

# Basic Resettlement Plan (Draft)

---

October 2020

CAM: Second Greater Mekong Subregion  
Tourism Infrastructure for Inclusive Growth Project

## **Koh Tonsay Pier and Walkway Subproject**

Prepared by the Ministry of Tourism with the assistance of consultants under the guidance and direction of the General Department of Resettlement of the Ministry of Economy and Finance for the Asian Development Bank (ADB).

This basic resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## CURRENCY EQUIVALENTS

---

Currency Unit	-	Riel (KR)
KR 1.00	=	USD 0.00024
USD 1.00	=	KR 4,075

## ABBREVIATIONS

---

ADB	-	Asian Development Bank
AHs	-	Affected Households
ASEAN	-	Association of Southeast Asian Nations
BRP	-	Basic Resettlement Plan
COI	-	Corridor of Impact
DIMDM	-	Department of Internal Monitoring and Data Management
DMS	-	Detailed Measurement Survey
DOT	-	Department of Tourism
DPs	-	Displaced Persons
DRP	-	Detailed Resettlement Plan
EA	-	Executing Agency
GDR	-	General Department of Resettlement
GRM	-	Grievance Redress Mechanism
GMS	-	Greater Mekong Subregion
IA	-	Implementing Agency
IOL	-	Inventory of Losses
IRC	-	Inter-Ministerial Resettlement Committee
LAR	-	Land Acquisition and Resettlement
MEF	-	Ministry of Economy and Finance
MOT	-	Ministry of Tourism
MPWT	-	Ministry of Public Works and Transport
PMU	-	Project Management Unit
PCU	-	Project Coordination Unit
PIB	-	Public Information Brochure
PIU	-	Project Implementation Unit
PMCES	-	Project Management and Civil Engineering Support
PRSC	-	Provincial Resettlement Sub-Committee
RCS	-	Replacement Cost Study
RD2	-	Resettlement Department 2
RGC	-	Royal Government of Cambodia
RRCS	-	Rapid Replacement Cost Study
RP	-	Resettlement Plan
SOP	-	Standard Operating Procedures
SPS	-	Safeguard Policy Statement (2009)
WG	-	Working Group

## DEFINITIONS OF TERMS

---

Affected Household (AH)	Refers to all displaced persons (DPs) residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Basic Resettlement Plan (BRP)	Prepared when the development partners' safeguard policies require a resettlement plan based on census/inventory of losses (IOL) and sample socio-economic survey (SES) for review and approval before the completion of detailed design and/or land demarcation. Also referred as an Initial or Draft Resettlement Plan.
Compensation	Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a project at the time the asset needs to be replaced. All compensation is based on the principle of full replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling cost. In applying this method of valuation depreciation of structures and assets should not be taken into account.
Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis at different stages of the project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive and tailored to the needs of disadvantaged and vulnerable groups; (v) enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Corridor of Impact (COI)	<p>(i) Permanent. Is the area which is required to be permanently acquired by GDR for easement of the civil works and their unhindered operation &amp; maintenance (O&amp;M) in the future, and it is agreed and demarcated by the executing agency (EA). The exact location of the permanent boundaries of the easement may be required for formal confirmation of boundaries in the cadastral records.</p> <p>(ii) Temporary. Is the area within which the temporary construction activities and movements of equipment will take place during the Project implementation. The extent of the area is somewhat dependent on the types of construction method and machinery used by the contractor. Such impacts and associated remedial measures and costs are typically borne by the contractor at his own expenses depending on the contractual details.</p>
Cut-off date for Eligibility	Refers to the date established by the RGC that determines the eligibility of the AHs/DPs to receive compensation and resettlement assistance under the proposed subproject. The cut-off date for eligibility for this subproject was set on 29 May 2020 - the date of the completion of public consultations conducted with DPs, and local authorities during the feasibility study. Only those DPs who own, occupy or reside on the land to be acquired for the subproject under the proposed subproject as of this date will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the BRP. Any person who occupies in the subproject area after the cut-off date will not be entitled to compensation and assistance. Fixed assets such as built structures (new or expansion of existing structures), crops, fruit trees, and other similar assets established

after the cut-off date will not be compensated. The information regarding the cut-off date has been included in the PIB which was distributed to the AHs during the first public consultation meeting in the affected village in May 2020. The PIB in Khmer language with the information on the cut-off-date was also posted in the village meeting hall and the house of the community chief, and other accessible public places.

Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the finalization of the IOL, measurement of losses, 100% SES, and 100% census of the DPs.
Detailed Resettlement Plan (DRP)	Prepared when detailed designs or land demarcation have been completed and the full impacts following a detailed measurement survey are known. Also referred as Full Resettlement Plan or Resettlement Action Plan. When a Basic Resettlement Plan has been prepared, the Detailed Resettlement Plan is an update of the Basic Resettlement Plan.
Displaced Person (DP)	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. (ADB SPS 2009.)
Economic Displacement	Refers to loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlements	Resettlement entitlements with respect to a particular eligibility category are the sum of compensation and other forms of assistance provided to DPs in the respective eligibility.
Income Restoration	This is the re-establishment of productive livelihood of the DPs to enable income generation equal to or, if possible, better than that earned by the DPs before the resettlement.
Census and Inventory of Losses (IOL)	A count of all DPs irrespective of their titled or non-titled land ownership status. Its purpose is to accurately document the number of DPs and to create an inventory of their losses finalized on the basis of a DMS.
Major Impacts	This refers to AHs who will be (i) physically displaced from housing, or (ii) those losing 10% or more of their total productive assets (income generating).
Physical Displacement	Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Replacement Cost	The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the DPs and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. The borrower/client will also collect baseline data on housing, house types, and construction materials. Qualified and experienced experts will undertake the

valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

Resettlement Plan (RP)	A time-bound action plan that includes objectives, principles, entitlements, specific activities, responsibilities of concerned agencies, groups and individuals, and budget for addressing the displacement of people from assets, sources of incomes, homes, and communities towards reconstructing their disrupted lives and improving or restoring their standards of living to at least pre-displacement levels. The draft RP is prepared based on the census/IOL and a socio-economic survey (SES) and will be updated based on the DMS once the detailed engineering design of the subproject is approved.
Right of Way (ROW)	Refers the land necessary for construction and maintenance of public infrastructure, owned or still to be acquired, reserved for public use or for a Government project.
Vulnerable Groups	These are individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status and specifically include: (i) households falling under the Cambodia national poverty rate, (ii) female headed households with dependents living below the national poverty rate, (iii) disabled household heads with no other means of support, (iv) elderly households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities.

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>8</b>
<b>I. PROJECT AND SUBPROJECT DESCRIPTION</b> .....	<b>11</b>
1.1. Project Description .....	11
1.2. Proposed Koh Tonsay Pier and Walkway Subproject .....	11
<b>II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT</b> .....	<b>14</b>
2.1. Measures Taken to Minimize Resettlement Impacts .....	14
2.2. Summary of Impacts .....	14
<b>III. SOCIO-ECONOMIC INFORMATION AND PROFILE</b> .....	<b>19</b>
<b>3.1. Information of Affected Household Heads</b> .....	<b>19</b>
<b>3.2. Information of Affected Household Members</b> .....	<b>19</b>
<b>IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION</b> .....	<b>22</b>
4.1. Objectives of Consultation and Participation.....	22
4.2. Public consultation and Information Disclosure during the Preparation of the Basic Resettlement Plan .....	22
4.3. Disclosure Requirements .....	25
4.4. Public Consultation and Participation during DRP Implementation .....	25
<b>V. GRIEVANCE REDRESS MECHANISM</b> .....	<b>27</b>
<b>VI. LEGAL FRAMEWORK</b> .....	<b>30</b>
6.1. Cambodia Laws and Regulations .....	30
6.2. ADB Safeguard Policy Statement (SPS) 2009 .....	31
6.3. Comparison of Government Law and Regulations with ADB Policies .....	33
6.4. Valuation Methodology for Replacement Cost.....	39
6.5. Subproject Policy Requirements .....	39
<b>VII. ENTITLEMENT, ASSISTANCE AND BENEFITS</b> .....	<b>40</b>
<b>VIII. RELOCATION OF HOUSING AND SETTLEMENT</b> .....	<b>44</b>
<b>IX. INCOME RESTORATION AND REHABILITATION</b> .....	<b>45</b>
<b>X. RESETTLEMENT BUDGET AND FINANCING PLAN</b> .....	<b>46</b>
<b>XI. INSTITUTIONAL ARRANGEMENTS</b> .....	<b>48</b>
<b>XII. IMPLEMENTATION SCHEDULE</b> .....	<b>53</b>
<b>XIII. MONITORING AND REPORTING</b> .....	<b>54</b>
<b>APPENDICES</b> .....	<b>56</b>
Appendix 1: Internal Monitoring Indicators.....	57
Appendix 2: Minute of Public Consultation Meetings and List of Participants .....	58
Appendix 3: Summary of Rapid Replacement Cost Study .....	71
Appendix 4: Public Information Brochure.....	73
Appendix 5: Decision of Assignment of Land for Use by Koh Tonsay Community .....	75
Appendix 6: The Assurance of the Kep Governor .....	77
Appendix 7: Letter on Announcement of Cut-Off Date .....	79
Appendix 8: Some Photos During the IOL .....	83

