handling grievances against compensation, assistance, land acquisition and resettlement decisions and with the responsibility for resolving complaints, and validation and settlement procedures shall be implemented based on relevant laws, such as Land Law and other related Decrees and regulations.

While awaiting settlement of the grievance, PAPs must follow the decision on land acquisition and hand over land on schedule in accordance with the plan decided by competent state agencies. Grievances against administrative decisions on land management shall comply with regulations and laws.

Since grievances are commonly found in any projects related to land acquisition and resettlement, to ensure the grievances are timely and effectively addressed, following general measures could be used;

- (1) Grievances/Complaints should be recorded and maintained by both the local authority/PMU and internal/external monitoring agency with regular update, to timely and satisfactory solve the grievances.
- (2) In case of verbal complaints, GRC should record in written format to follow up the complaints.

### **8.2 Procedure for resolving grievance**

PAPs are entitled to file grievance/complaint regarding resettlement procedures, such as compensation policy, compensation unite price, property measurement, and any other issues. PAP's grievance should be presented in written documents, and they can report to People's Committee in each level and/or the PMU. GRC is formed in three (3) levels of local authorities, namely, commune, district, and provincial level at the time of the project

announcement publicly. At each level, the committee members will include 5-7 representatives from the PMU, GRC (1-2 persons at each 3 level of local authorities), civil society (1-2 persons), Lawyer Union/associations, and etc.

If it is impossible to solve their complaints at the commune or ward level, PAPs can take following steps:

- (1) Step 1: Persons who are unsatisfied with any issues in the program of economic recovery and resettlement can report verbally or in writing to their Ward/Communal GRC that will be responsible for resolving their complaint in writing within 15 days.
- (2) Step 2: Persons who are unsatisfied with the decisions of the ward/communal level in Step 1 can appeal to the District GRC within 15 days of the date of the decision in Step 1. The District GRC will be responsible for resolving the complaint within 15 days.
- (3) Step 3: If they are unsatisfied with the decisions at the district level, PAPs may appeal to the Hai Phong City GRC within 15 days of the decision in step 2. The City GRC will give their decision on the complaint within 15 days.
- (4) Step 4: If the PAPs are unsatisfied with the decision at the city level, they may present their petition to their district court for a decision within 15 days of the decision by the GRC at the city level.

During above mentioned steps, PAPs filing a complaint will not be charged administration or complaint fees.

## **9. INCOME RESTORATION STRATEGY**

The income restoration program (IRP) plays an important role in implementing the RAP when PAPs lose business bases, jobs and other income sources, regardless of whether or not they lose their houses; those who lose both houses and income sources are the Project's highest risks. Providing measures to restore livelihood and quality of the life are the core target of the RAP. The objective of IRP is to restore the livelihoods of PAPs to the same level or higher than before the Project implementation.

Income restoration plays an important part in the accessibility to improved livelihoods and economic welfare of PAPs and the Project aims to enhance skills and/or create job opportunities, especially for poor and vulnerable households. The PMU will coordinate with local authorities at all levels and social organizations such as the Women's Union to support job training and other activities to promote the restoration of the PAPs' income.

### **9.1 Target of IRP and Assistances**

Regarding severely affected PAPs losing 30% or more of their productive land/ income-generated assets, they are entitled to the following assistances as income restoration

program:

- Under 30% (10% for poor and vulnerable households) of their productive land/ income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per person per month for 3 months if no relocation, 6 months if relocation, and 12 months if relocation to sites with harsh socioeconomic conditions.
- More than 30% to 70% of their productive land/ income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per HH member per month for 6 months if no relocation, 12 months if relocation, and 24 months if relocation to sites with harsh socio-economic conditions.
- More than 70% of their productive land/ income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per HH member per month for 12 months if no relocation, 24 months if relocation, and 36 months if relocation to sites with harsh socio-economic conditions.
- For households losing agricultural land, apart from compensation and assistances as described above, they are entitled to job supporting and vocational training policy for people in the working age (Decree 52/2012). Accordingly, PAPs losing agricultural land will be provided with the following assistances free of charge:
  - Vocational training assistance including: short-term vocational training (primary level and vocational training less than 3 months) or intermediate and college level with one-course fee paid by the State. Vocational training expenditures are included in the total cost of the investment project or approved compensation, assistance and resettlement plan;
  - Job-creation: consulting for vocational training, introducing jobs free of charge at the Job Centers under the Department of Labor, Invalids and Social Affairs (DOLISA). In case a business receives several labors who lose agricultural land to work will be entitled to preferential policies regarding land, credit, and tax according to current regulations.

## **9.2 Needs Analysis and Options**

After the decision of land acquisition by District People's Committee, consultation meeting and needs analysis for IRP will be implemented by the local people's committee and relevant authorities. Based on past project cases in Hai Phong, proposed livelihood restoration program are shown as below;

### (1) Vocational Training and Guidance

This measure is job training for the people affected by land acquisition by using vocational training center (VTC) nearby if there is appropriate demands in the target group of PAPs. In the past project cases, the VTCs can provide domestic and industrial garment trade; leather shoe manufacturing; sewing equipment repair; domestic and industrial electricity; electric and welding; cooking; construction; cutting processing; cooling, milling; motorcycle repair, and office informatics. Training fees for each course will be paid by the project budget. The Project is required to coordinate with such VTCs in different districts to organize vocational training for affected households and/or recruit their children for work in factories.

### (2) Job Arrangement

After the job training, according to the list of trainees and demands of each trainee, the PMU will coordinate with vocational training centers under the direction of HPPC to work with industrial park zones to introduce jobs to trainees. Or, activities of agricultural and forestry promotions will be discussed to provide knowledge of crops, livestock, fertilizers, technology, productivity growth ... to people with demands.

### (3) Loan Program

During implementation phase, PAPs will be interviewed about their demands for credit loan. If do, they will be assist to access some sources of credit loan such as revolving fund organized by Women's Union (WU), credit with low interest organized by local banks.

## **9.3 Institutional Arrangement**

The PMU will create a list of people with demands and transfer expenditures to the training organizations. VTCs will organizes training courses for recruits and coordinates with the PMU to arrange/introduce jobs for trainees. Households will participate in surveys, training courses and follow the instructions of the PMU and vocational training center.

## **9.4 Cost and Budget**

The cost of IRP will be extracted from the Project's total cost of compensation, assistance and resettlement. Budget for IRP will be prepared from the Government budget, and be included in total compensation costs of the project.

## **10. MONITORING AND EVALUATION**

Resettlement implementation will be monitored

and evaluated to ensure appropriateness of activities in the RAP by both internal and

independent external monitoring agencies. These monitoring activities will determine the Project's actual progress, the possibility of its success, and any difficulties arising, and facilitate adjustments to the Project implementation as soon as possible.

Monitoring objectives are:

- (i) Verifying whether the project activities comply with the plan and are completed efficiently regarding quantity, quality and time.
- (ii) Covering issues that arise during the Project implementation, proposing resolving countermeasures pursuant to the policy framework, and protecting the interests of affected households.
- (iii) Assessing if the RAP activities meet the Project's objectives and purposes or not, and in which level these goals are reached.

### **10.1 Internal Monitoring (IM)**

Internal monitoring (IM) of the RAP implementation is the main responsibility of the executing agency (or Internal Monitoring Agency: IMA) in coordination with district and commune PCs. Remarkable findings through IM shall be recorded in regular monitoring reports before being submitted to HPPC and JICA. The objectives of IM are:

- 1) Reviewing relevant information on land acquisition and resettlement to find out if the activities are being implemented in accordance with the RAP.
- 2) Checking that the RAP is being implemented in accordance with the approved design; technical assistance, relocation, payment, support and allowances are guaranteed; and entitlements to allowances for the recovery of income sources are implemented.
- 3) Ensuring the RAP implementation costs are paid on time by the PMU and Resettlement Committees at district level
- 4) Recording, monitoring and resolving complaints in a timely and efficient manner.

The PMU will submit its internal reports on the RAP implementation as part of the regular reports they are required to submit to JICA. Internal monitoring reports will include the following information:

- (1) The number of PAPs according to types of impact, and the components and conditions for compensation, relocation and recovery of income for each one.
- (2) Money distributed for activities or compensation and money disbursed for each activity.
- (3) Final resolutions of complaints and outstanding issues needing resolutions from management agencies at all levels.

- (4) Issues arising during the RAP implementation including grievances
- (5) Update the RAP Schedule.

## **10.2 External Monitoring (EM)**

An External Monitoring Agency (EMA) will be employed by the PMU to monitor and evaluate the RAP implementation in coordination with IM. EMA should be selected from institutes, research agencies, non-governmental organizations, or any other independent bodies, and they would be specialized in social science and resettlement.

The general objective of independent monitoring is independently review the results of resettlement and periodically supply the findings to the PMU. The IMA will provide information about PAPs including living standard and job changes, income and occupation restoration, social foundations, effectiveness, impacts and the sustainability of characteristics, benefits, and necessary mitigation measures (if any). This information will teach strategic lessons for policy and planning in the next period.

In addition to reviewing information provided in assessment and internal monitoring reports by the PMU, the IMA will conduct a random survey every six months. The survey sample may cover 100% of the physically displaced households, and at least 10% of the remaining households under the RAP in order to:

- 1) Determine if procedures for affected household and PAPs participation, compensation and assistance are implemented based on the RAP.
- 2) Review the process of project implementation, consultation and information dissemination, and etc.
- 3) Gather quantitative indicators of the Project's socio-economic effects on PAPs.
- 4) Propose modifications to the RAP implementation, if necessary, to achieve the principles and objectives of the Policy Framework.
- 5) Determine PAP satisfaction with various aspects of the RAP, the operation of the complaint mechanism and the speed of complaint resolution.
- 6) Survey trends in living standards record any potential issues regarding recovering living standards.

The IMA must report their findings every three months during first two (2) years, then (or in case, the land acquisition and compensation is basically completed) it might be change to every six (6) month for remaining time, the report will be discussed with the PMU prior to submitting to JICA. Methodology of the EM is described as followings.

### **10.2.1 Socio-Economic Survey and Detailed Measurement Survey (DMS)**

Socio-economic survey and DMS will be required after land acquisition notice is issued by HPPC. EMA will monitor the activities implemented by local authorities to confirm appropriate procedures following the RAP and other regulations including the Vietnamese legal framework and the JICA Environmental Guidelines.

### **10.2.2 Reporting**

The EMA will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMU, and the PMU will submit to JICA.

The report should contain (i) progress of the RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) progress of the follow-up of problems and issues identified in the previous report.

## **10.3 Evaluation**

Evaluation is an assessment of the RAP implementation. The IMA will conduct an assessment of the progress during the period and the timing of 6-12 months after the completion of all resettlement activities. Questions for the assessment will be based on the Project databases and sample questions that were used in the socio-economic surveys and monitoring surveys.

If this evaluation indicates that any PAPs have not recovered their lives according to the Project objectives, additional measures should be established to continue to assist them.

In addition, independent monitoring, as a part of external monitoring, will make an assessment of the resettlement process and impact 6 to 12 months after completion of all resettlement activities, using these questions and samples were used in monitoring activities.

## **11. COST AND BUDGET**

### **11.1 Budgeting**

Budget for implementation of actions in the RAP budget shall be secured as a part of the Government's counter-part fund. HPPC will provide this counter-part fund for compensation and resettlement in appropriate fiscal year to implement each activity according to the RAP. The cost regarding land acquisition and resettlement is included in the total investment amount for the Project.

## **11.2 Replacement Cost Survey (RCS)**

Replacement Cost Survey (RCS) has been implemented in and vicinity of the project sites in May and June, 2015. Calculation of the full replacement cost is based on the following factors;

- (1) the fair market price;
- (2) transaction costs;
- (3) the benefit generation interest;
- (4) cost for changes and recovery; and
- (5) other appropriate payments, if any.

This will be achieved through an empirical surveys of the market and/or such other factors as productive capacity, equivalent attributes, value of replacement asset, disadvantage of the PAPs, etc. Simultaneously the unit prices are to be evaluated and compared with unit price legislated by HPPC. RCS determines compensation unit cost / average cost for different types of damages, such as affected land (including homestead land, paddy land, garden land, aquaculture surface water...), damage to the architecture objects (including houses, subordinate facilities, graves...) and fruit trees and crops on the land as follows:

- Determine land price at the same time with RCS's survey.
- Determine current prices of trees and crops at the same time with RCS's survey.
- Determine materials price and labor cost of constructing houses and architectural projects at the same time with RCS's survey.
- Decide options of replacement cost for land, assets, tree, and crops at the same time with RCS's survey.

The summary of the results of RCS are shown as followings, and the full RCS report is attached to the RAP as Appendix-1. For cost estimation, the highest price and/or the most beneficial evaluation result for PRPs are adopted and recommended to set as final compensation unit price.

### **11.2.1 Land**

#### **(1) Agricultural land / Aquaculture surface water**

Replacement cost for the agricultural land was calculated based on actual land transaction of similar transaction cases in and vicinity of the project area or other alternative methods commune by commune. Practically, local transactions of agricultural land are not rather frequently carried out, however, the result of local peoples' interview were same level of land price in the vicinity.

However, according to Decision No. 2680/2014/QD-UBND, the compensation level is equivalent to 5 times (coefficient of  $K=5$ ) the price of agricultural land for the total



recovered agricultural land, but not to exceed the agricultural land allocation limit at local. Regarding aquaculture surface water: the price that people commonly make in the range of 70,000 – 80,000vnd/ m<sup>2</sup>. While compensation price is 48,000vnd/ m<sup>2</sup> in Thuy Nguyen Rural District lower 1.66 times (Coefficient of K=1.66) than actual prices; and compensation price at Hai An Urban District is 80,000vnd/ m<sup>2</sup> same with the actual price. Table 11.2-1 shows the results of replacement cost on agricultural land and aquaculture surface water.

**Table 11.2-1 Results of Agricultural Land Price Survey**

*Unit: 1,000VND/ m<sup>2</sup>*

No	Type of land	Land price as Decision No. 2970	Total received compensation including assistance, for affected households (*)	Survey land price	Proposed compensation price
1	Paddy and annual crop land	60	360	250-300	Price in Decision No. 2970 and assistant level in Decision No. 2680
2	Aquaculture surface water in Thuy Nguyen District	48		80	80
3	Aquaculture surface water in Hai An District	80		80	Price in Decision No. 2970 and assistant level in Decision No. 2680

*(\*)*: Paddy and annual crop land supported 5 times at Decision No. 2680

## **(2) Business land**

Vu Yen Bridge component will affect to enterprises of container yards in Nam Hai ward, Hai An District. These yards are belonging to state land, or is capitalized and turned into the company's land use. Because there is no transaction contracts in the market regarding the yard area, the proposal unit price for compensation is based on policies of HPPC.

### **11.2.2 Fruit Trees and Crops**

Based on the survey result, trees are usually only grown for family's demand and consumption. Overall survey price showed that compensation rates for fruit trees and subsidiary crops in Decision 58/2015/QD-UBND of HPPC province is almost close to the market price.

**Table 11.2-2 Result of Tree and Crop Survey**

*Unit: 1,000VND*

No	Tree, group of tree	Unit	Compensation cost at Decision No. 58	Survey price	Proposed compensation price
<b>I</b>	<b>Fruit trees</b>				
1	Graph fruit, age of tree over 5 years, able to harvest	tree	1,200,000	1,000,000	<b>Decision No. 58 of Haiphong CPC</b>
2	Lemon big tree, have just harvested	tree	120,000	100,000	
3	Harvested papaya tree	tree	140,000	120,000	
4	Sapodilla tree/ star apple tree/ rose apple tree able to harvest	tree	300,000	300,000	
5	Harvested jackfruit tree	tree	600,000	500,000	
6	Harvested tamarind tree	tree	500,000	500,000	
7	Harvested Carrabolla tree	tree	700,000	500,000	
8	Harvested eggfruit tree	tree	300,000	300,000	
9	Harvested apple tree	tree	240,000	200,000	
10	Harvested guava tree	tree	250,000	250,000	
11	Harvested mango tree	tree	1,000,000	1,000,000	
12	Dracontomelum tree have just taken root	tree	400,000	400,000	
13	Orange or Camborine tree with age of tree over 5 years	tree	400,000	400,000	
14	Harvested Oleaster tree	tree	150,000	150,000	
15	Harvested Longan tree	tree	1,000,000	1,000,000	
<b>II</b>	<b>Shade tree</b>				
1	Devil tree	tree	72,000	70,000	<b>Decision No. 58 of Haiphong CPC</b>
2	Camphor tree	tree	120,000	100,000	
3	Flamboyant/ Cassia trees	tree	150,000	150,000	
4	Yellow flamboyant/ violet cassia/ queen-tree/ crape myrtle tree	tree	120,000	120,000	
5	Tropical almond tree/ Kapok tree have just taken root	tree	200,000	200,000	
6	Gum tree/ casuarina/ Acacia mangium/ china tree have just taken root (D>30 cm)	tree	120,000	100,000	
7	Conch have just taken root (D=15-40)	tree	300,000	300,000	
8	Coral/ Fig-tree	tree	100,000	100,000	
<b>III</b>	<b>Annual Crop</b>				
1	Paddy	m <sup>2</sup>	8,000	6,500	<b>Decision No. 58 of Haiphong CPC</b>
2	Soybean	m <sup>2</sup>	6,000	6,000	
3	Water-taro, sweet potato	m <sup>2</sup>	4,500	4,000	
4	Taro, potato	m <sup>2</sup>	8,000	7,000	
5	Corn	m <sup>2</sup>	6,000	6,000	

No	Tree, group of tree	Unit	Compensation cost at Decision No. 58	Survey price	Proposed compensation price
6	Peanut, Sesame	m <sup>2</sup>	8,000	8,000	
7	Green bean, Black bean	m <sup>2</sup>	6,500	6,500	
8	Tomato	m <sup>2</sup>	10,000	8,000	

### 11.3 Cost for Land Acquisition and Resettlement

The estimated resettlement cost based on field surveys includes:

- (1) Compensation cost for land and assets affected including incentive bonus
- (2) Assistancess for specified cases
- (3) Resettlement site preparation
- (4) Expected surveys in following stages such as Detailed Measurement Survey (DMS)
- (5) Administrative costs including management cost, cost of public information and consultation
- (6) Internal and external monitoring
- (7) Income restoration program
- (8) Contingency cost of about 10% of the total cost

Total cost for land acquisition and resettlement of the Project is estimated 138,609,691,000 VND (6,229,649 USD, in the case of 1USD=22,250VND) based on the results of field surveys including replacement cost survey which provides unit price for compensation. Table 11.3-1 shows the summary of figures on estimated compensation and resettlement implementation costs of the Project. The complete breakdown of cost estimation is shown in the Appendix-4.

**Table 11.3-1 Estimated Cost for Land Acquisition and Resettlement**

Resettlement compensation	Assistancess	Cost of Relocation Site	Other cost and tax	Total
73,485,500,000	49,180,000,000	-	15,944,191,000	<b>138,609,691,000</b>

Utility relocation including basic infrastructure along the route will be further examined in detailed design step, and then cost for the infrastructure relocation can be calculated.

## 12 SCHEDULE

### 12.1 Implementation activities

#### Step 1: Location Introduction and land acquisition notice

The identification and land acquisition notice is based on the written evaluation letters of

land use needs of the District's Environmental Resource Division submitted to District People's Committee for approving and issuing land acquisition notices (including reasons land acquisition, area and location of land recovery on the basis of the existing cadastral or detailed approved construction planning; the District People's Committees disclose land acquisition notification to the public, to guide compensation, assistance and resettlement in the district level to perform inventory tasks, establish compensation plans). DPCs are responsible for directing the widespread policy of land confiscation, the regulations on land acquisition, compensation, resettlement assistance when recover of used land for national defense purposes, security, national interests, public interests and economic development.

WPCs/CPCs responsible to post up a public notice about land acquisition policies in the ward/commune's People's Committee headquarters and in the points of living and residential areas where land is recovered, widely reported on radio system level (in places having radio system).

### **Step 2: Prepare cadastral for land acquisition site:**

Based on documents on land acquisition of District People's Committee, the registration office for land use rights in same level make the preparation of cadastral files. Revision of the cadastral map to suit the current situation and make extracts of the cadastral map for places which have formal cadastral maps or conduct cadastral measurements for places with no formal cadastral maps;

Complete and make extract from cadastral (land register) to send to the DRC; Make a list of parcels of land to be recovered with the following contents: number of maps, land parcel numbers, names, land use area of the parcel of land has the same purpose, the purpose of land use.

### **Step 3: Planning, evaluating and approving the general plan on compensation, assistance and resettlement**

The project owner guides the consultant unit to create overall compensation and resettlement

assistance plans (hereinafter called the general plan) based on survey data, field surveys, existing document issued by the District's Environmental Resource Division, which had been assessed and approved along with approved investment projects. Comprehensive plan shall contain the following:

- The basis for the plan creation;
- General data on the types of land area and grade land for agriculture, the number of maps, parcel number, estimated value of existing assets on the land;
- General data on the number of households, number of household members, number of

- employees in the area of land recovery, clearly stating the number of employees in switched careers, resettlement of households;
- Expected level of compensation, support and expected location, land area or areas of resettlement housing and resettlement, the resettlement mode;
  - Plan measures to help jobs creation and training plan of job conversion;
  - List of works and scope of the work of the State, organizations, religious institutions, residential communities expected to move to relocation sites;
  - The number of graves to be removed and proposed sites for relocation;
  - Cost estimate to implement the plan;
  - Funding sources to implement the plan;
  - Progress of implementation plans.

#### **Step 4: Develop a resettlement area.**

Based on the planning and economic development of local society, based on planning, land use plan has been approved by competent authorities, the actual land of the local and specific requirements of the project, DPCs shall work with the project owner to build a resettlement area to meet the demand for resettlement, transfer to the Department of Construction, DONRE, Department of Planning and Investment and other relevant agencies for evaluation and submit to PCs for decision as stipulated.

#### **Step 5: Making the new landmarks for clearance and cut-off date**

After projects are approved by competent authorities, the project owner based on the basic design to conduct the clearance boundary markers, handed over to the PMU for the next steps of site clearance work. In stage of formulation, approval of technical design (or design of construction drawings) if any adjustment on the scope of site clearance, project investors coordinate with organizations in charge of compensation promptly, accurately and immediately notify the local authority the content adjusted. In addition, widely notify for residence about the cut-off date and project borders, land transferring for compensation, assistance, resettlement work for affected people to implement the land clearance for the project. Environmental Resource Division and related Ward People's Committee will assign specialist to take part in this work.

#### **Step 6: Determination of compensation prices**

The tasks of the determination of compensation prices in the following order: 1. The PMU will hire an independent consultant with appraisal function to examine the market price.

2. Surveying methodology for replacement cost according to the regulations of the government (direct comparison methodology, income methodology, deduction methodology and surplus methodology).

3. Consultant will submit the results of this investigation to the PMU. The PMU in consultation with the concerned districts and the affected households to propose compensation prices for the project and submitted to District People's Committee for approval.

### **Step 7: Prepare The Compensation, Assistance And Resettlement Plan.**

#### 1. Field inspection and enumeration.

Based on the land acquisition policy and the site clearance landmarks of the project, the PMU in charge of compensation prepares the detailed enumeration report for each land acquisition case (called the compensation quantity enumerating report, for short). The report has to present specific contents, including names, places of permanent address registration, places of temporary address registration, current addresses of acquired land owners, the number of household members, the number of laborers and social policy beneficiaries (if any); the area and the location of the acquired land lot; the quantity of crop plants and domestic animals; the shape, the dimension, the quantity, the structure and basic features of assets currently on that land; emerging and underground works associated to the acquired land.

#### 2. Identification of the origin of each acquired land lot.

The PMU in charge of compensation co-operates with the Land Use Rights Registration Office and WPCs to identify the origin of each acquired land lot and the legal owner of the land lot based on documents related to the land use, cadastral documents, cadastral maps, inventory documents, cadastral books, statistics registration books, monitoring books of land use right certificates granting and tax registers of the acquired land.

3. Preparation of the compensation and assistance plan. Pursuant to the compensation quantity enumerating report, the origin of each acquired land lot, unit prices and compensation policies as stipulated, the PMU implements the preparation of the compensation and assistance plan with following contents:

- Name and address of the owner of the acquired land;
- Area, type, location and origin of the acquired land;
- Calculation bases for the money amount of compensation and assistance such as the compensated land price, the house price, the compensated works, the number of household members, the number of laborers in the working age, and the number of social benefits beneficiaries;
- Amount of compensation and assistance money;
- Resettlement arrangement;
- Relocation of governmental works, religious organizations and communities;

- Grave displacement.

#### 4. Collection of comments on the CAR Plan:

- The CAR Plan is openly posted at WPC headquarters and at residential activities places where land is acquired so that the land users and relevant people can give comments;
- The posting must be made in written form confirmed by representatives of WPCs, Ward Committees of Fatherland Front and acquired land owners;
- The period of posting and receiving comments lasts at least twenty (20) days as from the date of posting.

#### 5. Finalization of the CAR Plan:

- At the end of the plan posting and comments receiving period, the PMU will be responsible for written synthesis of comments, including a clear statement of agreement, disagreement and other opinions towards the CAR Plan. This organization is also responsible for finalizing the plan and sending the finalized plan and the collection of contributed comments to Environmental Resource Division for appraisal.

In case there are a lot of disagreement opinions towards the CAR Plan, the PMU will need to clarify or review and adjust the plan before it is sent to Environmental Resource Division for appraisal.

#### **Step 8: Evaluation and approval of the compensation and supporting plan:**

- Environmental Resource Division shall assume the prime responsibility and coordinate with related departments at district level for evaluation of compensation, assistance plan, in accordance with regulation; submission to DPC for approval of the compensation, supporting plan by regulations.

#### **Step 9: Decision on land acquisition and redress grievances against decision on land acquisition.**

- Based on the notice of land recovery, competent authority prepare and evaluate the CAR Plan, extraction of the cadastral measurements of land plots. District People's Committee issues decision on land acquisition for organizations, religious organizations, Vietnamese residing overseas, foreign organizations, foreign individuals. DPC issues decision on land acquisition for a household or an individual, community, Vietnamese residing overseas who are eligible for buying houses associated with land use rights in Vietnam.
- During the implementation of land acquisition, if there is any question or complaint from citizens, the CPC will gather comments and complaints and send to the competent authorities' to consider.

While a decision of grievance redress is pending, decisions on land recovery must be continued. Where State agencies have jurisdiction over complaints concluded the land acquisition is contrary to law, must stop land acquisition, state agencies have issued decision to withdraw the land must make new decision on cancelling the decision issued on land acquisition and must compensate damages from recovery decisions (if any). Where State agencies have jurisdiction over complaints concluded the land acquisition is lawful, the person whose land is recovered to abide by the decision of land recovery.

**Step 10: CAR Plan approval and disclosure.**

- DPCs approve the CAR Plan according to regulations.
- Within a period not exceeding three (03) days from the date of receipt of the approved CAR Plan, DRCs coordinate with CPC disseminate publicly approval of the CAR Plan in CPC headquarters and at communal activities places in residential areas where land is recovered; send the decision on compensation, assistance and resettlement to people whose land is recovered, which clearly states the level of compensation, assistance, on land allocation and resettlement (if any), time and place of payment of compensation, assistance time and hand over the land recovered to DRCs.

**Step 11: Payment of compensation and resettlement assistance**

Compensation, assistance and resettlement committee made payments after the approving decision of the CAR Plan.

**Step 12: Approval of the subjects assigned land resettlement and resettlement schemes.**

1. Organization responsible for compensation will coordinate with the CPC to perform the following tasks:
  - To receive an application asking for land resettlement allocation of people whose land is recovered. CPCs are responsible for certification of the status of housing, residential land of people, whose land is recovered, having application asking for resettlement land allocation;
  - Preparation of documents and list of objects eligible for land resettlement allocation, prepare plans for resettlement;
  - Publicly post resettlement schemes in the CPC headquarters at the point of living and residential areas where the land is revoked;
  - Receipt of comments by people whose land is recovered and the people involved, complete resettlement plan in accordance with regulation, submission to Environmental Resource Division for evaluation;
2. Environmental Resource Division shall coordinate with relevant agencies at district



level, organize implementation of compensation works and communal People's Committee shall:

- Verification, verification conditions, standards of objects of each case proposed land resettlement allocation following regulations.
- Evaluating the resettlement plan follow regulations.
- Submission to DPC for approval of resettlement plan, resettlement allocation decisions for each subject are reviewed.

3. PMU shall disseminate and publicize the resettlement plan, resettlement, approved allocation decisions according to regulations.

4. Environmental Resource Division will coordinate and indemnify the land allocation

5. District Tax department guide for land used payment and other financial obligations of the person assigned to resettlement. District state treasury is responsible for collecting the money follow regulations.

### **Step 13: Hand over and enforcement of land acquisition**

- Within twenty (20) days from the date of payment for compensation and support for land acquisition under the approved plan, the person whose land is recovered, is responsible to hand over land to PMU.
- In cases where the people, who land is recovered, is not implement the decision of land acquisition, the competent level people's committee will issue coercive decision for land acquisition.

### **Supplemental Step: Training for staff of resettlement**

After Council of compensation, Assistance, Resettlement of each District was established, all responsibility staff on resettlement that belong to PMU, District Council for compensation, assistance, resettlement, staff of ward who take part in the work will be trained by resettlement consultant specialist. PMU will responsible for organizing of training for resettlement. Training topic is including:

- Objective and Resettlement Plan;
- Principle, policy and compensation rights which is regulated in RAP;
- Consulting method and information disclosing;
- Implementation step, procedure and schedule;
- Mechanism to solve claim;
- Obligations and rights of individuals, organizations take part in implement process of resettlement program.

## **12.2 Implementation Schedule**

The RAP will be carried out in accordance with project implementation schedule. It has not been officially decided the future project implementation, therefore, implementation schedule would be updated after the investment policy approval.

# APPENDIX 1 - REPLACEMENT COST SURVEY REPORT

## ABBREVIATIONS

A	:	Answer
APs	:	Affected Persons
CPC	:	Haiphong City People Committee
LUR	:	Land-use Right
MARD	:	Ministry of Agriculture and Rural Development
MOC	:	Ministry of Construction
MOF	:	Ministry of Finance
MONRE	:	Ministry of Natural Resources and Environment
ODA	:	Official Development Assistance
Q	:	Question
QĐ	:	Decision
RCS	:	Replacement Cost Study
TP	:	City
TT	:	Circular
UBND	:	People Committee
XD	:	Construction

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## **I. INTRODUCTION**

### **1.1. Project Implementation Background**

Government of Vietnam established the Plan on Socio-Economic Development stage 2011 – 2015 with the aim is rapid and sustainable development. As this plan, Haiphong City is one of the priority subjects for development. Haiphong City, has the Lach Huyen International port, is one of growth poles of Northern Vietnam. Lach Huyen Port is proposed to be put into operation from 2017.

Base on “Adjustment of Construction General Planning of Haiphong City by 2025 and with a vision till 2050” that was approved in 2009, Haiphong City plan to develop the existing city area and new resident area and industrial complex on the North bank of Cam River. Due to the large-scale development, transportation demand and serious traffic jam is proposed to increase remarkable in near future. At present, there are 2 bridges over the Cam River, however, as forecast in the short time, these bridges could not be meet demand of transport. The resolution for transport problem must be complete the Ring Road and build the new constructions over the Cam River.

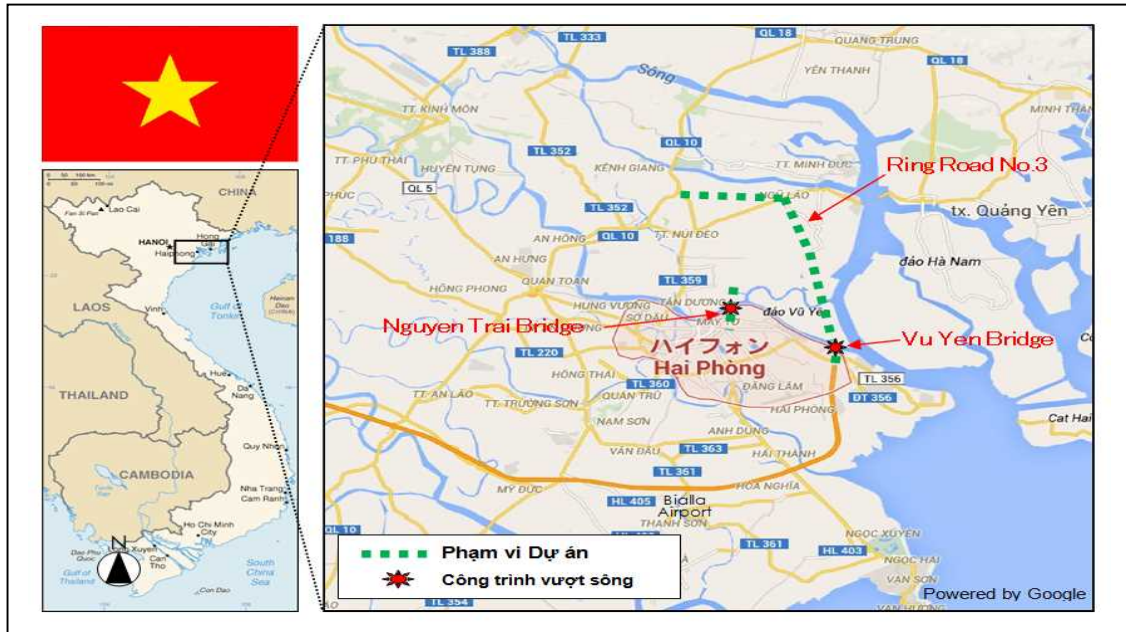
Japanese Ministry of Economy, Trade and Industry established the Pre-Feasibility Study Report of Haiphong Trunk Road Construction Project at Haiphong City, Vietnam (hereinafter is Project), and submitted this report to Haiphong City People Committee (hereinafter is Haiphong CPC) in February, 2014.

Haiphong CPC reviewed the Pre-Feasibility report of Project and consulted with the ODA fund management authorities in Vietnam to require support for preparation survey work to get a capital loan to implementation the Project from Japan International Cooperation Agency (JICA). Base on the meetings between JICA delegation and Haiphong CPC, JICA decide sending a Preparation Survey Team include of companies as Chodai Co.,Ltd, Oriental Consultants Global and Almec VPI Co.,Ltd that they implement the Project’s survey in Vietnam and toward to set up the ODA project. Survey work include of Design Study, Economic Analysis, Study on Maintenance Management Structure, Environmental Impact Assessment (EIA) and Resettlement Action Plan (RAP).

Survey Team began on March 2015 and intent to complete the survey in January 2016.

### **1.2. Scope and Scale of Haiphong Trunk Road Construction Project**

Haiphong Trunk Road Construction Project is implemented by 3 Components that show on Figure 1. (1) Nguyen Trai Bridge; (2) Ring road no.3; (3) Vu Yen Bridge.