## LIST OF TABLES

---

Table 1: Summary of Land Acquisition and Resettlement Impacts .....	15
Table 2: Impacts on Structures and Trees .....	16
Table 3: Marital Status of Affected Household Heads.....	19
Table 4: Age Distribution of Affected Household Heads.....	19
Table 5: Age Distribution of Displaced Persons .....	20
Table 6: Education Levels of Displaced Persons .....	20
Table 7: Breakdown of Average Monthly Expenditure of Affected Households .....	21
Table 8: Number of Participants Attending Public Consultation Meetings Conducted during RP Preparation.....	23
Table 9: Summary of Public Consultation Meetings.....	23
Table 10: Gap Analysis and Reconciliation of ADB's SPS (2009) and RGC's SOP .....	34
Table 11: Entitlement Matrix.....	41
Table 12: Indicative Estimated Compensation and Assistance.....	46
Table 13: Tentative Implementation Schedule of Resettlement Activities .....	53

## LIST OF FIGURES

---

Figure 1: The Proposed Layout of the Pier .....	12
Figure 2: The Proposed Alignment of the Walkway and the Proposed Pier Site .....	13
Figure 3: Affected Shops and Other Structures .....	16
Figure 4: One of Affected Pipe Culverts .....	17
Figure 5: The Proposed Grievance Redress Mechanism .....	29
Figure 6: Flowchart of Institutional Arrangements for Land Acquisition and Resettlement.....	51

## EXECUTIVE SUMMARY

### A. Project and Subproject Descriptions

1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the Project) will improve urban-rural transport infrastructure and urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia. It will help transform secondary towns in the GMS Economic Corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (2014–2019).

2. The Koh Tonsay Pier Subproject is one of the subprojects under Second GMS Tourism Infrastructure for Inclusive Growth Project implemented in Cambodia. The subproject includes two components: (i) the pier construction; and (ii) the walkway construction. Component (i) consists of four sub-components: (a) a platform built offshore on shallow water, resting on rock-fill and protected by a retaining wall; (b) a protection dike; (c) the terminal head-hammer; and (d) two floating pontoons. The purposes of the pier construction are not only to the transit of tourists but also to transport goods, water and construction materials that are needed for the operation of resorts on the Koh Tonsay island. Component (ii) consists of a concrete walkway of about 850m long, 2.8m wide and 150mm thick placed over a sub-base of compacted sand. The walkway will be utilized by the tourists not only for the transfer to/from the pier, but also during their stay to reach the various parts of the beach and to walk between the various bar and restaurants. The implementation of the subproject will promote the development of tourism and economy in Kep town as well as Koh Tonsay island.

3. This Basic Resettlement Plan (BRP) has been prepared based on the results of Inventory of Losses (IOL) for affected assets of the potentially affected households (AHs); the results of information disclosure, consultation, and participation conducted during preparation of the BRP; and rapid replacement cost study (RRCS) on affected assets conducted in June 2020. The Detailed Resettlement Plan (DRP) will be prepared updated in November 2020 based on the detailed measurement survey (DMS), the result of replacement cost study (RCS) for the affected land and assets, and additional consultations with the AHs when the detailed engineering design of the subproject is approved.

### B. Scope of Land Acquisition and Resettlement Impacts

4. The IOL for the affected assets of local people was conducted in June 2020. The construction of the pier will be carried out on State public land. Therefore, no acquisition of private land owned by individuals and households is required and no assets on land will be affected by the component. The construction of the walkway will also be on State public land, no land of local individual and households will be also acquired. However, structures including shops and other structures and fruit trees of seven (7) AHs or 32 displaced persons (DPs) on the State private land which Kep Provincial Administration assigned to the local community including the 7 AHs in December 2013 will be affected. Among the affected structures, shops of two (2) AHs/8 DPs will be affected and will need to shift back to the State public land behind the affected shops to continue their business. A total of 17 coconut trees will be cut down due to the land acquisition by the subproject.

### C. Information Disclosure, Consultation and Participation

5. Information disclosure and consultations with the DPs were carried out during the BRP preparation. Two rounds of public consultation meetings were held with the AHs on Koh Tonsay island during the preparation of the BRP. Prior to the commencement of meeting the public information brochure (PIB) was distributed to the participants. The first

consultative meeting was held in 29 May 2020 prior to conducting the IOL. The consultation included detailed discussions on (i) the project design, (ii) proposed subproject and its two components, (iii) potential impacts on land acquisition, (iv) eligibility and entitlements on compensation and resettlement assistance, (v) cut-off date, (vi) proposed implementation schedule, and (vii) the grievance redress mechanism (GRM). In addition, the PIB was explained in detail to local authorities and the DPs, especially those who are illiterate. The concerns of DPs were responded during the consultation meetings and their concerns regarding Land Acquisition and Resettlement (LAR) are addressed in this BRP. The second consultative meeting was held on 19 June 2020 with one-on-one interviews with the AHs at the time of conducting and completing the IOL. A total of 33 participants attended the meetings out of which 15 were females.

6. Upon approval by the Inter-ministerial Resettlement Committee (IRC) and ADB, this BRP will be uploaded on the ADB and Ministry of Tourism (MOT) websites. The updated PIBs will be further distributed and explained to all AHs prior to DMS. Information disclosure will continue after the approval of BRP, during DRP preparation and implementation. The updated PIBs will be explained to the DPs prior to the DMS and during house-to-house DMS. The BRP and DRP for the subproject in Khmer language will be sent to authorities of Kep Town and Koh Tonsay island, the community chief, uploaded in ADB and MOT websites and posted in accessible public places such as village halls or commune offices.

#### **D. Grievance Redress Mechanism**

7. The GRM stipulated by Standard Operating Procedures (SOP) for land acquisition and resettlement (LAR) for Externally Financial Projects in Cambodia<sup>1</sup> shall be followed to ensure that all complaints raised by local people and community in regard to LAR; compensation and assistance; and other aspects of the subproject are resolved in a timely manner. The proposed GRM has been discussed with the AHs in the public consultation meetings. Any DP, in addition to seeking community level resolution to his/her grievance through community or commune chiefs or seniors, can formally lodge his/her grievance at district, General Department of Resettlement (GDR) and Provincial Grievance Redress Committee (PGRC) levels through standard procedures as specified in this BRP. The complainants will be exempted from all administrative fees except for legal fees that might be incurred in the resolution of grievances and complaints.

#### **E. Legal and Policy Framework**

8. The legal and policy framework for land acquisition, compensation, and assistance of the Project is defined by relevant laws and regulations of the Government and the Safeguard Policy Statement (SPS, 2009) of ADB. Objectives of the project's policy are to avoid, or, if not possible to avoid, minimize resettlement impacts, restore income and livelihoods of AHs, and improve living standards of vulnerable AHs by the Project.

#### **F. Eligibility and Entitlements**

9. The cut-off date for eligibility applied for this subproject was set on 29 May 2020 - the date of the completion of public consultations conducted with DPs, and local authorities during the feasibility study. Any people who settle in the subproject area or build new structures or expanding existing structures after the cut-off date will not be entitled for compensation and resettlement assistance under the proposed Subproject. The information regarding the cut-off date has been included in the PIB which was distributed to the AHs during the first public consultation meeting in the affected village in May 2020. The PIB in

---

<sup>1</sup> The SOP for Externally Financed Projects in Cambodia and LAR (2018), reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of DP and the safeguard policies and procedures of Development Partners as applied to public infrastructure investment projects, such as the proposed Project.

Khmer language with the information on the cut-off-date was also posted in the village meeting hall and the house of the community chief, and other accessible public places.

10. An entitlement matrix and its applications mentioned in this BRP covers the compensation and types of assistance to be provided to the AHs who will be affected structures and fruit trees. The Entitlement Matrix has been developed in line with principles of the SOP and the ADB's SPS 2009 and in consultation with and agreed on by the DPs, local authorities and the MOT during the BRP preparation. The affected assets of AHs will be compensated at full replacement cost.

#### **G. Resettlement Budget**

11. The total indicative budget for land acquisition, compensation and assistance for the subproject is \$20,655.44. This amount includes cost for compensation for affected structures and fruit trees; cost of RCS; administration cost; and contingency. The budget will be finalized following the approval of the subproject and based on the results of the DMS, RCS, and approval of the detailed engineering design. The budget will be entirely financed from the national budget and no ADB loan funds will be required.

#### **H. Institutional Arrangements**

12. The subproject will be implemented by the MOT as the executing agency (EA) through The Ministry of Public Works and Transport (MPWT) as the implementing agency (IA). The Project Management Unit (PMU) at MPWT, which will support the EA and IA to undertake the overall oversight and management of the subproject.

13. The IRC, through the GDR of the Ministry of Economy and Finance (MEF), are responsible for updating, implementing, monitoring and reporting of the BRP/DRP. At the provincial level, the MPWT and IRC are assisted by the Resettlement Subcommittee in the province and district through the Provincial Resettlement Sub-Committee Working Group (PRSC-WG).

#### **I. Implementation Schedule**

14. The civil work contractors will be awarded the civil work contracts in compliance with the following conditions: (i) compensation has been fully paid to AHs; (ii) agreed rehabilitation measures are in place (iii) the area is free from all encumbrances. The detailed activities and expected schedule of LAR are presented in this BRP.

#### **J. Monitoring and Reporting**

15. While the Project Coordination Unit (PCU) under MOT will be responsible for monitoring of the overall implementation of the subproject, the Department of Internal Monitoring and Data Management (DIMDM) of GDR will be directly responsible for carrying out internal monitoring, which will (i) review the monthly progress reports provided by the relevant Resettlement Department, including fielding its own missions to verify the progress and the validity of the data and information, where necessary; and (ii) compile semi-annual monitoring reports for submission to ADB and posting on the ADB's website. Since the subproject is not deemed to have significant impacts and is categorized B for involuntary resettlement, external monitoring is not required.

## I. PROJECT AND SUBPROJECT DESCRIPTION

### 1.1. Project Description

1. The GMS Tourism Infrastructure for Inclusive Growth Project (the Project) will improve urban-rural transport infrastructure and urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia. It will help transform secondary towns in the GMS Economic Corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and ASEAN. The Project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (2014–2019).