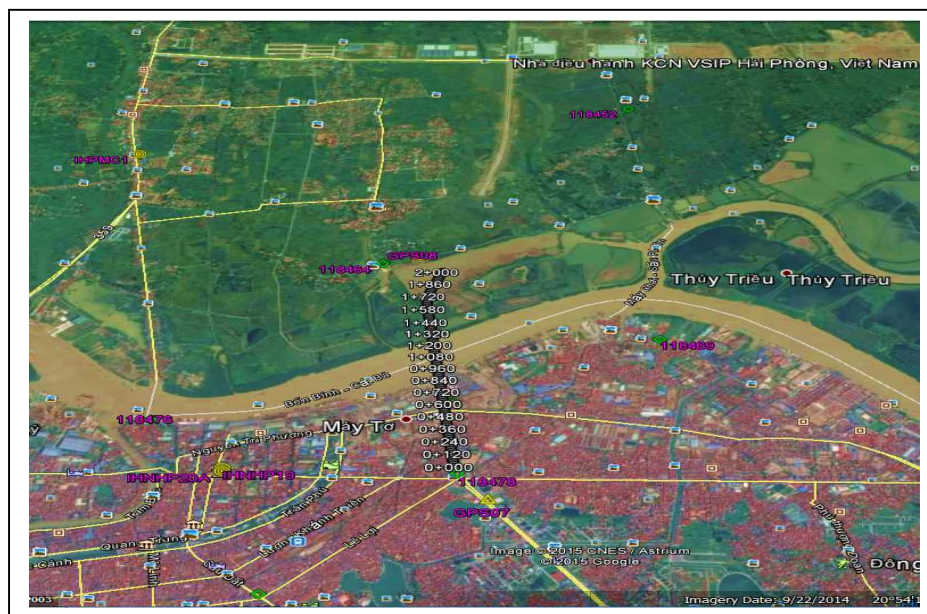


**Figure 1: Project's Components Location**

**(1) Nguyen Trai Bridge**

Nguyen Trai Bridge have total length is 2.0km include of length of bridge and approach roads. Starting point is the end of expanding Nguyen Trai road section (six corners belong to May To Ward, Ngo Quyen Urban District). Alignment same with Nguyen Trai existing Road, then cross Le Thanh Tong Street, go through the Hoang Dieu Port area, then over Cam River to the northern bank of Cam River about 500m, alignment continue the direction connect the main axis road of VSIP. Ending point connect to end point of main axis road of VSIP (belong to Duong Quan commune, Thuy Nguyen District). Detail in Figure 2.

Width of approach road subbase  $B = 50.5\text{m}$



**Figure 2: Nguyen Trai Bridge Location**



### (2) Ring Road No.3

Ring Road no.3 have total length is 13km, beginning point connect to NH10 at Kenh Giang T-junction. Alignment goes through communes as Hoa Binh, Kenh Giang, An Lu, Trung Ha, Thuy Trieu, Ngu Lao, Phuc Le, Pha Le, Lap Le. Ending point is at Km13+000 in Vu Yen Island. Detail in Figure 3.

Ring Road no.3 is designed with expressway scale include of 4 vehicle lanes, width of subbase is  $B = 68.0\text{m}$ .



Figure 3: Ring Road no.3 Location

### (3) Vu Yen Bridge

Vu Yen Bridge have total length is 3.6km include of length of bridge and approach roads. Beginning point connects to the ending point of Ring Road no.3 (at station Km13+000) in Vu Yen Island. Alignment goes to northwest – southeast direction, to the left bank of Cam River, it passes over to the right bank of Cam River, then cross the Hai An port, and end at the aquaculture lagoon area at Dong Hai commune, Hai An district. Width of subbase approach roads  $B$  is 50.5m. Detail in Figure 4.

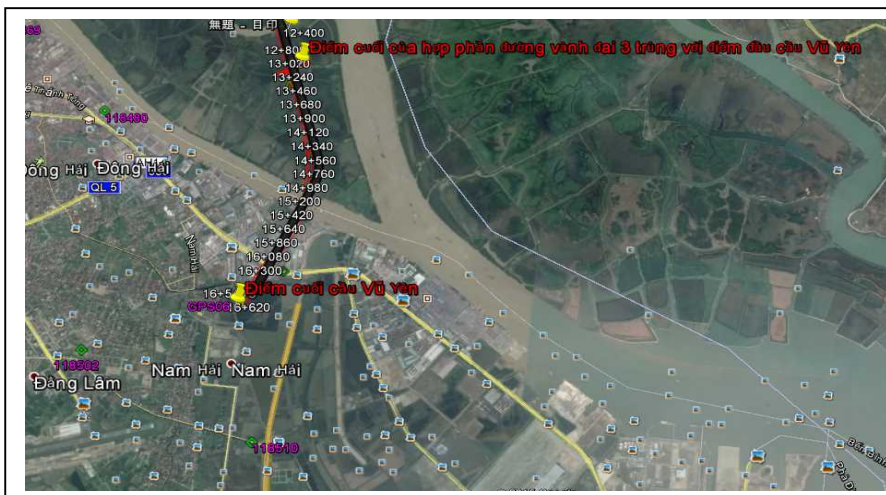


Figure 4: Vu Yen Bridge Location

### **1.3. Project Affected Objects**

Project Affected Objects involve the types of appropriated land (annual crop land, perennial crop land – garden land, water surface land for fishing, homestead land, transport land) and types of fruit tree of households in Project affected area as jackfruit, mango, longan, star fruit, guava, dracontomelum, sapodilla, grape fruit, banana and rice... in which rice has the largest appropriated area.

### **1.4. Purposes of Replacement Cost Study**

Haiphong Trunk Road Construction Project is implemented means permanent recovering land, crops, and farm produces; architectural objects and crops of people in the Clearance Scope of Project. According to the JICA requirement, a Replacement Cost Study must be implemented in the scope of establishing the Resettlement Action Plan of Project in order to ensure that Affected Households will be compensated with the replacement cost for all of assets as land, trees, crops, and assets and works on the revoked land in the Clearance Scope of Project.

This report will include of results of replacement cost studies at locals belong to Project, as Thuy Nguyen Rural District, Hai An and Ngo Quyen Urban District.

### **1.5. Scope of Implementation and Influence of the Project**

Project is implemented with 3 components: Nguyen Trai Bridge, Ring Road no.3 and Vu Yen Bridge that involve to permanent revoked the land plot of Affected Households belong to 14 wards/ communes of 3 Urban District/ Rural District in Haiphong City. However, Haiphong CPC issued the Announcement no. 41/TB-UBND dated on February 9<sup>th</sup> 2015 on recovered land announcement to compensation and clearance for implementation the Vu Yen Bridge Construction Investment Project according to the General Plan on Dinh Vu – Cat Hai Economical Zone at Thuy Trieu commune, Thuy Nguyen Rural District and Dong Hai 1 Ward, Hai An Urban District by Vingroup is Owner Project. Thus, in scope of Replacement Cost Study report (RCS report), the replacement cost for Vu Yen Island will not be studied. Therefore, the scope of RCS report will only involve to permanent revoked land of Affected Households belong to 13 Wards/ Communes, detail as follow:

- Nguyen Trai Bridge: May To ward – Ngo Quyen Urban District; and Duong Quan commune – Thuy Nguyen Rural District;
- Ring Road no.3: include of communes as Kenh Giang, Hoa Binh, An Lu, Trung Ha, Thuy Trieu, Ngu Lao, Phuc Le, Pha Le, Lap Le – Thuy Nguyen Rural District;
- Vu Yen Bridge: Dong Hai 2 ward and Nam Hai ward – Hai An Urban District.



## **II. TASKS OF REPLACEMENT COST STUDY**

### **2.1. Aim of Replacement Cost Study (RCS)**

The important aim of the RCS is to ensure that the compensation unit prices for land, houses and affected assets are at replacement cost. The calculation of the full replacement cost based on the following factors: (i) the fair market price; (ii) transaction costs; (iii) the benefit generation interest; (iv) cost for changes and recovery; and (v) other appropriate payments, if any. This will be achieved through an empirical surveys of the market and/or such other factors as productive capacity, equivalent attributes, value of replacement asset, disadvantage of the APs, etc., Simultaneously the unit prices are to be evaluated and compared with unit price legislated by Haiphong CPC.

### **2.2. Objectives of Replacement Cost Study**

- Determine land price at the same time with RCS's survey.
- Determine current prices of trees and crops at the same time with RCS's survey.
- Determine materials price and labor cost of constructing houses and architectural projects at the same time with RCS's survey.
- Decide options of replacement cost for land, assets, tree, and crops at the same time with RCS's survey.

## **III. LEGAL FRAMEWORK**

We based on legal documents of the Government of Vietnam and ADBs requirements to carry out the Replacement Cost Study.

### **3.1. Concepts of Replacement Cost/Market Price of the Government of Vietnam, JICA and other organizations...**

*Replacement Cost: is amount of money or necessary items to replace assets in its current condition in the present market price covering transaction costs (WB – OP4.12 Involuntary Resettlement);*

- Replacement Cost of Agricultural Land: is Market Price of land that has the same productivity or potentiality around the affected area, plus costs for preparing flat land that has equal or more productivity than affected land and costs for registration and transfer tax.
- Replacement Cost of Urban Land: is the Market Price of land that has the same area and using purpose, with equal or better infrastructure and services, the best is in the neighbouring areas of affected area, plus registration costs and transfer tax.
- Housing and Public Structure: is the Market Price of constructing or purchasing a new structure with the same area and equal or better quality than the affected one. Or it is

the cost of repairing parts of the affected structure, plus labor cost and contractor charge with registration cost and transfer tax<sup>1</sup>.

*Market Price: "Market price of one property is the estimative price level will be dealt on the market at the time of valuation between a willing buyer and a willing seller in the objective and independent commercial transaction, in the normal commercial conditions" (TDGVN 01)*

### **3.2. Basis of Evaluation**

Legal basis for setting up evaluation method and Compensation, Assistance and Resettlement Policy of the Project and Rights of the Affected Households are based on Law of Socialist Republic of Vietnam and related legal documents as follow:

#### **Documents of the Government and related Ministries**

- The Price Law No. 11/2012/QH13, dated 20/6/2012 of the National Assembly;
- The Land Law 2013 No. 45/2013/QH13, dated 29/11/2013 of the National Assembly;
- Decree No. 38/2013/ND-CP dated 23.04.2013 stipulates that "The compensation, support and resettlement of programs and projects implemented under the provisions of existing laws and international treaties on ODA and preferential loans to which the Socialist Republic of Vietnam is a member, In case of differences between the provisions of domestic law with international treaties to which the application is of the provisions of international treaties " (Article 46, Section 1);
- Decree No. 89/2013/ND-CP dated 6/8/2013 of the Government detailing the implementation of some articles of the price Law on the price valuation;
- Decree No. 177/2013/ND-CP, dated 14/11/2013 of the Government detailing and guiding the implementation of some articles of the Price Law;
- Decree No. 104/2014/ND-CP, dated 14/11/2014 of the Government Regulation on land prices framework;
- Decree No. 43/2014/ND-CP, dated 15/5/2014 of the Government detailing a number of Articles of 2013 Land Law;
- Decree No. 44/2014/ND-CP, dated 15/5/2004 of the Government regulations on land prices;
- Decree No. 45/2014/ND-CP, dated 15/5/2014 of the Government providing the collection of land use levy;
- Decree No. 47/2014/ND-CP, dated 15/5/2014 of the Government on compensation, support and resettlement upon land recovery by the State;

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<sup>1</sup> The price deduction or value of materials is not calculated, as well as deduction of replacement cost of value of benefits from project towards affected assets is not made. The replacement cost must be the highest in 2 prices: before project and after displacement

- Circular No. 12/2012/TT-BXD dated December 28, 2012 of the Ministry of Construction issuing the National Technical Regulation on rules of classifications and grading of civil and industrial buildings and urban infrastructures;
- Circular No. 23/2014/TT-BTNMT dated 19 May 2014, providing for certificate of land use right, house ownership and other properties associated with the land;
- Circular No. 36/2014/TT-BTNMT dated June 30, 2014 of the Ministry of Natural Resources and Environment on land pricing method; compilation of and adjustment to land price lists; determination of specific land prices and consultancy on land pricing;
- Circular No. 37/2014/TT-BTNMT dated June 30, 2014, detailed regulations on compensation, support, and resettlement upon land expropriation by the state;
- Circular No. 158/2015 / TT-BTC dated October 27, 2014 of the Ministry of Finance promulgating Vietnam's valuation standard No. 01, 02, 03 and 04;
- Circular No. 28/2015/TT-BTC dated March 06, 2015 of the Ministry of Finance promulgating Vietnam's valuation standard No. 05 06 and 07;
- Circular 74/2015 / TT-BTC dated 05/15/2015 of the Ministry of Finance on the estimates instructions, use and settlement of funding implementation of compensation, support and resettlement when state recovers land.

### **Decisions of Haiphong Provincial People’s Committee**

- Decision No. 2680/2014/QD-UBND dated December 03, 2014 made by Haiphong People's Committee promulgating the regulation on compensation, assistance and resettlement when the State recovers land in the Haiphong city;
- Decision No 58/2015/QD-UBND dated December 01, 2015 by Haiphong People's Committee on promulgating price unit of plants and aquaculture, investment in land costs for aquaculture service compensation, support clearance when the state acquired land in the territory of the city of Haiphong;
- Decision No 324/2015/QD-UBND dated May 02, 2015 by Haiphong People's Committee on promulgating price unit of structures for compensation and assistance when the state acquired land in the territory of the city of Haiphong;
- Decision No. 2970/2014/QD-UBND dated December 24, 2013 by Haiphong People's Committee enacted regulations on land prices in Haiphong city in from 2015 to 2019.

### **3.3. Principles and methods of evaluation**

#### ***3.3.1. Principles:***

- Principle of highest and best
- Principle of supply and demand

#### ***3.3.2. Method***

The RCS is carried out by means of the following methods:

- 1) Carry out discussions and in-depth interviews with concerned provincial/ district government offices involved in setting the legislated unit rates for compensating recovered land and improvements found assets such as houses and other structures, annual crops, and perennial plants, to gain better understanding of the methodology they used in deciding on the legislated rates.
- 2) Interview local (provincial, district and commune) officials and residents to find out the current market rates for land within in the Project area as per record of recent sale transactions or, in the absence of an active market, based on other empirical facts, such as productive and location attributes, and availability of replacement land.
- 3) Quantitative information collection method: use the set of structural questions as to gather information on a large scale of transaction of land and property on land as well as transport and construction in the area. Meet the business households and agricultural specialists including local ones to set up the current unit price for annual crops and perennial plants.
- 4) Method of collecting and reviewing legal documents that were promulgated including unit price set of various kinds of land and unit price for other assets (including support). Besides, some provinces have promulgated various kinds of unit price for building materials. In case the provinces promulgate unit price of building materials, it is also considered and combined with the study of unit price of building materials in the project area. Interview contractors and workers to determine labor cost at present in the project area.
- 5) Comparison method: two ways can be applied:
  - The first way: The collection of unit price sets if possible should be studied in 3 years to compare the adjustment of price according to regions or to kinds of assets of the provinces.
  - The second way: in case there is land transaction that is carried out in the study area, legal basis and comparison method will be use according to the guidance of the documents that are cited include of direct comparison method combined with deduction method.

**Direct comparison method:**

- Decree No. 44/2014/ND-CP, dated 15/5/2004 of the Government regulations on land prices;
- Circular No. 36/2014/TT-BTNMT dated June 30, 2014 of the Ministry of Natural Resources and Environment on land pricing method; compilation of and adjustment to land price lists; determination of specific land prices and consultancy on land pricing.

The determination of land price according to the direct comparison method is carried out as follow:

*a. Step 1: Survey and collect information:*

- a1. Site survey is in order to collect information on the evaluated land plot.
- a2. Survey and collect information at least 3 land plots with the features alike with the evaluated land plot, these features as purpose land use, location, benefit capacity, infrastructural structure, social condition, land plot, land size, topography, legal characteristic, land use right (hereinafter is compared land plots). These compared land plots were transferred in the market, or win the LUR auction in duration under 2 years at the land evaluation. Content of information include:
  - Land price;
  - Purpose land use, location, land plot, land size, topography, infrastructural structure, and social condition, legal characteristic, land use right, transferred time, win the auction LUR time.
- a3. Information on price of compared land plots are collected from sources bellow:
  - The price of auction LUR;
  - Land market price in land database;
  - The price of successful transactions on real estate transactions;
  - The price of successful transactions on the market is supplied by assignor or assignee through the direct interview;
  - Successful transactions are transactions that the assignee has paid for the assignor under the agreement and received the right to use land.
- a4. During the survey, information collection on land price, it is necessary to priority chose the information on price of auction LUR, the price of successful transactions on real estate transactions, land market price in land database, information in the last recent time with the land evaluation and in the location of evaluated lands. In case of in the evaluated land plots that is not enough information on land price, it is necessary to collect information in surrounding area that their natural and socio-economic conditions, infrastructural structure, social infrastructure same with the evaluated land.
 

In the survey and information collection, land plots, which will be change of land use purpose as approved annual land use plan of District level and/ or is not enough condition to transfer as regulation of Law on land, are not surveyed.
- b. *Step 2: Comparison, analysis and adjustment price caused by different factors of compared land plots and evaluated land plot*
  - b1. Analysis and comparison to confirm the same and different factors of compared land plots and the evaluated land plots
  - b2. Adjust land price caused by different factors of compared plots and evaluated land plots.
 

Base on the different factors of compared land plots and evaluated land plots to adjust price of compared land plots according to the absolute value or percentage (%).

Price adjustment of compared land plots will be implemented base on principle of choosing the evaluated land plots as accurate; then adjust as absolute value first and as

percentage later. If factors of compared land plot are poorer than evaluated land plot, price of compared land plot will be adjusted increase (plus); if they are better than evaluated land plot, they will be adjusted decrease (minor).

*c. Step 3: Estimation price of evaluated land plot*

Estimation price of evaluated land plot is determined through the price adjustment of each compared land plot caused by different factors of compared land plots and evaluated land plots as the below format:

Estimation price of evaluated land plot base on each compared land plot	=	Value each compared land plot	±	Price adjustment caused by different factors between compared land plot and evaluated land plot
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In case of market price change duration from LUR transferred/ or win the auction LUR time of compared land plots till the time of land price is determined, price of compared land plot will be adjusted back the time of determined land price with fluctuation market price index issued by Department of Natural Resource and Environment. If this index is not issued yet, it will be calculated on the market land price information that is collected in moments or statistical data of authorities if any.

*d. Step 4: Determine the price of evaluated land plot*

Determine the price of evaluated land plot by getting average number of estimation price levels of evaluated land plot (in step 3); this price must be ensured the different level with the estimation price under 10%.

**Deduction method:**

Application of deduction method is carried as follow:

*a. Step 1: Survey and information collection*

a1. Field survey in order to collect information on land plots and assets on land (hereinafter is real estate) that these prices are evaluated.

a2. Survey and collect information of at least 3 real estates (hereinafter is compared estates) have similar characteristics with the evaluated estate, such as land-use purpose, location, profitability, infrastructure condition, social condition, land area, land size, topography, legal characteristic on LUR... These real estate, hereinafter is compared estates, were transferred in the market, or won the auction LUR under 2 years till the evaluated land price time. Content of information collection include:

- Land price;
- Land-use purpose, location, land area, land size, topography, infrastructure condition, social condition, land area, land size, topography, legal characteristic on LUR, and other information affected to land price;
- Information on real estates on land.

a3. Information on price of compared land plots are collected from sources bellow:

- The price of auction LUR;
  - Land market price in land database;
  - The price of successful transactions on real estate transactions;
  - The price of successful transactions on the market is supplied by assignor or assignee through the direct interview;
  - Successful transactions are transactions that the assignee has paid for the assignor under the agreement and received the right to use land.
- a4. During the survey, information collection on land price, it is necessary to priority chose the information on price of auction LUR, the price of successful transactions on real estate transactions, land market price in land database, information in the recent time with the land evaluation and in the location of evaluated lands. In case of in the evaluated land plots that is not enough information on land price, it is necessary to collect information in surrounding area that their natural and socio-economic conditions, infrastructural structure, social infrastructure same with the evaluated land.
- In the survey and information collection, land plots, which will be change of land use purpose as approved annual land use plan of District level and/ or is not enough condition to transfer as regulation of Law on land, are not surveyed.

b. *Step 2: Determine current value of assets on land of compared real estate*

Current value of assets on land of compared real estate is determined by below format:

Current value of assets on land of compared real estate	=	New construction value at the evaluated time	-	Depreciation value
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In which:

- New construction value at the evaluated time: is calculated by replacement cost to construct the new estate with equivalent technical standard or cost to improve the estates on land. The new construction value includes the direct expenses, indirect expenses and a suitable interest rate for owner and other costs and taxes that owner must pay as regulations.
- Depreciation value of estate on land include both visible and invisible depreciation (including the depreciation on physical caused by damage little by little during operation; depreciation because on its function become unsuitable; or the changing on structure, and by the impact of outside factors).

Calculation method for new construction value and depreciation value of estate on land is implemented according to the current stipulation. In case stipulation or specific guiding on calculation method for new construction value and depreciation value are not available, calculation is based on actual information and database that are collected on the market.

c. *Step 3: Estimation the land price of compared real estate*

Value of land of compared real estate is implemented according to the below format:

Value of land of compared real estate	=	Value of compared real estate	-	Current value of assets on land of compared real estate
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Estimation land price of compared real estate is implemented according to below format:

Land price of compared real estate	=	Value of compared real estate
		Area of compared land plot

*d. Step 4: Land price determination of evaluated real estate*

Land price determination of evaluated real estate is implemented as step 2, 3 and 4 of direct comparison method mentioned above.

- 6) Analysis and processing the data collected from questionnaire to be able to compare with unit price promulgated by provinces/cities (by region – by kinds of affected assets – by location...) in order to calculate the exceed rate of price (or not) from that apply the suitable compensation price for affected fixed assets (land, structure, annual crops, perennial plant) to ensure the compensation is carried out according to the replacement cost.

**3.3.3. Factors Affecting the Accuracy of the Replacement Cost Study Results in Project Area**

- There are few real estate transaction on the market in Project area; and if any, in the local databases, each time people want to get the certification of government, people always take the lower price than actual price of real estate, even the price similar with the promulgated price
- The psychology of people participating in the study, especially the affected people who always have the tendency to increase the values of lost assets;
- Value of workday depends much on different factors. Help among families in building or other works is not calculated by people, so it is difficult to provide an accurate workday unit price;
- The construction works are usually hired labor exchange value for each m2 of housing community, at the way lump sum (the amount of labor and materials) for m2 building.

**IV. REPLACEMENT COST SURVEY RESULTS**

**4.1. Main Stakeholders**

The replacement Cost Survey (RCS) team of the Transport Engineering Design Inc. (TEDI) has conducted consultations and interviews with the responsible officials of the functional Department of Agriculture and Rural Development (DARD), Department of Finance (DOF), Department of Construction (DOC), Department of natural Resources and Environment (DONRE) of Haiphong City; Land Fund Development Centres of



Thuy Nguyen Rural District, Hai An, Ngo Quyen Urban Districts; and local leaders and cadastral officials of the communes affected by Project. Besides, the team also conducted interviews with representatives of affected households; owners of the dealer/ business and building materials store, some non affected households, households got transaction land on the market... to determine the market price of land, trees, crops and architectural objects. The results of the consultations and interviews as follows:

Process on the compensation unit price establishment, relation Departments based on the regulations of the Government and guidelines of the Ministries as follows:

- Compensation, Assistance and Resettlement Board or Land Fun Development organization is responsible to prepare and submit (provincial and district) proposed compensation, assistance and resettlement alternatives to Evaluation Council to evaluate before submitting to provincial or district PC for approval (depending on the size of the project).
- For cases related to land recovery from two (02) districts, towns, cities or more, the Provincial Evaluation Council for compensation, assistance and resettlement will perform the evaluation. City Evaluation Council is chaired by leader of Department of Resources and Environment when its members are the leaders of the Department of Finance, Department of Construction and representatives of relevant agencies.
- For the case of land acquired by the State within one (01) district-level administrative units, the district evaluation Council for compensation, assistance and resettlement performs the evaluation. District evaluation Council is chaired by leader of district Natural Resources and Environment Division when its members are the leaders of the Department of Finance, Department of Construction and representatives of relevant agencies.

**The responsibilities of the heads of functional departments and offices:**

- DONRE shall assume the prime responsibility for evaluation of compensation, support and resettlement plans approved by the district People's Committees in which the price of land compensation, higher or lower support than the price of land by the CPC decided and announced by the CPC for approval prior to approving the compensation, support and resettlement.
- DOF is responsible for coordination with the DARD to guide, check to determine the level of compensation and compensation for crops and livestock as prescribed.
- DOC is responsible to guide to determine the price of houses and the construction works on the land to calculate the compensation and support for each affected persons.

## **4.2. Result of Survey**

### **4.2.1. Survey Areas**

#### **Thuy Nguyen Rural District**

Thuy Nguyen Rural District is about 20km from Haiphong City. Construct the Haiphong Ring Road no.3 component will affect the households and organizations in the communes Kenh Giang, Hoa Binh, An Lu, Thuy Trieu, Ngu Lao, Phuc Le, Pha Le and Lap Le. Construction Nguyen Trai Bridge component will affect to household and organizations in Duong Quan commune.

Survey team interviewed affected households and non affected households by the project. In addition, the survey team also surveyed the price of architectural objects from contractors, the household whose have constructed new house; and consulted land price through households who buy/ sell land within 3 years and the building materials shop to learn more about construction costs, building material price and land prices.

#### **Hai An Urban District**

Hai An Urban District is in Haiphong City. Construct the Vu Yen Bridge component will affect the households and organizations in Dong Hai 2 ward and Nam Hai ward. Affected objects mainly are aquaculture households and store yards of companies. However, proposed land area, is Dong Hai 1 commune on Vu Yen Island, is now belong to Project on construction the entertainment, homeland and ecopart in Vu Yen Island, Project owner is Vingroup. And nowadays, procedures relate to clearance for this Project is implementing.

#### **Ngo Quyen Urban District**

Construct the Nguyen Trai Bridge component will affect to households on Nguyen Trai Street belong to May To ward. These households are lost the house, homestead land and assets on land; and affect the surface water for agriculture of some households at Duong Quan commune, Thuy Nguyen Rural District.

Survey team interviewed affected households and non affected households by the project. In addition, the survey team also surveyed the price of architectural objects from contractors, the household whose have constructed new house; and consulted land price through households who buy/ sell land within 3 years and the building materials shop to learn more about construction costs, building material price and land prices.

At Duong Quan commune, Thuy Nguyen Rural District, survey team interviewed affected and non affected households about the conditions and benefits from production of aquaculture.

#### **Scope of Study**

**For land:** in each commune had 3 affected households and 3 non-affected households selected to interview. The interviews were also conducted with cadastral and construction-in charge staff of all the affected communes. In addition, the team also collected the land transaction contract in recent years and interviewed a number of households got the land transactions.

**For Architectural objects:** survey team conducted interviews with some households who have new houses constructed and construction material shops to learn more about construction costs and construction materials.

**For fruit tree and crops:** Almost affected objects are paddy land and water surface for aquaculture. So, the survey team conducted interviews with affected and non affected households own these types of land. In addition, the team also interviewed with agricultural products dealers and commune's staffs to supplement the information in each district.

#### **4.2.2. Survey Results**

Survey process to estimate the replacement cost for different types of damages, such as affected land (including homestead land, paddy land, garden land, aquaculture surface water...), damage to the architecture objects (including houses, subordinate facilities, graves...) and all kinds of fruit trees and crops on the land. Specifically, the survey results obtained are as follows:

##### **4.2.2.1. Land**

###### **a. Homestead land**

###### *a.1. Thuy Nguyen Rural District*

Haiphong Ring Road no.3 component will affect to homestead land in the communes Kenh Giang, Hoa Binh, An Lu, Thuy Trieu, Ngu Lao, Phuc Le, Pha Le and Lap Le.

When this component is carried out, Haiphong City will compensate according to the Decision no. 2970/ QD-UBND and assistant according to Decision no. 2680/QD-UBND.

According to Decision no. 2680/QD-UBND, Affected Households will be assisted as follow:

- Assistant level for self-resettlement households is 250,000,000vnd/ household (average area is about 100m<sup>2</sup>). Estimated cost for the self-resettlement household is 2,500,000vnd/ m<sup>2</sup>.
- Assistant level for remove to new house: 5,000,000 – 7,000,000vnd/ household. Estimated cost is 100,000vnd/ m<sup>2</sup>.
- Assistant level for settlement and stabilize production: 3,000,000vnd/ person. Estimation each household have 4 persons is 12,000,000vnd/ household, equivalent is 240,000vnd/ m<sup>2</sup>.

- Assistant level for temporary housing rent: 12,000,000vnd/ household equivalent is 240,000vnd/ m2.

Sum of above assistant items is about 3,080,000vnd/ m2. (Beside, other assistant levels depend on location and purpose of recovered land plots).

### **Kenh Giang commune**

Affected households are in NH10 (location 1). In this affected area, no land transaction is carried out in recent years. These transactions happen only in equavilent locations.

Through interview the affected and non affected households, price level that affected households offer about 8,000,000 – 10,000,000vnd/ m2 depend on the location, area and shape of land plot. Non affected households offer a price level they suppose is suitable, about 7,500,000 – 8,000,000vnd/ m2. Ordinary, affected households offer the higher than actual price.

In recent years, the actual transactions at equavilent locations with affected area, price is about 8,000,000vnd/ m2, however in transaction contracts, the prices is always lower than actual or at similar with promulgation prices (aim is decrease pay-taxes to State). Detail a tax is about 3,000,000vnd/ m2, and almost the transaction taxes are paid by assignor.

Unit price of Haiphong City at Decision no.2970/QD-UBND, Location 1 – affected area price land is 3,000,000vnd/ m2.

Assistant level of Haiphong City is according to Decision no. 2680/QD-UBND: Due to type of recovered land plot is homestead and business land, so these households will receive the assistant level for training, career changing, and job finding. The assistant level is 4 to 10% of land price. Estimation is about 6% of land price means 180,000vnd/ m2.

Assitant level according to Decision 2680/QD-UBND is 3,080,000 vnd/ m2.

Therefore price level of Haiphong City compensates and assists to affected households is about 6,260,000 vnd/ m2. In which, market price are 8,000,000vnd/ m2, higher 1.2 times than compensation, assistant price of Haiphong City.

### ***Proposal on the Replacement Cost for homestead land in NH10 – Kenh Giang commune***

Almost at survey locations, price of homestead land that were transferred in the market in the normal transaction conditions is higher than compensation price in Decision no.2970 and assistant level in Decision no.2680 about 1.2 times ( $K = 1.2$ ). Therefore, the proposal unit price for compensation increase coefficient of unit price  $K = 1.2$ .

### **Hoa Binh mommune**

Haiphong Ring Road no.3 passes Hoa Binh commune and affect to households in inter-hamlet road.

Survey team interviewed the affected and non affected households, household have just transferred homestead land in affected area. Affected households offer the price level is about 3,000,000vnd/ m2. Non affected households offer a price level they suppose is suitable, about 2,500,000 – 3,000,000vnd/ m2.

Unit price of Haiphong City at Decision no.2970/QD-UBND is 500,000vnd/ m2.

Assistant level of Haiphong City in Decision no. 2680/QD-UBND is 3,080,000vnd/ m2.

Therefore price level of Haiphong City compensates and assists to affected households is about 3,580,000 vnd/ m2. In which, market price are 3,000,000vnd/ m2, lower than compensation, assistant price of Haiphong City.

#### ***Proposal on the Replacement Cost for homestead land in Hoa Binh commune***

Almost at survey locations, price of homestead land that were transferred in the market in the normal transaction conditions is lower than compensation price in Decision no.2970 and assistant level in Decision no.2680. Therefore, the proposal unit price for compensation will apply the unit price in Decision no.2970 and assistant level in Decision no.2680.

#### **Trung Ha commune**

Project passes Trung Ha commune and affect to households in inter-hamlet road.

Survey team interviewed the affected and non affected households, household have just transferred homestead land in affected area. Affected households offer the price level is about 3,500,000vnd/ m2. Non affected households offer a price level they suppose is suitable, about 3,000,000 – 3,500,000vnd/ m2.

Unit price of Haiphong City at Decision no. 2970/QD-UBND is 800,000vnd/ m2.

Assistant level of Haiphong City in Decision no. 2680/QD-UBND is 3,080,000vnd/ m2.

Therefore price level of Haiphong City compensates and assists to affected households is about 3,880,000 vnd/ m2. In which, market price are 3,000,000 – 3,500,000vnd/ m2 lower than compensation, assistant price of Haiphong City.

#### ***Proposal on the Replacement Cost for homestead land in Trung Ha commune***

Almost at survey locations, price of homestead land that were transferred in the market in the normal transaction conditions is lower than compensation price in Decision no.2970 and assistant level in Decision no.2680. Therefore, the proposal unit price for compensation will apply the unit price in Decision no.2970 and assistant level in Decision no.2680.

#### **Ngu Lao commune**

Project affects to homestead land of households at some locations below:

- Ben Binh – Pha Rung section (PR359): from border with Thuy Trieu to end border of Ngu Lao commune (hereinafter frontline of PR359).
- Inter-commune road
- Inter-hamlet road

Survey team interviewed the affected and non affected households at different locations. Affected households offer the price level is about 9,000,000vnd/ m<sup>2</sup> at frontline of PR359; and 3,500,000 – 4,000,000vnd/ m<sup>2</sup> at inter-commune road; and 3,000,000vnd/ m<sup>2</sup> at inter-hamlet road. Non affected households offer a price level they suppose is suitable, about 8,000,000 vnd/ m<sup>2</sup>; 3,500,000vnd/ m<sup>2</sup>; and 3,000,000vnd/ m<sup>2</sup> respectively with above locations. In actually, affected households offer the higher than actual price.

Summary of land transaction in recent years in commune area show that: at frontline of PR359 (location 1) the transferred price is about 8,500,000vnd/ m<sup>2</sup>. This is the homestead land combine with business land.

According to the Unit price of Haiphong City, land price at frontline of PR359 is 3,500,000vnd/ m<sup>2</sup>; 800,000vnd/ m<sup>2</sup> at inter-commune road and 600,000vnd/ m<sup>2</sup> at inter-hamlet road.

Assistant level of Haiphong City is according to Decision no. 2680/QD-UBND: Due to type of recovered land plot is homestead and business land, so these households will receive the assistant level for training, career changing, and job finding. The assistant level is 4 to 10% of land price. Estimation is about 6% of land price means 210,000vnd/ m<sup>2</sup>.

Assistant level of Haiphong City in Decision no. 2680/QD-UBND is 3,080,000vnd/ m<sup>2</sup>.

Therefore price level of Haiphong City compensates and assists to affected households is about 6,790,000vnd/ m<sup>2</sup> at frontline of PR359; 3,880,000vnd/ m<sup>2</sup> at inter-commune road; and 3,680,000vnd/ m<sup>2</sup> at inter-hamlet road. In which, market price are 8,500,000vnd/ m<sup>2</sup> hitgher 1.2 times; and market price for inter-commune and inter-hamlet road is 3,500,000vnd/ m<sup>2</sup> và 3,000,000vnd/ m<sup>2</sup> respectively, these prices are lower than compensated and assisted price of Haiphong City.

### ***Proposal on the Replacement Cost for homestead land in Ngu Lao commune***

Almost at survey locations, price of homestead land that were transferred in the market in the normal transaction conditions at the frontline of PR359 is higher than compensation price in Decision no.2970 and assistant level in Decision no.2680 about 1.2 times ( $K = 1.2$ ). Therefore, the proposal unit price for compensation increase coefficient of unit price  $K = 1.2$ .

Land price at locations inter-commune road and inter-hamlet road are lower than compensation price in Decision no.2970 and assistant level in Decision no.2680. So,

the proposal unit price for compensation will apply the unit price in Decision no.2970 and assistant level in Decision no.2680.

### ***Lap Le commune***

Project affects to homestead land of households at some locations below:

- Ngu Lao – Lap Le inter-commune road: section from Lap Bridge to Lap Le clinic.
- Commune axe-road

In this affected area and surrounding areas, no land transaction is carried out in recent years. Survey team interviewed the affected and non affected households at different locations. Affected households offer the price level is about 4,500,000vnd/ m<sup>2</sup> at inter-commune road; and 3,000,000 – 3,500,000vnd/ m<sup>2</sup> at commune axe-road. Non affected households offer a price level they suppose is suitable, about 4,000,000 – 4,500,000vnd/ m<sup>2</sup>; and 3,000,000vnd/ m<sup>2</sup> respectively with above locations. In actually, affected households offer the higher than actual price.

Unit price of Haiphong City at Decision no. 2970/QD-UBND is 1,200,000vnd/ m<sup>2</sup> at inter-commune road and 800,000vnd/ m<sup>2</sup> at commune axe-road.

Assistant level of Haiphong City in Decision no. 2680/QD-UBND is 3,080,000vnd/ m<sup>2</sup>.