2. The expected objective of the Project is sustainable, inclusive, and more balanced tourism development, as envisaged in the ASEAN Tourism Strategic Plan 2016–2025. The outcome of the Project is to increase the tourism competitiveness of secondary towns in Cambodia and the Lao PDR. The outputs of the Project include: (i) urban-rural access infrastructure and urban environmental services improved, (ii) capacity to implement ASEAN tourism standards strengthened, and (iii) institutional arrangements for tourism destination management and infrastructure operations and maintenance is strengthened.

### 1.2. Proposed Koh Tonsay Pier and Walkway Subproject

3. The distance between Kep pier and Koh Tonsay island is 5km, and boats are utilized for transporting up to a maximum capacity of 10 passengers. The travelling time from Kep and the Koh Tonsay island is about 15 minutes. In 2019, about 12,400 boat trips were recorded which corresponds to about 2 boat rides per day for each registered boat.

4. On the island, there is no pier for the passenger embarking or disembarking operations which are presently carried out on the sandy beach. Wooden gangways are lowered from the boats to the shore, where the sea is only few decimeters deep. This kind of operation becomes difficult in cases of elderly, disabled or overweight passengers. In cases when the sea is rough, embarking and disembarking is difficult and unsafe for the passengers. The landing on the beach also implies risk of accidents due to the interference of the boats with the swimming and bathing activities.

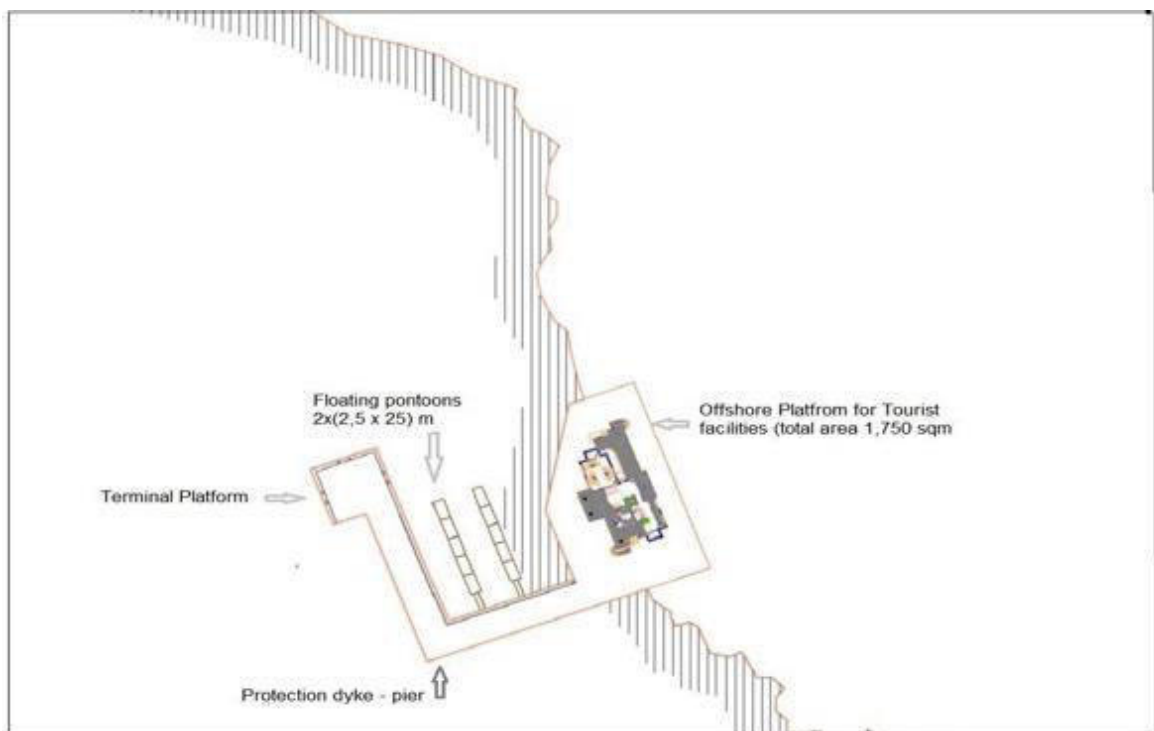
5. Therefore, the construction of a pier on the island is necessary. In addition to the utilization for the transit of passengers, the pier would also become extremely useful for the transport of goods, water and the construction material that are needed for the operation of the resorts, the livelihoods of the residents and the maintenance works. The proposed pier will be mainly conceived to satisfy the demand of the community and the need for the boat operator organization that is already operational on the island. The proposed pier is a combined structure incorporating the functions of a protection dyke formed by rockfill and the concrete upper slab for the access to the embarkation/disembarkation sections.

6. The proposed subproject includes two components: (i) the construction of the pier; and (ii) the construction of walkway.