Therefore price level of Haiphong City compensates and assists to affected households at inter-commune road and at commune axe-road respectively is about 4,352,000vnd/ m<sup>2</sup> and 3,880,000vnd/ m<sup>2</sup>. In which, market price at above mention locations respectively are 4,000,000vnd/ m<sup>2</sup> and 3,000,000vnd/ m<sup>2</sup> lower than compensation, assistant price of Haiphong City.

### ***Proposal on the Replacement Cost for homestead land in Lap Le commune***

Almost at survey locations, price of homestead land that were transferred in the market in the normal transaction conditions is lower than compensation price in Decision no.2970 and assistant level in Decision no.2680. Therefore, the proposal unit price for compensation will apply the unit price in Decision no.2970 and assistant level in Decision no.2680.

#### ***a.2. Ngo QUYEN Urban District***

Nguyen Trai Bridge component will affect to homestead land of households living along the Nguyen Trai road in May To ward.

When this component is carried out, Haiphong City will compensate according to the Decision no. 2970/ QD-UBND and assistant according to Decision no. 2680/QD-UBND.

According to Decision no. 2680/QD-UBND, Affected Households will be assisted as follow:

- Assistant level for self-resettlement households is 400,000,000vnd/ household (average area is about 50m<sup>2</sup>). Estimated cost for the self-resettlement household is 8,000,000vnd/ m<sup>2</sup>.
- Assistant level for remove to new house: 5,000,000 – 7,000,000vnd/ household. Estimated cost is 100,000vnd/ m<sup>2</sup>.
- Assistant level for settlement and stabilize production: 3,000,000vnd/ person. Estimation each household have 4 persons is 12,000,000vnd/ household, equivalent is 240,000vnd/ m<sup>2</sup>.
- Assistant level for temporary housing rent: 12,000,000vnd/ household equivalent is 240,000vnd/ m<sup>2</sup>.

Sum of above assistant items is about 8,580,000vnd/ m<sup>2</sup>. (*Beside, other assistant levels depend on location and purpose of recovered land plots*).

Recovered land area of Project, is in Nguyen Trai Road, May To ward, is separated into 2 locations: location 1 and location 2 according to the Decision no.2970. Because of the investment information of Project is public, so in recent years no LUR land transaction happens in this area.

Survey team conducted to interview a household, living in near the location 1 – near the affected area of Nguyen Trai component (address no.43 on Nguyen Trai Road), they want to housing transaction with the price 50,000,000vnd/ m<sup>2</sup> at location 1 and 40,000,000vnd/ m<sup>2</sup> at location 2. However, these are the prices of sellers offering but none of them are price were confirmed by any actual transaction contract. Regarding the households do not attend to sale their house in the affected area, the suitable price for housing transaction is about 38,000,000 – 40,000,000vnd/ m<sup>2</sup> (location 1) and 28,000,000 – 30,000,000vnd/ m<sup>2</sup> (location 2) and also depend on the location, area or shape of land plots. In actually, the sellers always offer the higher than the price that purchaser can accept.

There is only a housing transaction case at house no.20, Nguyen Trai Road, its floor area is 78.7m<sup>2</sup> and the height is 3-storey house, total buiding area is 143.5m<sup>2</sup> and other structure objects which are sold by auction at SHB Bank, Hong Bang branch in order to retiring the debits. Auction price is 4.4 billion vnd (including all of regulation taxes). After the general estimate minus construction cost and paid-taxes as state regulation, the average price of this transaction is about 40,000,000vnd/ m<sup>2</sup>. Regarding the responsibility to pay the taxes, land transaction costs are charged by the assignor.

#### **Location 1 at Decision no. 2970**

Unit price of Haiphong City at Decision no. 2970/QD-UBND is 20,000,000vnd/ m<sup>2</sup>.

Assistant level of Haiphong City is according to Decision no. 2680/QD-UBND: Due to type of recovered land plot combine homestead and business land, so these households will receive the assistant level for training, career changing, and job finding. The



assistant level is 4 to 10% of land price. Estimation is about 6% of land price means 1,200,000vnd/ m2.

Assistant level of Haiphong City in Decision no. 2680/QD-UBND is 8,580,000vnd/ m2.

Therefore price level of Haiphong City compensates and assists to affected households is about 29,780,000vnd/ m2. In which, market price is about 40,000,000vnd/ m2 lower higher 1.5 times than compensation, assistant price of Haiphong City.

### **Location 2 at Decision no. 2970**

Unit price of Haiphong City at Decision no. 2970/QD-UBND is 10,000,000vnd/ m2.

Assistant level of Haiphong City in Decision no. 2680/QD-UBND is 8,580,000vnd/ m2.

Therefore price level of Haiphong City compensates and assists to affected households is about 18,580,000vnd/ m2. In which, market price is about 30,000,000vnd/ m2 lower higher 1.5 times than compensation, assistant price of Haiphong City.

### ***Proposal the Replacement Cost for homestead land in Nguyen Trai Road***

Almost at survey locations, price of homestead land that were transferred in the market in the normal transaction conditions is higher than compensation price in Decision no.2970 and assistant level in Decision no.2680 about 1.5 times ( $K = 1.5$ ). Therefore, the proposal unit price for compensation increase coefficient of unit price  $K = 1.5$ .

**Table 1: Result of Homestead Land Survey**

*Unit: 1.000vnd/ m<sup>2</sup>*

No	Type of land	Compensation price and assistant level of Haiphong City			Market price	Proposed compensation price
		Total	Compensation price at Decision no.2970	Assitant level at Decision no.2680		
<b>I</b>	<b>Thủy Nguyên Rural District (*)</b>					
1	Kenh Giang Commune					
	Location 1: New NH10	6260	3000	3260	8000	8000
2	Hoa Binh Commune					Price in Decision no.2970 and assistant level in Decision no.2680
	Inter-hamlet road	3580	500	3080	3000	
3	Trung Ha Commune					
	Commune axe-road	3880	800	3080	3500	
4	Ngu Lao Commune					
	Location 1, Ben Binh – Pha Rung section on PR359	6790	3500	3290	8500	8500
	Inter-commune road	3880	800	3080	3500	Price in Decision no.2970 and assistant level in Decision no.2680
	Inter-hamlet road	3680	600	3080	3000	
5	Lap Le Commune					
	Inter-commune road	4352	1200	3152	4200	
	Commune axe-road	3880	800	3080	3000	
<b>II</b>	<b>Ngo Quyen Urban District</b>					
1	Location 1: Nguyen Trai	29780	20.000	9780	40000	40000

No	Type of land	Compensation price and assistant level of Haiphong City			Market price	Proposed compensation price
		Total	Compensation price at Decision no.2970	Assitant level at Decision no.2680		
	Road					
2	Location 2: Nguyen Trai Road	18580	10.000	8580	30000	30000

(\*) Affected land plots in Thuy Nguyen Rural District were studied at location 1- by Decision no.2970

### ***b. Agricultural land***

The implementation of Project leads to recover the agricultural land of households (mostly are paddy land and aquaculture surface water) of communes in Thuy Nguyen Rural District and Hai An Urban District.

In fact, local transactions of agricultural land are not rather frequently carried out.

When interviewing people about land prices under rice and other annual crops, the price in general is not different at locals in the Project area. Prices are offered in ranged between 250,000 - 350,000vnd/ m<sup>2</sup> depend on different locations. While the compensation price according to compensation price of Haiphong City is 60,000 VND/m<sup>2</sup> which is lower than actual prices.

However, According to Decision no. 2680, the assistant level is equivalent to 5 times the price of agricultural land for the total recovered agricultural land, but not to exceed the agricultural land allocation limit at local. Therefore, although stipulated compensation land prices is lower than actual prices, but thank to the support coefficient  $k = 5$ , so compensation land prices are higher than the market land price.

**Table 2: Result of Agricultural Land Price Survey**

*Unit: 1.000vnd/ m<sup>2</sup>*

No	Type of land	Land price as Decision no.2970	Total received compensation including assistance, for affected households (*)	Survey land price	Proposed compensation price
1	Paddy and annual crop land	60	360	250-300	Price in Decision no.2970 and assistant level in Decision no.2680
2	Aquaculture surface water	48		80	80
3	Aquaculture surface water in Hai An Urban District	80		80	Price in Decision no.2970 and assistant level in Decision no.2680

(\*): Paddy and annual crop land supported 5 times at Decision no.2680

*Regarding aquaculture surface water:* the price that people commonly make in the range of 70,000 – 80,000vnd/ m<sup>2</sup>. While compensation price is 48,000vnd/ m<sup>2</sup> in Thuy Nguyen Rural District lower 1.66 times ( $K=1.66$ ) than actual prices; and compensation price at Hai An Urban District is 80,000vnd/ m<sup>2</sup> same with the actual price.

### ***Proposal on the Replacement Cost for agricultural land***

Current compensation price for paddy land and annual crops of Haiphong City is lower than the market price, but when the assistance policy by Decision no.2680 applies, the compensation price for the agricultural land that people are actually getting is higher than the market price. Therefore, the proposal unit price for compensation will apply unit price in Decision no.2970 and assistant level in Decision no.2680.

Aquaculture surface water: the proposal unit price for compensation at Thuy Nguyen Rural District increase coefficient of unit price  $K = 1.66$ ; and at Hai An Urban District apply the unit price in Decision no.2970 and assistant level in Decision no.2680.

### ***c. Business land***

Vu Yen Bridge component will affect to good yards of companies in Nam Hai ward, Hai An Urban District.

Through these yards survey show that, a part of yards are belong to companies using of state land, another is capitalized and turned into the company's possession. However, up to now, there is no transaction contracts in the market. Therefore, the proposal unit price for compensation is applied as promulgated policies of Haiphong City.

#### **4.2.2.2. Survey on Architectural Objects**

A survey in affected communes by the project, the survey team found that the difference in construction price between communes and districts is not much.

Team survey conducted to interviews with the households whose houses have constructed, the constructors and owners of construction material shops. Construction price of people is about 4,500,000 – 5,500,000vnd/ m<sup>2</sup>. These prices are all-in price between people and constructors. Promulgated compensation price in Decision no.324 is appropriate with actual price level, detail as below:

- Construction price of 1 storey-house in market is between 4,000,000-5,000,000vnd/ m<sup>2</sup> floor. The compensation unit rates prescribed by the province ranged from 4,593,892– 5,161,741vnd/ m<sup>2</sup> and can be adjusted depending on the type of material used.
- Similarly for the architectural objects with no significant difference between promulgated prices in Decision no.324 and actual construction cost, therefore absolutely apply these compensation prices for reconstruction affected architectural objects.

**Table 3: Result of Architectural Objects Survey**

No	Item	Structure	Decision no,324	Architectural objects price	Proposed compensation price
1	1 storey-house with the wall-bearing structure; 3.5m of height; without salnitary block				
	Wall is	Tiles roof, solid brick fourndation	5,161,741	5,000,000	According to

No	Item	Structure	Decision no,324	Architectural objects price	Proposed compensation price
	constructed by brick 220	Metal roof, solid brick foundation	4,658,432	4,500,000	Decision no.324 of Haiphong City
		Fibrocement roof, solid brick foundation	4,593,892	4,300,000	
		Tiles roof, stone foundation	5,074,334	4,800,000	
	Wall is constructed by brick 110	Tiles roof, solid brick foundation	4,735,018	4,500,000	
		Metal roof, solid brick foundation	4,270,456	4,000,000	
		Fibrocement roof, solid brick foundation	4,205,917	4,000,000	
		Tiles roof, stone foundation	4,686,359	4,400,000	
<b>2</b>	<b>1 storey-house with the wall-bearing structure; 3.5m of height; with salnitary block</b>				
	Wall is constructed by brick 220	Tiles roof, solid brick foundation	5,752,275	5,500,000	
		Metal roof, solid brick foundation	5,248,965	5,000,000	
		Fibrocement roof, solid brick foundation	5,184,425	5,000,000	
		Tiles roof, stone foundation	5,664,867	5,500,000	
	Wall is constructed by brick 110	Tiles roof, solid brick foundation	5,328,333	5,200,000	According to Decision no.324 of Haiphong City
		Metal roof, solid brick foundation	4,863,573	4,600,000	
		Fibrocement roof, solid brick foundation	4,804,760	4,600,000	
		Tiles roof, stone foundation	5,279,545	5,000,000	
<b>3</b>	<b>2 storey-house; wall-bearing structure; height of the first deck is 3.9m; second deck is 3.5m; with salnitary block</b>				
	Wall first and second deck are constructed by brick 220	Tiles roof, brick foundation	3,725,682	3,500,000	
		Metal roof, brick foundation	3,512,259	3,500,000	
		Fibrocement roof, brick foundation	3,456,847	3,400,000	
		Tiles roof, stone foundation	3,725,682	3,500,000	
		Tiles roof, stone foundation	3,512,259	3,400,000	
	Brick-220 wall of first deck; brick-110 wall of second deck	Tiles roof, brick foundation	3,710,235	3,500,000	According to Decision no.324 of Haiphong City
		Metal roof, brick foundation	3,496,824	3,400,000	
		Fibrocement roof, brick foundation	3,442,247	3,400,000	
		Tiles roof, stone foundation	3,664,953	3,500,000	
		Tiles roof, stone foundation	3,455,847	3,300,000	
<b>4</b>	<b>3 storey-house; height of the first deck is 4.5m; second deck is 4.1m; third deck is 3.5m with salnitary block</b>				
	Wall-bearing structure; brick-220 wall at first and second deck; brick foundation	Tiles roof, brick-220 wall at third deck	3,803,637	3,600,000	
		Tiles roof, brick-110 wall at third deck	3,550,699	3,500,000	
		Tiles roof, wall at third deck is built by perforated brick with 6 holes, diameter 150.	3,669,761	3,500,000	
		Tiles roof, wall at third deck is built by perforated brick with 6 holes, diameter 110	3,653,752	3,500,000	
		Metal roof, brick-220 wall at third deck	3,656,363	3,500,000	
	Frame, roof and foundation	Wall of 3 decks is constructed by brick-220	4,257,965	4,000,000	According to Decision no.324 of Haiphong City
		Wall of 3 decks is constructed by brick-110	3,960,518	3,700,000	

No	Item	Structure	Decision no,324	Architectural objects price	Proposed compensation price
	of house is constructed by reinforced concrete	Wall of 3 decks is constructed by as perforated brick with 6 holes, diameter 150 in a straight line	3,911,863	3,700,000	
		Wall of 3 decks is constructed by as perforated brick with 6 holes, diameter 110 in a sloping line	3,839,721	3,600,000	
		Brick-220 wall at first and second deck; and brick-110 wall at third deck	4,100,314	4,000,000	

#### 4.2.2.3. Removal of Graves

- **Earth grave:** compensation price for earth grave is 6,000,000 – 7,500,000vnd/ grave, and survey price also ranges 4,000,000 – 4,500,000vnd/ grave (exclude land cost). Such compensation rates could totally help to move the affected graves.
- **Built grave:** The price on enumeration areas have fluctuated between 5,000,000 – 9,000,000vnd/ grave depending on building structure. According to the compensation unit rates of Haiphong City is 6,500,000 – 10,000,000vnd/ grave is compensated for the earthworks and compensation for construction response based on detail material volume and construction price. Therefore, it can be said that regulated compensation for a common grave is equivalent to a locally constructed grave.

**Table 4: Result of Grave Removal Survey**

*Unit: 1.000vnd*

No	Item	Structure	Decision no.324/2015/QD-UBND issued by Haiphong CPC			Architectural objects survey cost	Proposed compensation price
			Total	Construction cost	Assistant level (1)		
1	Earth grave		6000 - 7500	2500	3500-5000	4000-4500	Compensation price at Decision no.324
2	Simple built grave	Volume < 0.4m <sup>3</sup>	6500 - 8000	3000	3500-5000	5000-6000	
		Volume 0.4 – 0.6m <sup>3</sup>	7000 - 8500	3500	3500-5000	6000-7000	
		Volume > 0.6m <sup>3</sup>	8000 - 9500	4500	3500-5000	7000-8000	
3	Special-structural built grave		8000 – 9500 and (2)	4500	3500–5000 and (2)	8000-9000	

(1) Assistant level including:

- a. Cost for removal from 1,500,000 – 3,000,000vnd/ grave
- b. Cost for worship procedures: 2,000,000vnd/ grave

(2): Cost for ashlar paving stone are pressed outside the grave

***Proposal on the Replacement Cost for architectural objects***

Compensation price for architectural objects specified in Decision no.324 can meet market price for new construction and relocation of affected house and architectural objects,

#### 4.2.2.4. Fruit Trees and Crops

In the survey area, most trees, bonsai and crops... are cultivated in gardens area of each affected households, quantity of these affected objects are not much, but is diverse on the species of trees. The survey shows that these trees only supply for family's demand. Survey prices is based on the estimation on benefit source of trees, these prices are relatively little difference between the communes. Overall survey price showed that compensation rates for fruit trees and subsidiary crops in Decision 58/2015/QD-UBND of Haiphong CPC province is relatively close to the market price.

**Table 5: Result of Fruit Trees and Crop Survey**

No	Tree, group of tree	Unit	Compensation cost at Decision no.58	Survey price	Proposed compensation price
<b>I</b>	<b>Fruit trees</b>				
1	Graph fruit, age of tree over 5 years, able to harvest	tree	1,200,000	1,000,000	<b>Decision no.58 of Haiphong CPC</b>
2	Lemon big tree, have just harvested	tree	120,000	100,000	
3	Harvested papaya tree	tree	140,000	120,000	
4	Sapodilla tree/ star apple tree/ rose apple tree able to harvest	tree	300,000	300,000	
5	Harvested jackfruit tree	tree	600,000	500,000	
6	Harvested tamarind tree	tree	500,000	500,000	
7	Harvested carambola tree	tree	700,000	500,000	
8	Harvested eggfruit tree	tree	300,000	300,000	
9	Harvested apple tree	tree	240,000	200,000	
10	Harvested guava tree	tree	250,000	250,000	
11	Harvested mango tree	tree	1,000,000	1,000,000	
12	Dracontomelum tree have just taken root	tree	400,000	400,000	
13	Orange or camborine tree with age of tree over 5 years	tree	400,000	400,000	
14	Harvested oleaster tree	tree	150,000	150,000	
15	Harvested longan tree	tree	1,000,000	1,000,000	
<b>II</b>	<b>Shade tree</b>				
1	Devil tree	tree	72,000	70,000	<b>Decision no.58 of Haiphong CPC</b>
2	Camphor tree	tree	120,000	100,000	
3	Flamboyant/ Cassia trees	tree	150,000	150,000	
4	Yellow flamboyant/ violet cassia/ queen-tree/ crape myrtle tree	tree	120,000	120,000	
5	Tropical almond tree/ Kapok tree have just taken root	tree	200,000	200,000	
6	Gum tree/ casuarina/ Acacia mangium/ china tree have just taken root (D>30 cm)	tree	120,000	100,000	

No	Tree, group of tree	Unit	Compensation cost at Decision no.58	Survey price	Proposed compensation price
7	Conch have just taken root (D=15-40)	tree	300,000	300,000	
8	Coral/ Fig-tree	tree	100,000	100,000	
<b>III</b>	<b>Annual Crop</b>				
1	Paddy	m <sup>2</sup>	8,000	6,500	<b>Decision no.58 of Haiphong CPC</b>
2	Soybean	m <sup>2</sup>	6,000	6,000	
3	Water-taro, sweet potato	m <sup>2</sup>	4,500	4,000	
4	Taro, potato	m <sup>2</sup>	8,000	7,000	
5	Corn	m <sup>2</sup>	6,000	6,000	
6	Peanut, Sesame	m <sup>2</sup>	8,000	8,000	
7	Green bean, Black bean	m <sup>2</sup>	6,500	6,500	
8	Tomato	m <sup>2</sup>	10,000	8,000	

### ***Proposed the Replacement Cost for fruit tree and crop***

For affected trees, provincial compensation price is relatively close compared to the market price

## **V. CONCLUSIONS AND RECOMMENDATIONS**

### **5.1. Conclusions**

- *Homestead land*: Land unit price attached in Decision no.2970 lower than the market price. However, beside the compensation price, assistant levels for affected people such as settlement assistant, self-resettlement assistant, removal assistant, housing-rent assistant for household must construct the new house... Therefore, total compensation price that people can receive for the recovery land is similar with market price, except case of the recovery land is combine homestead and business land (households are in the NH10, PR359) the market price is higher 1.2 times than promulgated compensation price (at Thuy Nguyen Rural District) and 1.5 times (at urban homestead land in Nguyen Trai Road – Ngo Quyen Urban District).
- *Agricultural land* Land unit price attached in Decision no.2970 much lower than the market price at the time of survey. However, beside the compensation price is promulgated in Decision no.2970, farmer still supported career change and job creation by Decision no. 2680. Therefore, compensation cost for the recovery land is similar or event higher than market price for agricultural land.
- *Business land*: Proposed compensation unit price will be applied as in Decision no. 2970 and assistant level is in Decision no. 2680.
- *Architectural objects*: Proposed compensation unit price will be applied as in Decision no.324 issued by Haiphong CPC.

- *Fruit tree and crop*: Proposed compensation unit price will be applied as in Decision no.58 issued by Haiphong CPC.

## **5.2. Recommendations on unit price application**

- *Rural homestead land*: Compensation unit price for homestead and combine with business land will apply coefficient  $K = 1.2$  increase with promulgated compensation price; compensation unit price for homestead land at other locations will apply the compensated unit prices as regulations of Haiphong CPC (detail, see at Table 1).
- *Urban homestead land (Nguyen Trai road – May To ward – Ngo Quyen Urban District)*: should apply coefficient  $K = 1.5$  increase with with promulgated compensation price.
- *Business land*: apply the compensation price and assistant level is promulgated polycies.
- *Agricultural land (paddy land)*: apply the compensation price and assistant level is promulgated polycies.
- *Aquacultural surface water*: apply coefficient  $K = 1.66$  at Thuy Nguyen Rural District and apply the compensation price and assistant level is promulgated polycies at Hai An Urban District.
- *Architectural objects and fruit tree and crop*: apply the current unit price of Haiphong CPC.



# APPENDIX

## Appendix 1: LIST OF INTERVIEWEE

No	Full name	Address	Investigation Object
<b>I</b>	<b><i>Thuy Nguyen Rural District</i></b>		
1	Lê Văn Sơn	Land Fun Development Central	Deputy director
<b>I.1</b>	<b><i>Kenh Giang commune - Thuy Nguyen Rural District</i></b>		
1	Lương Văn Hoạch	Commune People committee	staff
2	Nguyễn Thị Mến	ditto	staff
3	Lê Xuân Nghị	ditto	staff
4	Lương Văn Hùng	Cống Tranh Hamlet	Affected Household
5	Nguyễn Đăng Toàn	Hamlet no. 7	HH with land transactions
6	Nguyễn Việt Trung	Ông Kiếm Alley	HH with land transactions
7	Đoàn Thị Thê	Trại Kênh Hamlet	HH with land transactions
8	Nguyễn Tiến Hùng	Trại Kênh Hamlet	HH with land transactions
<b>I.2</b>	<b><i>Hòa Bình commune - Thuy Nguyen Rural District</i></b>		
1	Trịnh Thị Lệ	Commune People committee	staff
2	Nguyễn Duy Tuyên	ditto	staff
3	Trần Văn Hân	ditto	staff
4	Trần Quốc Hanh	ditto	staff
5	Phạm Văn Chiến	Hamlet no.11	Affected Household
6	Trần Văn Xá	Hamlet no.11	Affected Household
7	Phạm Văn Khiết	Hamlet no.11	Affected Household
8	Trịnh Văn Cảnh	Hamlet no.4	Non-affected HH
9	Phạm Văn Khê	Hamlet no.3	Non-affected HH
10	Trần Văn Dính	Hamlet no.11	Non-affected HH
11	Trần Văn Minh	Hamlet no.9	HH with land transactions
12	Trần Quốc Trung	Hamlet no.8	HH with Constructed Housing
13	Phạm Văn Song	Hòa Bình Hamlet	HH sell construction materials
14	Trần Văn An	Hòa Bình Hamlet	HH sell construction materials
<b>I.3</b>	<b><i>An Lư commune - Thuy Nguyen Rural District</i></b>		
1	Phạm Văn Giang	Commune People committee	staff
2	Bùi Văn Hà	Commune People committee	staff
3	Hoàng Văn Thành	Commune People committee	staff
4	Trần Thị Nhưồng	Xim Hamlet	Affected Household
5	Nguyễn Thị Nghị	Xim Hamlet	Affected Household
6	Vũ Văn Bản	Xim Hamlet	Affected Household
7	Phan Thị Đâm	An Bình Xim Hamlet	Affected Household
8	Phạm Văn Tự	Bắc Xim Hamlet	Non-affected HH
9	Nguyễn Minh Ngọc	An Hồ Xim Hamlet	Non-affected HH
10	Bùi Thị Rạ	Xim Hamlet	Non-affected HH
11	Trần Văn Thiệu	Xim Hamlet	Non-affected HH
<b>I.4</b>	<b><i>Thủy Triều commune - Thuy Nguyen Rural District</i></b>		
1	Lê Văn Hường	Commune People committee	staff
2	Trần Văn Tuấn	Commune People committee	staff
3	Lê Văn Sáu	Commune People committee	staff

No	Full name	Address	Investigation Object
4	Trần Văn Tuyền	Commune People committee	staff
5	Đỗ Văn Bác	Hamlet no. 5	Affected Household
6	Đỗ Thị Cò	Hamlet no.5	Affected Household
7	Nguyễn Văn Đim	Giữa Hamlet	Affected Household
8	Nguyễn Văn Lim	Đông Hamlet	Non-affected HH
9	Nguyễn Thị Lịch	Giữa Hamlet	Non-affected HH
10	Nguyễn Văn Tư	Giữa Hamlet	Non-affected HH
11	Đỗ Quang Đại	Đông Hamlet	HH with land transactions
12	Trần Văn Thành	Hamlet no. 5	HH with land transactions
13	Đỗ Văn Biên	Thủy Triều Hamlet	HH sell construction materials
<b>I.5</b>	<b><i>Trung Hà commune - Thuy Nguyen Rural District</i></b>		
1	Bùi Văn Hoan	Commune People committee	staff
2	Nguyễn Văn Hiến	Commune People committee	staff
3	Bùi Văn Rục	Commune People committee	staff
4	Nguyễn Thị Tới	Đình Hamlet	Affected Household
5	Nguyễn Văn Thuận	Tây Hamlet	Affected Household
6	Nguyễn Văn Cảnh	Đình Hamlet	Non-affected HH
7	Nguyễn Sơn Thạch	Đông Hamlet	Non-affected HH
8	Bùi Đức Sinh	Đình Hamlet	Non-affected HH
<b>I.6</b>	<b><i>Ngũ Lão commune - Thuy Nguyen Rural District</i></b>		
1	Nguyễn Văn Bích	Commune People committee	staff
2	Hoàng Văn Đại	Commune People committee	staff
3	Lâm Văn Pháng	Commune People committee	staff
4	Nguyễn Văn Quý	Commune People committee	staff
5	Hoàng Thị Múc	Hamlet no. 10	Affected Household
6	Bùi Văn Bằng	Hamlet no. 10	Affected Household
7	Trịnh Thị Chiên	Group no.11 – Ngũ Lão Hamlet	Affected Household
8	Lê Thị Hiền	Commune People committee	HH with Constructed Housing
9	Nguyễn Văn Toán	Hamlet no. 8	HH with land transactions
10	Lê Thế Hùng	Hamlet no. 14	HH with land transactions
11	Đình Thị Vĩnh	Ngũ Lão Hamlet	HH sell construction materials
12	Đình Khắc Tuấn	Ngũ Lão Hamlet	HH sell construction materials
<b>I.7</b>	<b><i>Phả Lễ commune - Thuy Nguyen Rural District</i></b>		
1	Đình Thị Nhân	Hamlet no. 1	Non-affected HH
2	Lê Văn Bình	Commune People committee	staff
3	Trần Văn Minh	Commune People committee	staff
4	Đình Khắc Tuyền	Commune People committee	staff
5	Đình Thị Nhái	Hamlet no. 3	Affected Household
6	Đình Thị Thêm	Hamlet no. 3	Affected Household
7	Lê Khắc Nga	Hamlet no. 1	Non-affected HH
8	Đình Thị Hoan	Hamlet no. 1	Non-affected HH
<b>I.8</b>	<b><i>Lập Lễ commune - Thuy Nguyen Rural District</i></b>		
1	Vũ Thị Ngọt	Commune People committee	staff

No	Full name	Address	Investigation Object
2	Vũ Văn Nghĩa	Commune People committee	staff
3	Nguyễn Văn Hoàng	Commune People committee	staff
4	Nguyễn Đức Điệp	Group no.3	Affected Household
5	Nguyễn Đức Đàng	Group no.9	Non-affected HH
6	Đình Thị Vân	Group no.3	Affected Household
7	Đình Thị Đa	Group no.3	Non-affected HH
8	Đình Khắc Tâm	Group no.12	Non-affected HH
9	Vũ Thị Lư	Lập Lễ Hamlet	HH sell construction materials
10	Vũ Đình Hòe	Lập Lễ Hamlet	HH sell construction materials
<b>I.9</b>	<b><i>Dương Quan commune - Thuy Nguyen Rural District</i></b>		
1	Lê Hữu Thái	Commune People committee	staff
2	Nguyễn Thị Tuyết	Commune People committee	staff
3	Lê Văn Vát	Tây nhà thờ Hamlet	Affected Household
4	Lê Thành Trung	Tây giữa Hamlet	Affected Household
5	Bùi Thị Quyết	Đông nhà thờ Hamlet	Non-affected HH
6	Hoàng Liên Sơn	Đông nhà thờ Hamlet	Non-affected HH
<b>II.2</b>	<b><i>Ngô Quyền Urban District</i></b>		
<b>II.2.1</b>	<b><i>Máy Tơ Ward</i></b>		
1	Nguyễn T. Quỳnh Vân	Ward People committee	staff
2	Nguyễn Văn Tinh	Ward People committee	staff
3	Nguyễn Văn Thọ	Ward People committee	staff
4	Nguyễn Văn Cường	Ward People committee	staff
5	Nguyễn Hoàng Minh	House no. 20- Nguyễn Trãi Road	Affected Household
6	Đặng Văn Dưỡng	House no. 25- Nguyễn Trãi Road	Non-affected HH
7	Lê Thị Vườn	House no. 50 – Nguyễn Trãi Road	Affected Household
8	Kiều Thị Nghĩa	House no. 47 – Nguyễn Trãi Road	Non-affected HH
9	Nguyễn Thị Nhung	House no. 21/56 – Nguyễn Trãi Road	Non-affected HH
10	Phạm Bá Vinh	House no. 40 – Nguyễn Trãi Road	Affected Household
11	Đình Thị Liên	Máy Tơ Ward	HH sell construction materials
12	Nguyễn Thanh Sơn	Máy Tơ Ward	HH sell construction materials

## APPENDIX 2: REPLACEMENT COST SURVEY FORM

Commune/ward: ..... District: ..... Haiphong City

Interviewees: .....; Position: .....

### 1 Land

No.	Type of land	Market price (1.000 vnd/m <sup>2</sup> )	Location	Legal status
1	Homestead land			
2	Bussiness land			
3	Garden land			
4	Annual paddy crop land			
5	Perennial tree land			
6	Subsidiary crop land			
7	Aquaculture surface water			
8	Forest land			
9	Other			

### 2. Houses, assets

No.	Types	Unit	Local construction price (1.000 vnd/m <sup>2</sup> )	Note
1				
2				
3				
4				
5				
6				
7				
8				
9				
....				

### 3. Trees

No.	Types of industrial trees/ Timber trees	Unit (by age of tree/ size, height and diameter)	Amount (1.000 vnd)	Note
1				
2				
3				
4				
5				
6				
7				
8				
9				
...				

### 4 UNIT PRICE OF BUILDING MATERIALS AND LABOR

No.	Type of materials	Unit	Amount (1.000 vnd)	Note
1	Local cement	1.000 vnd /quintal		
2	Cement.....	1.000 vnd /quintal		
3	Cement.....	1.000 vnd /quintal		
4	Iron Ø 6 + Ø 8	1.000 vnd /kg		
5	Iron Ø 12	1.000 vnd /cây		
6	Iron Ø 14	1.000 vnd /cây		
7	Iron Ø 16	1.000 vnd /cây		
8	Stone 1 × 2 (or 3 × 4) or gravel	1.000 vnd /m <sup>3</sup>		
9	Construction sand (black sand)	1.000 vnd /m <sup>3</sup>		
10	Yellow sand (concrete)	1.000 vnd /m <sup>3</sup>		
11	Local red brick (made by local	1.000 vnd /brick		

<b>No.</b>	<b>Type of materials</b>	<b>Unit</b>	<b>Amount (1.000 vnd)</b>	<b>Note</b>
	workshop)			
12	Red brick (made in factory)	<i>1.000 vnd / brick</i>		
13	Brick.....	<i>1.000 vnd /brick</i>		
14	Brick.....	<i>1.000 vnd / brick</i>		
15	Fibrocement roof	<i>1.000 vnd /slab</i>		
16	Local red tile	<i>1.000 vnd /pieces</i>		
17	Red tile.....	<i>1.000 vnd / pieces</i>		
18	Construction labor (worker)	<i>1.000 vnd /man-day</i>		
19	Construction labor (auxiliary worker)	<i>1.000 vnd /man-day</i>		
20	Construction labor (Unskilled worker)	<i>1.000 vnd /man-day</i>		

*Date ..... Month ..... Year 2015*

**Interviewer**

**Interviewees**

### APPENDIX 3: INTERVIEW MINUTE OF HOUSEHOLDS

**Interviewees: Mr. Lương Văn Hoạch, Kênh Giang commune, Thủy Nguyên Rural District, Haiphong City**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: In the recent years, there are few household conducted the land transaction. And if any transaction between seller and purchaser, they almost no need the land transaction contract.

Q: Why is only little transaction locally happen?

A: I am not clear about the reason why, I guess that in general, homestead land of households living there is rather large and mostly were inherited/ partitioned by their parent, and if anyone wants to buy land they also have no money to do it.

Q: How much does the homestead land cost?

A: I don't know exactly, however, base on the homestead land prices of some households purchased in recent years at NH10 – location 1 are about 8,000,000 – 10,000,000vnd/ m<sup>2</sup> depend on the each locations. But in the contracts these prices are only 3,000,000 – 3,500,000vnd/ m<sup>2</sup>.

Q: Do you think at the moment, how much does the square-meter of homestead land cost?

A: I am not sure, because there is no transaction in long time, however at the frontline of NH10, the price at least must be 8,000,000vnd/ m<sup>2</sup> if someone have the really need to buy.

Q: How much do the garden land or pond cost in this area?

A: There is no garden/ pond land in the homestead land plot because the most of homestead land in our commune were confirmed since 1990, so the garden/pond land is not considered as homestead land. However, price of perennial crops land (garden land) and annual crop land may be 200,000vnd/ m<sup>2</sup>.

Q: How much does the agricultural land cost?

A: Price of paddy land is about 200,000vnd/ m<sup>2</sup> and more depend on the location of paddy land.

Q: Is it right to say that houses are popularly built in solid structure in this area?

A: Yes, it is.

Q: How much does it cost per square meter to build such a solid structure house?

A: It depends on type of the house, and depends on the structure; generally, it is about 4,000,000 – 500,000,000vnd/constructed m<sup>2</sup>.

Q: How much is wages for worker per day to building the house?

A: Construction worker is about 250,000 – 300,000vnd/ man-day; auxiliary worker is about 250,000 – 300,000vnd/ man-day.



Q: Do you know about the cost of construction materials sold in this area?  
A: I am not quite clear about the prices of all materials, but I may know some.  
Q: How is about the price of cement?  
A: It is about 1,500 VND/kg.  
Q: How is about the price of iron steel?  
A: Depend on the iron, as iron Ø 6 or Ø 8 is about 13,000vnd/ kg.  
Q: Do your family plant any banana?  
A: Yes, I do  
Q: How much you can get income from a banana tree?  
A: In average, we can get 100,000 VND, more or less it depends the growth of tree.  
Q: How about other kinds of tree are?  
A: 1,000,000 VND/longan tree, 800,000 VND/mango tree...  
Q: How is about price of paddy per kilogram?  
A: It is about 6,500VND/kg.