7. Proposed civil works under the pier construction include:

- A platform built offshore on shallow water, resting on rock-fill and protected by a retaining wall. The tourist facilities will be realized on this platform that will have a total paved area of 1,750 m<sup>2</sup> and will connect the pier to the walkway leading to the resorts and beach.
- The protection dyke, with an L shape, will have a total length of 100m, a width of 8m and it is to be formed by rockfill to form its main structure. A reinforced concrete structure will be placed over on top of the rockfill. The internal side shall be enclosed by precast concrete walls, to permit the boat to board the pier.

- The terminal head-hammer, built at the end of the protection dyke, will have dimension 15m x 15m and will be protected by vertical walls on 3 sides in order to allow the boarding even to large ferries on it 3 sides.
  - Two floating pontoons, with dimension 25 x 2.5m, shall be secured to the pier and to the sea bottom to keep their fixed position in the calm area created by the dyke. At least 8 (eight) boats will be permitted to board the two pontoons simultaneously, whilst other 4-5 boats will board at various place along the vertical walls of the pier. The mooring capacity is more than adequate considering the future demands that the number of boats which is currently mooring the pier rarely exceeds 50% of the total number of the operating boats.
8. The proposed layout of the pier is shown in , 2020
9. **Figure 1** below.



Source: The Project Management and Civil Engineering Support (PMCES) Consultant, 2020

**Figure 1: The Proposed Layout of the Pier**

10. The walkway will be about 850m long, 2.80m wide and will have 150mm thick reinforced concrete pavement to allow possible utilization of electric driven carts, buggies or electric tuk-tuks to carry passengers, goods or luggage to the pier from the various places along the beach. The walkway will cross over two small streams and will be bridged by pipe culverts. The tourists could use the walkway to transfer to or from the pier; to reach the various parts of the beach; and to walk to various bar and restaurants.

11. The proposed alignment of the walkway and the proposed pier site is illustrated as  
Source: The PMCES Consultant, 2020

12. **Figure 2** below.



Source: The PMCES Consultant, 2020

**Figure 2: The Proposed Alignment of the Walkway and the Proposed Pier Site**

## II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

### 2.1. Measures Taken to Minimize Resettlement Impacts

13. The following measures were considered by the PMCES Consultant, local authorities, and communities to avoid LAR impacts caused by the construction of the pier component and minimize the adverse impacts caused by the walkway construction component:

- Designs of the pier and the walkway have been discussed with local authorities and community. No acquisition of private land owned by individuals and households is required for the construction of the pier since the area where the pier is to be located is unused State public land; and
- The walkway construction follows the existing walking track on the State public land. Therefore, no private land from DPs will be acquired for walkway construction. The width of the walkway for paving is adjusted on one side of the existing walking track to avoid impacts on structures DPs on the other side along the walkway.

### 2.2. Summary of Impacts

14. The IOL based on the preliminary design of the proposed subproject was conducted by the PMCES Consultant in June 2020. The IOL was carried out with the participation of AHs, community chief and representatives of local authorities of Kep Town so that the AHs were aware of the scope of land acquisition impacts caused by the proposed Subproject.

15. According to the IOL results, for the construction of the Pier component, all of construction activities will be conducted on the unused public land. Acquisition of land from individuals and/or households is therefore not required for the component.

16. For the construction of the walkway component, no private land of individuals and/or households is acquired; however, seven (7) AHs or 32 DPs will have trees and/or structures affected by land acquisition by the component. Among those AHs, one (1) AH has the structure affected only; one (1) AH has trees affected only; and five (5) AHs have both trees and structures affected. Table 1 summarizes the LAR impacts caused by the walkway component. The constructed structures of the AHs including shops, concrete walkway, and plastic/aluminum shade umbrellas are on the State private land<sup>2</sup> that Kep Provincial Administration allocated to the community on Kon Tonsay island including 7 AHs in December 2013 (The decision of land assignment for use by the community is attached in the Appendix 5). The duration of the land use is not indicated in the decision for granting of land for use. It is normal practice that the Government, if the land is needed for public interests, will announce six (6) months in advance to the land users before acquiring the land. Therefore, there is no loss of any private residential land of private individuals or households.