**Interviewees: Mr. Lương Văn Hùng, Kênh Giang commune, Thủy Nguyên Rural District, Haiphong City**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?  
A: Yes, my household is impacted.  
Q: Is there any land transactions were carried out in this area?  
A: There is no land transaction. If any, may be it happens in other hamlet.  
Q: Why is only little transaction locally happen?  
A: I don't know, may be demand to buy more land of people around here is not much. Though, homestead land of households living there is rather large and if it is necessary they can partition for their childrens, grandchild, so they no need to purchasing or selling. Regards with the small area, if they want to buy more land, they also have no money to do it.  
Q: How much does the agricultural land cost?  
A: Price of paddy land is about 250,000 – 300,000vnd/ m<sup>2</sup>.  
Q: How much do the price of garden land or aquacultural surface water cost in this area?  
A: I am not clear about these prices.  
Q: What kind of trees do you plant?  
A: Banana, jackfruit, longan, mango, eucalyptus...  
Q: Can you estimate the money you get if these trees are harvested per year?

A: 500,000vnd/ a mango tree, 300,000vnd/ a longan tree, 800,000/ a jackfruit tree, 90,000vnd/ a banana... it is unspecified.

Q: How is about price of paddy per kilogram?

A: It is in range 6,000 – 7,000vnd/kg, although in this year there are many different price levels at different moments.

Q: How much does it cost per square meter to build a house?

A: My house has been not constructed new in recent years, but some household have been constructed, price is about 4,000,000 – 500,000,000vnd/constructed m<sup>2</sup>.

Q: How much is wages for worker per day?

A: Is about 200,000 – 300,000vnd/ man-day if hiring the construction worker.

Q: Do you know about the cost of construction materials?

A: Price of cement is about 1,500vnd/kg, sand is 380,000vnd/m<sup>3</sup>.

Q: How about the construction iron?

A: I am not sure, maybe in a range 12,000-13,000vnd/kg.

### **Trịnh Thị Lê, Hòa Bình commune, Thủy Nguyên Rural District, Haiphong City**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: There are a few land transactions. Some households have just transferred homestead land.

Q: How much does the homestead land cost?

A: Actually, they transferred with the price is about 3,000,000vnd/ m<sup>2</sup> but in the land transaction contract, it is only 500,000vnd/ m<sup>2</sup>.

Q: How much does the garden land cost?

A: I don't clear the price of garden in other locals, but in Hoa Binh commune, there is no garden land in the homestead land, because total area of each household mostly are rather small, average is 100m<sup>2</sup>.

Q: How much does the agricultural land cost?

A: Agricultural land, detail is paddy land sometime is transferred more frequent; price is in range 250,000 – 300,000vnd/ m<sup>2</sup>.

Q: What kind of fruittree do you plant?

A: There are many kinds of fruittree, as you see, banana, guava, jackfruit, lemon, mango, carambola...

Q: Can you estimate the money you get if these trees are harvested per year?

A: In the harvest this year, I have just calculated cursorily show that this harvest is rather good, 60,000vnd/ a banana tree, 100,000vnd/ a custard-apple tree,

200,000vnd/ a guava tree, 500,000vnd/ a jackfruit tree, and same price 1,000,000 for both a longan and mango tree...

Q: It is rather good, isn't it?

A: Yes, it is. Each tree is each kind. But mostly are for family's demand. So price is only estimated.

Q: How much does the paddy price cost in this year?

A: Its price is unstable, this year, it change from 5,000 – 7,000vnd/kg

Q: Average price is?

A: Is about 6,500vnd/ kg.

Q: Do you plant the timber tree?

A: No, I don't, there is no land for that.

Q: How much does it cost per square meter to build a house in your local?

A: Well, I don't clear much about that. But I think it takes about 4,000,000 – 5,000,000vnd/m<sup>2</sup> depends on structural type and size of house.

Q: How much is wages for worker per day?

A: Is about 200,000 – 300,000vnd depending on detail work items.

Q: How about the price hiring the agricultural worker?

A: I don't clear. Price to hiring the harvester is 300,000vnd/ man-day. And sometime, we can't hire anyone, because there are too many tenants, and special in the weather conditions in this year, so the hiring price is higher is acceptable.

Q: Do you know about price of construction material such as iron, sand, cement...?

A: I don't know.

Q: Thanks alot!

**Phạm Văn Chiến, Hamlet no.11 - Hòa Bình commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject "Haiphong Trunk Road Construction"?

A: Yes, my household is impacted.

Q: Is there any land transactions were carried out in this area?

A: Price of homestead land in my local, if is transferred may be the price will be 3,000,000vnd/ m<sup>2</sup>.

Q: Do you know the promulgated compensation price for recovery agricultural land?

A: It seems 60,000vnd.

Q: How much does it cost per a square-meter of agricultural land you want to sell at the moment?

A: If I want to buy the paddy field, I will accept the price level 250,000 – 300,000vnd/ m<sup>2</sup>

Q: How is about the price before?

A: About 200,000vnd.

Q: How much is wages for worker per day to building the house?

A: Construction worker is about 250,000 – 300,000vnd/ man-day; auxiliary worker is 200,000vnd/ man-day.

Q: How much is wages for worker per day?

A: I do not clear. Price for hiring the harvester is about 300,000vnd/ man-day, and sometime we can't hire anyone because in the harvest, there are many households want to hire the harvester.

Q: Do you know about price of construction material

A: Sand is about 400,000vnd/ m<sup>3</sup>

Q: And price cement?

A: About 1,500vnd/ kg

Q: How is about price of iron/steel?

A: About 13,000vnd/kg

Q: How much do these trees cost?

A: I don't know. As you see, there is no tree here.

Q: Thanks alot!

**Trần Văn Đình, Hamlet no.11 - Hòa Bình commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: There are a few households have just transferred homestead land, agricultural land, but not much.

Q: How much does the homestead land cost?

A: A household have transferred with the price is about 3,000,000vnd/ m<sup>2</sup>.

Q: If you also to sell your homestead land? How much does it cost?

A: I think same as the transferred households

Q: Means 3,000,000vnd/ m<sup>2</sup>?

A: That's right.

Q: How much does the paddy land cost?

A: About 200,000 – 300,000vnd/ m<sup>2</sup>.

Q: How much does it cost per square meter to build a house in your local?  
A: I don't know.  
Q: How much is wages for worker per day to building the house?  
A: It seems about 200,000 – 300,000vnd/ man-day if I do not mistake.  
Q: How much is wages for worker per day to building the other items?  
A: I do not clear, but I think it may be same with the construction man-day because they are the construction.  
Q: Do you know the price of construction material?  
A: I don't know, for along time I don't care these things like that.  
Q: Do you estimate the value of your fruittrees that is counted into money in this year?  
A: I think it's about 80,000vnd/ a banana tree, 500,000vnd/ a jackfruit tree and 700,000vnd/ a mango tree.  
Q: How much does the paddy price cost in this year?  
A: About 6,500vnd/ kg.  
Q: Thanks alot!

**Trần Văn Xá, Hamlet no.11 - Hòa Bình commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?  
A: Yes, my household is impacted.  
Q: Is there any land transactions were carried out in this area?  
A: There are much the land transaction at the frontline of PR359, and fewer at the hamlet because at the frontline of PR359, homestead land can combine with business.  
Q: How much does the homestead land cost?  
A: At the frontline of PR359 as I know that is about 7,000,000 – 8,000,000vnd/ m<sup>2</sup>.  
Q: Oh, is it rather high?  
A: It is possible price; you know that, at this location, it is convenient to trade, besides it is in the big transport road, so it must higher than other locations.  
Q: At the moment, do you think how much does it cost per square meter to build a house in your local?  
A: It depend on the different locations, I don't clear.  
Q: How much does the paddy land cost?  
A: About is 250,000 – 300,000vnd/ m<sup>2</sup> depend on the location of paddy field is near the road or not; at the high or low elevation area because the cultivation will effect on the drainage sytem.

Q: Base on the actual price of construction material to building the housing items, how much does it cost for each square-meter?

A: Depend on the structure of house, as I know construction cost is about 5,000,000vnd/ m<sup>2</sup>.

Q: How much is wages for worker per day to building the house?

A: About 200,000 – 300,000vnd.

Q: Do you know the price of construction material?

A: As I know, sand price is 380,000 – 400,000vnd; cement price depend on the type, average 1,500vnd; iron price also depend on type of iron from 10,000 – 13,000vnd/ kg.

Q: What kind of tree do you plant?

A: There are many kind of tree, such as longan, mango, banana, guava, custard-apple, and dracontomelum... and more.

Q: Do you estimate the value of your fruittrees that is counted into money in this year?

A: I don't remember, but not much, these trees are only for family using.

Q: How much does the paddy price cost in this year?

A: About 6,500vnd/ kg.

Q: Thanks alot!

### **Phạm Văn Giang, An Lư commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: How much does the homestead land cost?

A: I don't know axactly about that. But price of homestead land at An Lao Hamlet is about 2,000,000vnd/ m<sup>2</sup>; and at commune axe-road is about 3,000,000vnd/ m<sup>2</sup>.

Q: How much does the agricultural land cost?

A: In recent year, there is no agricultural land transaction, but in 2011, there was a Project compensated 70,000,000vnd/ 360m<sup>2</sup> near the compensation cost of VSIP Project is about 130,000,000vnd/ 360m<sup>2</sup>, is approxiamately 360,000vnd/m<sup>2</sup>. This is the information of other commune I heard.

Q: What kind of tree do you plant?

A: Banana, jackfruit, longan, mango, eucalyptus...

Q: Do you estimate the value of your fruittrees that is counted into money in this year?

Q: Mango is about 600,000vnd/ tree; longan is 800,000vnd/ tree; other fruit is only for family's using; eucalyptus has not harvested yet; banana is 100,000vnd/ tree.

Q: How much does the paddy price cost in this year?

A: Average is 6,500 vnd/ kg.

Q: How much does it cost per square meter to build a house in your local?

A: I don't know.

Q: How much is wages for worker per day to building the house?

A: About 200,000vnd.

Q: How much is wages for worker per day to building the other items?

A: I think it same.

Q: Do you know the price of construction material?

A: I don't know.

Q: Thanks alot!

### **Trần Thị Nhường, An Lư commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject "Haiphong Trunk Road Construction"?

A: Yes, my household is impacted.

Q: Is there any agricultural land transactions were carried out in this area?

A: There are a few agricultural land transactions.

Q: How much does the paddy land cost?

A: Price of paddy land is about 200,000-300,000vnd/ m<sup>2</sup> for each different location.

Q: How is about the paddy price in this year?

A: It is unstable; in this year cost is changed from 5,000 – 7,000vnd/ kg.

Q: How much average price is?

A: Average price is 6,000vnd.

Q: Do you plant the timber tree?

A: No, I don't. I only plant the fruit tree.

Q: Do you estimate the value of your fruittrees that is counted into money in this year?

A: Price of jackfruit is about 400,000 – 500,000vnd/ tree, price of mango is about 800,000vnd/ tree, price of guava is 200,000 – 300,000vnd/ tree... almost fruittrees are for family using. If the harvest is too much, we will buy them in the market.

Q: How much does it cost per square meter to build a house in your local?

A: I don't know axactly. But I think, it is range of 4,000,000 – 5,000,000vnd/ m<sup>2</sup>, and depend on the economical condtion of each household.

Q: Do you know the price for constructing the grave in this commune?

A: Earth grave is about 3,000,000 – 4,000,000vnd/ grave; built grave is about 6,000,000 – 7,000,000vnd/ grave; however it even tills 9,000,000 – 10,000,000vnd/ grave for ability of each different household.

Q: How many is labor price in local area?

A: As I know it is about 200,000 – 300,000vnd, this depends on the job.

Q: How much is wages for worker per day to building the house?

A: Housing construction worker is about 250,000 – 300,000vnd/man-day.

Q: How much is wages for worker per day to building the other items?

A: I don't know.

Q: Do you know the price of construction material such as sand, iron...?

A: I only know the price of sand is 300,000vnd.

Q: Thanks alot!

**Phạm Văn Tự, An Lư commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: How much does the homestead land cost?

A: I don't know axactly about that. You should ask another. I don't care about the land transactions.

Q: How much does it cost per square meter to build a house in your local?

A: I don't know.

Q: How much is wages for worker per day to building the house?

A: It is about 200,000vnd.

Q: Do you know the price for a construction man-day to build the other item as gate, breeding facilities?

A: It is the same or cheaper little.

Q: Do you know the price of construction material such as sand, iron...?

A: Sand is about 300,000vnd.

Q: How is about the cement price.

A: It is about 1,500vnd.

Q: Thanks alot!

**Lê Văn Hưởng, Thủy Triều commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: There is no land transaction. However the homestead lands price at the frontline of PR359 is about 7,000,000 – 8,000,000vnd/ m<sup>2</sup>.



Q: Is there any agricultural land transactions were carried out in this area?

A: In recent year, there is no land transaction. But in the past, the agricultural land is compensated higher 2 times promulgated compensation price. This compensation price is too low. But nowadays, the promulgated compensation price is compensation higher 5 times, people feel happy and agreement.

Q: How much does it cost per square meter to build a house in your local?

A: In order to build the solid structure house, its price is about 3,500,000 – 4,500,000vnd/ m<sup>2</sup>. However this price depends on the type of house.

Q: What kind of tree do you plant?

A: The fruittree such as: banana, papaya, jackfruit, mango, guava, dracontomelum; the shade trees as eucalyptus...

Q: Do you estimate the value of your fruittrees that is counted into money in this year?

A: Price of banana is about 80,000vnd/ tree, papaya is about 100,000vnd/tree, jackfruit is about 500,000vnd/ tree... almost fruittrees are for family using.

Q: Do you know the price of timber that you planted?

A: As I know price of eucalyptus with the diameter less than 10cm is 50,000vnd/ tree, high tree is about 100,000vnd/ tree.

Q: Thanks alot!

### **Đỗ Văn Bắc, Thủy Triều commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: Yes, my household is impacted.

Q: Is there any land transactions were carried out in this area?

A: I don't know. If any, maybe happen in the frontline of road area where can trade. In other location, it is a few land transactions, because in recent years, in general, the living is difficult, no one have money to buy land.

Q: How much does the homestead land cost?

A: As I know the homestead lands price at the frontline of PR359 is over 6,500,000vnd/ m<sup>2</sup>. However it depends on the location, some household offered 8,000,000vnd/ m<sup>2</sup> for long time but no one accepted.

Q: How much does the paddy land cost?

A: It is about 200,000 – 300,000vnd/ m<sup>2</sup>.

Q: Base on the actual price of construction material to building the housing items, how much does it cost for each square-meter?

A: Depend on the structure of house, as I know construction cost is about 4,000,000vnd/ m<sup>2</sup>.

Q: How much is wages for worker per day?

A: It is about 250,000vnd for build the house and 200,000vnd for building other items.

Q: Do you know the price of construction material such as sand, iron...?

A: Sand is about 300,000vnd, cement is 1,600vnd, and iron is about 10,000 to 20,000vnd depends on the type.

Q: Do you plant many kinds of tree?

A: Yes, I do.

Q: Do you estimate the value of your fruit trees that is counted into money in this year?

A: Price of longan is about 1,000,000vnd/ tree; mango is about 800,000vnd/ tree...

Q: How much does the paddy price cost in this year?

A: About 6,500vnd/ kg.

Q: Thanks alot!

### **Nguyễn Văn Tư, Thủy Triều commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: How much does the homestead land cost?

A: I don't know.

Q: What kind of tree do you plant?

A: Banana, jackfruit, mango, longan, eucalyptus...

Q: Do you estimate the value of your fruit trees that is counted into money in this year?

A: 700,000vnd/ mango tree, 550,000vnd/ longan tree, 500,000vnd/ jackfruit tree, 80,000vnd/ banana tree; and others for family using, eucalyptus has not been harvested yet..

Q: How much does the paddy price cost in this year?

A: Average is 6,500vnd.

Q: How much does it cost per square meter to build a house in your local?

A: I don't know.

Q: How much is wages for worker per day to building the house?

A: It is about 250,000vnd.

Q: How much is wages for worker per day to building the other items?

A: I think the same price.

Q: Do you know the price of construction material such as sand, iron...?

A: I don't know.

### **Đỗ Văn Biên, Thủy Triều commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: However the homestead lands price at the frontline of PR359 is higher because in the location can trade and lower than locations in hamlet.

Q: Low price is how much?

A: In the frontline of PR359, price is about 7,000,000 – 8,000,000vnd/ m<sup>2</sup>; in the hamlet price are about 2,500,000 – 3,000,000vnd/ m<sup>2</sup>.

Q: How much does it cost per square meter to build a house in your local?

A: I don’t clear much. Depending on the type of house and different materials, price is estimated about 4,000,000 – 5,000,000vnd/ m<sup>2</sup>.

Q: Do you know the price of construction material?

A: The material is the same prices. Table price for material is applied by shops in monthly. Price of sand is 350,000 – 400,000vnd/ m<sup>3</sup>, iron depends on type and sell in kilogram, or sell in iron-bar. If any shop sells with higher price, there is no buyer.

Q: How much do the furnitural things cost, example is toilet furniture?

A: Price depends on production firm and different quality. Example is the INAX china porcelain lavabor, normal type is about 2,500,000vnd/ set.

Q: Do you think that the promulgated price of Haiphong CPC is suitable with the actual price?

A: I don’t care about the promulgated price of Haiphong CPC, because I am agent of Construction material company, so I only use the company’s prices. When I glance at the CPC’s price I think it rather suitable, but in detail, it is rather difficult to compare.

Q: Thanks alot!

### **Nguyễn Thị Tới, Trung Hà commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: Yes, my household is impacted.

Q: Is there any land transactions were carried out in this area?

A: I don’t know.

Q: How much does the agricultural land cost?

A: There is no transaction. If you want to know detail, you should ask another.

Q: If you need to sell the agricultural land, how much does it cost?

A: I think the same with another commune. It is about 300,000vnd/ m<sup>2</sup>

Q: Do you plant many kind of tree?

A: Yes, I do.

Q: Which kind of tree?

A: Jackfruit, mango, dragonmetalum, guava, lemon...