17. Among the AHs with loss of structures, two (2) AHs/8 DPs out of seven (7) AHs/32 DPs have two small shops with the areas of 84 m<sup>2</sup> and 158.6 m<sup>2</sup> affected and will have to re-establish their business on the land available at the back of their existing shops which is still within the State private land allocated by Kep Provincial Administration. There will be loss of business during the transition period. The income from the affected business which is the main income source of the livelihood of the 2 AHs – as estimated by the AHs, will be

---

<sup>2</sup> State public land becomes State private land when it no longer has public interest use. According to Article 16 of the Land Law, when the State public properties lose their public interest use, they can be listed as private properties of the State by law on transferring of State public property to State private property. According to Article 17, lands within the State private property may be the subject of a concession pursuant to the conditions set forth in Chapter 5 of the Land Law

disrupted for only one month and will be compensated for one month projected loss of income and income loss during the transition period including transport allowance. The one month period includes period for moving assets and goods to the new shops, shop re-establishment, and the period after moving the shops when they restore their businesses. The AHs also revealed that during construction of the new shops, the AHs still can operate their businesses partly in their affected shops. As a result, the AHs will experience minor impacts. None of the 7 AHs are considered vulnerable. The affected land (242.6m<sup>2</sup>) is the State private land – compensation therefore, is not required for the affected land area. Given that the subproject includes the involuntary resettlement impacts that are not deemed significant, the subproject is classified category B for involuntary resettlement. The scope of involuntary impacts of the subproject will be finalized following the demarcation on site and any potential change/adjustment to the detailed engineering design will be included in the DRP.

**Table 1: Summary of Land Acquisition and Resettlement Impacts**

#	Impacts	Unit	Quantity	No. of AHs (household)	No. of DPs (person)
A	Total No. of AHs				
1	Households with loss of private land			0	0
2	Households with loss of trees or structures other than land including			7	32
2.1	- Household having only structure affected			1	5
2.2	- Household having only tree affected			1	5
2.3	- Households having both structures and trees affected			5	22
B	Impacts on Structures			6	23
1	Shops	m <sup>2</sup>	242.60	2	8
2	Plastic/aluminum shade umbrellas	m <sup>2</sup>	273.00	4	19
3	Concrete way/footpath	m	20.00	1	5
C	Impacts on trees	Tree	17.00	6	27
D	Impacts on vulnerable households			0	0
E	Temporary impact on business			2	8
F	Impacts on Public Assets - Concrete pipe culverts with $\phi$ 0.60m		6	Community	

Source: IOL, June 2020

### Impacts on Structures

18. A total of 6 AHs (23 persons) will have structures affected by the construction works under the walkway component. The affected structures include 20m<sup>2</sup> of the existing concrete footpath of 1 AH; 242.60m<sup>2</sup> of two (2) shops owned by 2 AHs; and 273m<sup>2</sup> of plastic/aluminum shade umbrellas owned by 4 AHs (Table 2). The IOL results showed that the affected shops are made of simple structures with wooden columns, concrete floor and corrugated iron roof and the other affected temporary structures are made of wooden/concrete columns, plastic net-roof and no wall (Figure 3).



Source: IOL, June, 2020

**Figure 3: Affected Shops and Other Structures**

**Impacts on Structures and Trees**

19. The construction activities of the walkway will also affect 17 coconut trees of six (6) AHs/27 DPs. The results of interviews with the AHs indicated that the affected coconut trees were planted for home consumption only, not for sale of coconuts. Table 2 summarizes the impacts on structures and coconut trees by household.

**Table 2: Impacts on Structures and Trees**

No	Affected Structure/ Tree Owners	No. of DPs	Structures						Trees
			Concrete walkway (m <sup>2</sup> )		Shops (m <sup>2</sup> )		Plastic/aluminum shade umbrellas (m <sup>2</sup> )		Coconut Tree (Nos.)
			Total area	Affected area	Total area	Affected area	Total area	Affected area	
1	Kim Vouch La	5	40.00	20.00			84.00	84.00	3
2	Chhay Sokheng	4					105.00	105.00	3

No	Affected Structure/ Tree Owners	No. of DPs	Structures						Trees
			Concrete walkway (m <sup>2</sup> )		Shops (m <sup>2</sup> )		Plastic/aluminum shade umbrellas (m <sup>2</sup> )		Coconut Tree (Nos.)
			Total area	Affected area	Total area	Affected area	Total area	Affected area	
3	Khim Sin	4					60.00	60.00	3
4	Chea Am	5							4
5	Khim Leng/ Chhun Rim	6					24.00	24.00	1
6	Heng Srey	3			158.60	158.60			3
7	Ngan Sokha	5			84.00	84.00			
<b>Total</b>		<b>32</b>	<b>40.00</b>	<b>20.00</b>	<b>242.60</b>	<b>242.60</b>	<b>273.00</b>	<b>273.00</b>	<b>17</b>

Source: IOL, June 2020

### Impacts on Public Assets

20. In addition to the above impacts the construction of the walkway also causes impacts on six (6) concrete pipe culverts with  $\Phi$  0.60m owned by the community in the subproject area. The photograph showing of one of the affected pipe culverts is in Figure 4.