Q: How much do these trees cost?

A: I don't know.

Q: Do you estimate the value of your fruittrees that is counted into money in this year?

A: Mostly for family's using; 500,000vnd/ jackfruit tree; 200,000vnd/ guava tree; 800,000vnd/ mango tree

Q: How much does it cost per square meter to build a house in your local?

A: I don't know. You should ask the male.

Q: Thanks alot!

### **Nguyễn Văn Bích, Ngũ Lão commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject "Haiphong Trunk Road Construction"?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: There are many land transactions because Ngu Lao commune is one of central commune of Thuy Nguyen Rural District, specially at the PR359 area.

Q: How much does the homestead land cost?

A: As I know the household have just transferred with the price 8,500,000vnd/ m<sup>2</sup> and they conducted the land transaction contract. This household is in PR359.

Q: If you want to sell the homestead land, how many prices do you want?

A: Same as the sold price in this area.

Q: Means is 8,500,000vnd/ m<sup>2</sup>.

A: Yes, it must be.

Q: How much does the paddy land cost?

A: 200,000 – 300,000vnd/ m<sup>2</sup>.

Q: How much does it cost per square meter to build a house in your local?

A: As I know in order to build the 2 storey-house, the construction cost must be 5,000,000vnd/ m<sup>2</sup>

Q: How much is wages for worker to building the house?

A: Is about 200,000 – 300,000vnd depend on the type of workers. Price for the construction worker is about 300,000vnd but auxiliary worker is about 200,000vnd/ mand-day.

Q: How much is wages for worker to building the other item is?

A: I don't know. Maybe the wage is the same.

Q: Do you know the price of construction material?

A: Price of cement is 1,400,000vnd/ ton, sand is 380,000vnd/ m<sup>3</sup>; price of iron depends on the type of iron such as iron Ø 6, Ø 8 is 13,000vnd/ kg.

Q: Do you know the price for constructing the grave in this commune?

A: Each grave have the different prices, price of earth grave is about 3,000,000vnd; and the built grave also depend on the structure of each grave, sample built grave is about 4,000,000vnd but with the fastidious built grave may be the price up to 10,000,000vnd (exclude the price for buying the buried land).

Q: In this year how much does a kilogram of rice cost?

A: 6,500vnd/ kg.

Q: Thanks alot!

### **Bà Nguyễn Thị Chiên, Ngũ Lão commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: Yes, my household is impacted.

Q: Is there any land transactions were carried out in this area?

A: Agricultural land transaction is not much. But the homestead land is okay.

Q: How much does the homestead land cost?

A: Price for homestead land is 8,000,000vnd/ m<sup>2</sup> at frontline of PR359; and is 3,000,000 – 3,500,000vnd/ m<sup>2</sup> at frontline of axe-hamlet road.

Q: How much does the agricultural land cost?

A: I don't know. I am a retired teacher, so I don't care much about that, moreover no one in my neighbourhood sell or buy this land.

Q: How much does it cost per square meter to build a house in your local?

A: I don't clear about that. But I think, price maybe in range 4,000,000 – 5,000,000vnd/ m<sup>2</sup> and depend on structure of house.

Q: Do you know the price for constructing the grave in this commune?

A: Price of earth grave is about 3,000,000 – 4,000,000vnd; built grave depend on the ability of each household, price is from 6,000,000 – 7,000,000vnd and upto 9,000,000 – 10,000,000vnd.

Q: How much is wages for worker per day to building the house?

A: Is about 250,000 – 300,000vnd/ day

Q: How much is wages for worker per day to building other items?

A: I don't know.

Q: Do you know the price of construction material?

A: I don't know.

Q: Thanks alot!

**Lê Thị Hiền, Ngũ Lão commune, Thủy Nguyên Rural District** (have just constructed the new house)

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: Homestead land transaction is not much. But the homestead land is okay.

Q: How much does the homestead land cost?

A: I don't sure, it seam 8,000,000vnd.

Q: How much does the paddy land cost?

A: 200,000 – 300,000vnd/ m<sup>2</sup> for different locations.

Q: How much does it cost per square meter to build a house in your local?

A: Depending on the structure of house, construction price of my house is lum sum 4,000,000vnd/ m<sup>2</sup>. I only observed not only care about other things.

Q: Do you know the price for constructing the grave in this commune?

A: Price of earth grave is about 3,000,000 – 4,000,000vnd; built grave depend on the ability of each household, price is from 6,000,000 – 7,000,000vnd and upto 9,000,000 – 10,000,000vnd.

Q: How much is wages for worker per day?

A: 200,000 – 300,000vnd/ day depend on the work.

Q: Do you know the price of construction material?

A: Price of sand is 380,000vnd/ m<sup>3</sup>; 1,450,000vnd/ ton of cement; iron Ø 6, Ø 8 is 13,000vnd/ kg; I don't remember prices of others, because they are in the unit price of construction material of shop.

Q: Thanks alot!

**Đinh Thị Vĩnh, Ngũ Lão commune, Thủy Nguyên Rural District** (owner of construction material shop)

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: I don't care about that.

Q: How much does it cost per square meter to build a house in your local?

A: As I know, in order to building the solid structure house like type of house surrounding here, it must be 3,500,000 – 5,000,000vnd/ m<sup>2</sup>; even upto 5,500,000 –

6,000,000vnd/ m<sup>2</sup>; and only is about 3,000,000vnd/ m<sup>2</sup>. Construction price depend on the structure of house.

Q: How much does it cost per square meter to build an auxiliary work?

A: Nowadays, local people build this in the house as the type of modern house in city. The local people here have the living condition is too different with the old days.

Q: How much is wages for worker per day?

A: 200,000 – 300,000vnd/ day depend on the work.

Q: Do you know the price of construction material?

A: We have the different unit prices for each production firms. And they also change depend on the different markets.

Q: Do you think that the promulgated price of Haiphong CPC is suitable with the actual price you are trading?

A: I think it's rather suitable prices. However, there are many kinds of construction materials so it's difficult to correct absolutely as market price.

Q: Thanks alot!

### **Đình Thị Nhàn, Phả Lễ commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject “Haiphong Trunk Road Construction”?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: At present, there is no land transaction.

Q: How much does the homestead land cost?

A: Price of homestead land depends on the location, at the axe-commune road its price is 2,000,000vnd/m<sup>2</sup> and if selling the land and house maybe upto 2,500,000 vnd/ m<sup>2</sup>.

Q: How much does it cost per square meter to build a house in your local?

A: I don't know, you should ask another.

Q: Do you know the price for constructing the grave in this commune?

A: Price of earth grave is about 3,000,000 – 4,000,000vnd; built grave depend on the ability of each household, price is from 6,000,000 – 7,000,000vnd and upto 9,000,000 – 10,000,000vnd.

Q: How much is wages for worker per day?

A: 200,000 – 300,000vnd/ day depend on the work.

Q: How much is wages for worker per day to building the house and other items?

A: Wages for worker per day to buiding the house is 250,000 – 300,000vnd/ day.

Q: How much is wages for worker per day to building other items?

A: I don't know.

Q: Do you know the price of construction material?

A: I only know the price of sand is about 300,000vnd; I don't know price of other material.

Q: Thanks alot!

### **Vũ Thị Ngọt, Lập Lễ commune, Thủy Nguyên Rural District**

Q: Is your household impacted by the Subproject "Haiphong Trunk Road Construction"?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: There is few of homestead land transaction, price of homestead land at the axe-commune road is about 4,000,000 – 4,500,000vnd/ m<sup>2</sup>; in hamlet it is only 3,000,000vnd/m<sup>2</sup>.

Q: How much does the agricultural land cost?

A: I think same with other locals, is about 300,000vnd/ m<sup>2</sup>.

Q: Is there the fruit traders come to buy the fruit at the garden?

A: No, never see this.

Q: Do you plant the fruit tree?

A: Yes, I do. These trees almost serve for family using, not trading.

Q: Do you know the price for constructing the grave in this commune?

A: Minimum price is about 3,000,000vnd and maximum price level depends on many things, it's difficult to determine.

Q: How much does it cost per square meter to build a house in your local?

A: Construction price depend on the structure of house, but I think it's rather much money to building a house, maybe 4,000,000 – 5,000,000vnd/ m<sup>2</sup>.

Q: Thanks alot!

### **Nguyễn Thị Quỳnh Vân, Máy Tơ Ward, Ngô Quyền Urban District**

Q: Is your household impacted by the Subproject "Haiphong Trunk Road Construction"?

A: No, not impacted.

Q: Is there any land transactions were carried out in this area?

A: This ward is too large. I don't know about like that.

Q: So is there any land transactions were carried out in Nguyen Trai Road?

A: There is no transaction recent years in Nguyen Trai Roads, because everybody knows the information about the Project long time ago. Example House no.43, Nguyen Trai Road offered for sale for long time.



Q: How many does House no.43 Nguyen Trai Road offer the price?

A: They offer 4,000,000,000vnd for land and house. This is a 2-storey house; area is about 50m<sup>2</sup>.

Q: So it must be 40,000,000vnd/ m<sup>2</sup>.

Y: Yes, that's right.

Q: Is there any success case in land transferred in recent year?

A: Seem the case of house no. 20 Nguyen Trai Road.

Q: How much does transferred price?

A: This case was the mortgage assest, and this household can't ability to pay debt, so Bank auctioned, auction price is 4,400,000,000vnd.

Q: The price includes the house and land, does it?

A: Yes, area of land is 80m<sup>2</sup>; this is the 3-storye house.

Q: How much does it cost per square meter?

A: I don't know exactly, but it seems including the taxes and constructed cost, so it maybe is 40,000,000vnd/ m<sup>2</sup>.

Q: How much does it cost per square meter to build a house in your local?

A: I don't clear about that, you should ask the construction staff of Ward People Committee. But I think it is about 5,000,000vnd/ m<sup>2</sup>.

Q: Is there any household plant kind of trees in Nguyen Trai Road?

A: No there isn't, perhaps only bonsais in each household, there is no land to plant in this area.

Q: So the shape tree in the pavements is managed by Urban Tree Company.

A: Yes that's right.

Q: Thanks alot!

## **APPENDIX 4: LAND TRANSACTION CONTRACTS**

# **APPENDIX 2 – PARTICIPANTS LIST OF STAKEHOLDER MEETINGS**

## **CONTENTS**

<b>1. Dong Hai 2 Ward, Hai An District</b> .....	<b>1</b>
<b>2. Nam Hai Ward, Hai An District</b> .....	<b>3</b>





**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM**  
**Độc lập – Tự do – Hạnh phúc**

*Hải An, ngày 30 tháng 5 năm 2015*

**BIÊN BẢN CUỘC HỌP THAM VẤN CỘNG ĐỒNG**  
**DỰ ÁN ĐTXD ĐƯỜNG TRỰC CHÍNH ĐÔ THỊ THÀNH PHỐ HẢI PHÒNG**

**1. Giới thiệu**

Địa điểm	Ngày họp	Số người tham gia
Phòng họp Công ty TNHH Đầu tư Hàng Hải – Nam Hải thuộc Phường Nam Hải – Quận Hải An.	Ngày 30/5/2015	..... người
<b>Mục đích của buổi họp</b>		
<ul style="list-style-type: none"><li>- Cung cấp những thông tin cơ bản về Dự án tới cộng đồng.</li><li>- Cung cấp thông tin về các tác động chủ yếu dự kiến của dự án đến môi trường.</li><li>- Thu thập ý kiến đóng góp về Dự án của doanh nghiệp tham dự buổi họp.</li></ul>		
<b>Tổ chức</b>		
<ul style="list-style-type: none"><li>- Đại diện Công ty TNHH Đầu tư Hàng Hải – Nam Hải</li><li>Ông: Nguyễn Ngọc Tuyên - Giám đốc Công ty</li><li>Ông: Lê Văn Nam - Phó. GD Công ty</li><li>Ông: Phùng Kim Thanh - Kiểm soát trưởng</li></ul> <p>và các cán bộ trong Công ty.</p> <p>- Đại diện tư vấn:</p> <p style="padding-left: 40px;">Ông: Phạm Thế Giang</p> <p>và các thành viên trong đoàn</p>		
<b>Thư ký:</b> Phạm Mạnh Tiến		
<b>Người báo cáo:</b> Phạm Thế Giang		



Cuộc họp bắt đầu lúc 14h00, đại diện Tư vấn giới thiệu và trình bày sơ bộ về xuất xứ, mục đích và tiến trình của Dự án. Mô tả những tác động dự kiến của Dự án đến môi trường tự nhiên và xã hội.

Tiếp theo là phần thảo luận, đóng góp ý kiến về các vấn đề môi trường, GPMB&TĐC của Dự án, cụ thể như sau:

## 2. Thảo luận

- Ông Nguyễn Ngọc Tuyên (Giám đốc): Giới thiệu thông tin về quy mô hoạt động của doanh nghiệp : Doanh nghiệp có đầm nuôi trồng thủy sản diện tích 97 hecta, có sự đóng góp của khoảng 8000 hộ dân tham gia nuôi trồng thủy sản. Tiền thân của doanh nghiệp là Hợp tác xã Nam Hải chuyển đổi thành Công ty TNHH Đầu tư Hàng Hải – Nam Hải từ năm 2014).

Nhất trí ủng hộ chủ trương của Đảng và nhà nước khi triển khai dự án. Tuy nhiên có ý kiến sau:

+ Đất thuộc Đầm nuôi thủy sản của doanh nghiệp đã từng bị GPMB bởi các dự án sau : Dự án đường cao tốc Hà Nội – Hải Phòng đã chiếm dụng 20 hecta đất ; Dự án đường Lạch Tray – Hồ Đông chiếm dụng 07 hecta đất của Đầm ; Dự án khu dịch vụ Đình Vũ chiếm dụng 12 hecta đất của Đầm. Mong muốn của Doanh nghiệp cần có chính sách đền bù phù hợp đủ điều kiện cho doanh nghiệp có cơ sở thay thế đảm bảo hoạt động kinh doanh như hiện nay.

+ Khu vực đất của Đầm nuôi thủy sản đã có quy hoạch chi tiết trên bản đồ 1 :500 là đất chuyển đổi sang dịch vụ cảng năm 2009. Mong muốn chính quyền địa phương xem xét, sớm cho doanh nghiệp được chuyển đổi đất theo quy hoạch đã phê duyệt.

- Đại diện Dự án trả lời một số vấn đề mà doanh nghiệp quan tâm : Hiện nay Dự án đang trong giai đoạn nghiên cứu, phạm vi của Dự án mới chỉ ở mức tương đối. Trong các bước tiếp theo Dự án sẽ có thiết kế chi tiết, cụ thể hơn. Những ý kiến đóng góp của đại diện doanh nghiệp sẽ được phía dự án tiếp thu và có nghiên cứu để có các biện pháp sao cho dự án có tính khả thi cao nhất, đảm bảo quyền lợi và hỗ trợ tốt cho hoạt động sản xuất kinh doanh của doanh nghiệp.

## 3. Tổng kết và bế mạc cuộc họp

Cuộc họp kết thúc vào hồi 15h30 cùng ngày.



Đại diện Doanh nghiệp

GIÁM ĐỐC  
NGUYỄN NGỌC TUYÊN

Đại diện tư vấn

*Nguyễn Phạm Thị Hằng*



### APPENDIX 3 - IMAGE OF STAKEHOLDER MEETINGS



Dong Hai 2 Commune – Hai An District



Hang Hai Company Ltd. – Nam Hai Commune – Hai An District

#### Other pictures

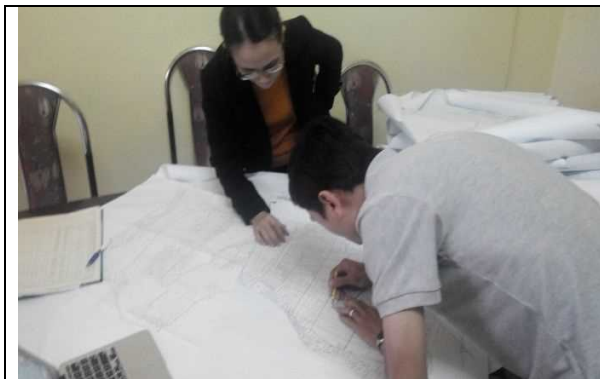






Table 1. Resettlement Cost of Vu Yen Bridge

No	ITEM	UNIT	Hai An District		
			Quantity	Unit price	Amount
<b>I</b>	<b>Resettlement compensation</b>				<b>73,485,500,000</b>
<b>1</b>	<b>Land compensation</b>				
	Residential land	m2		8,500,000	
	Annual crop land	m2		60,000	
	Aqua cultural land	m2	38,200	80,000	3,056,000,000
	Trade and service land	m2	26,085	2,700,000	70,429,500,000
<b>2</b>	<b>Compensation for structures</b>				
	House with over three floors	m2		4,000,000	
	House with three floors	m2		4,000,000	
	House with two floors	m2		3,500,000	
	House with one floor	m2		5,500,000	
<b>3</b>	<b>Other compensation</b>				
	Rice	m2			
	Tomb	piece		8,000	
	Fruit tree	tree		9,500,000	
	Facility of enterprise			500,000	
<b>II</b>	<b>Assistances</b>				<b>49,180,000,000</b>
	Replacement assistance	Household		5,000,000	
	Support to stabilize life and production for argricultural households	Person			
	Support to stabilize life and production for replacement households	Person		6,000,000	
	Support for job change for argricultural households (rice field owner)	m2		300,000	
	Support for job change for argricultural households (aqua cultural owner)	m2	38,200	400,000	15,280,000,000
	Support to stabilize life for production of enterprises		113,000,000,000	0.3	33,900,000,000
<b>III</b>	<b>Sub-total (I+II)</b>				<b>122,665,500,000</b>
<b>IV</b>	<b>External Monitoring</b>				<b>890,000,000</b>
<b>V</b>	<b>Organizational cost for imple mentation of compensation, assistance and resettlement</b>	<b>2%III</b>			<b>2,453,310,000</b>
<b>VI</b>	<b>Contingency</b>	<b>10%(III+IV+V)</b>			<b>12,600,881,000</b>
	<b>TOTAL</b>	<b>(III+IV+V+VI)</b>			<b>138,609,691,000</b>