Source: IOL, June 2020

**Figure 4: One of Affected Pipe Culverts**

### Impacts on Business

21. The IOL results indicated that among seven (7) AHs, two (02) AHs/ 8 DPs have shops fully affected by the construction of the walkway and will have to shift back move their shops on to the available land at the back of the affected shops. The results of interviews with the AHs indicated that these AHs are operating business with business registration of their own. They confirmed that there will be no employee/hired labor losing their job because of the shop relocation. The average net-income from the affected business is estimated at about \$600.00 per household per month. As mentioned in Paragraph 15, the representative of the AHs revealed that it would take about a month to relocate their shops on the same piece the land and get their business to operate normally and restore the income as to the pre-project level. Furthermore, they can still do business in the affected shops partly while constructing the new shops. Therefore, the impact on business of the two AHs is considered as minor impacts. This will be re-confirmed with the

engineering team during the detailed engineering design to ensure appropriate method statement is prepared so that extended disruption of businesses beyond 1 month is avoided.

22. As mentioned in Paragraph 16 above, among the other four (4) AHs/19 DPs, one (1) AH/5 DPs will have concrete way of 20m<sup>2</sup> affected and all the 4 AHs/19 DPs will have plastic/aluminum shade umbrellas (which are used to provide shade from sun for tourists sitting for a rest and having cold drinks and food from the shops) affected due to the construction of walkway component (Figure 3). However, the areas of affected structures are minor and the affected temporary structures or umbrellas can be shifted back and reinstalled easily; therefore, the business activities of the four (4) AHs will not be affected by the subproject; this has been confirmed by the AHs during the IOL and the consultations conducted in June 2020.

### **Impacts on Vulnerable Households**

23. The interview results indicated that 5 AHs out of 7 AHs are those headed by female; however, these 5 AHs according to the results of the interviews with them, are well-off, and are not considered vulnerable. All of the AHs are Khmer people – therefore, no Indigenous Peoples or Ethnic Minority groups are affected by land acquisition. None of the AHs are headed by the elderly or the disabled without any other means of support. Therefore, none of the AHs are classified as vulnerable households.

### **Impacts during Construction**

24. Any area which is to be permanently acquired for the purpose of civil works and their unhindered operation and maintenance in future and is agreed and demarcated by the EA will be acquired and fully compensated. Any impact on temporary or permanent structures, businesses, pavements driveways etc. during construction that contractor causes is the responsibility of the contractor. If cash payment is needed, because the contractor causes the impact that is beyond what was already compensated within the COI, then it should be at full replacement cost, and as per the entitlement matrix. The bid documents for the civil works will include the safeguard requirements to ensure that contractors appropriately implement the agreed measures.

25. PMU, contractor and households with affected pavements or structures will prepare a simple Temporary Impact Agreement prior to start of construction. This contract will include drawing of the extent of temporary impact including measurements as well as pictures of the pavement or structures prior to start of construction. Effective construction supervision and monitoring at all stages of subproject implementation will ensure minimal temporary impact.

26. For any temporary site installation or other area, the contractor will have to propose in a site installation and access plan and obtain approval from the PMU. Where possible, unoccupied, and unused public land will be used for temporary land use or storage. The contractor shall rent the private space with agreed rental fee. Both private and public space shall be returned in the same or improved condition compared with pre-project situation. Through a transparent and contractual approach, the PMU will provide the contractor with the project's land acquisition and compensation principles to ensure that (i) official compensation rates are applied, (ii) re-instatement of affected assets contractually defined, (iii) consultation takes place, (iv) the grievance mechanism is followed, (v) the Environmental Management Plan is applied, and (vi) other items specified are complied with, in compliance with the ADB's SPS and RGC's SOP.

### **Unanticipated Impacts**

27. If unanticipated involuntary resettlement impacts are found during subproject implementation, the EA and GDR will conduct a social impact assessment and update the DRP or formulate a new DRP covering all applicable requirements specified in the DRP following ADB SPS (2009) and RGC's SOP.

### III. SOCIO-ECONOMIC INFORMATION AND PROFILE

28. In June 2020, the PMCES Consultant conducted one-on-one interviews with all the 7 AHs/32 DPs to be impacted by the subproject. The one-on-one interviews were conducted to (i) gather baseline socio-economic information of the AHs; (ii) collect information on accessibility to basic facilities, employment status, households' assets, and other relevant socio-economic information of AHs; and (iii) analyze the respondents' perception about the land acquisition impacts caused by the subproject. In addition, two (2) focus group discussions (FGDs) consisting of one with a group of affected women and the other with a group of affected shop owners were also carried out to supplement the information obtained through the one-on-one interviews. A total of 11 people participated in the FGDs – all of them were women.

#### 3.1. Information of Affected Household Heads

##### Demographics characteristics

29. Seven (7) AH heads include one (1) man and six (6) women. As shown in Table 3, among seven (7) AH heads, four (4) were married and three (3) were widows. All the DPs are Khmer of ethnicity. Regarding age distribution of the AH heads (Table 4), two AH heads are aged from 30 to 40 years old, four AH heads are in the age of 41-64 years old and the other 1 AH head is at the age of 65 and over.

**Table 3: Marital Status of Affected Household Heads**

	Marital Status		Total No. of surveyed AHs
	Married	Widowed	
Male	1	0	1
Female	3	3	6
<b>Total</b>	<b>4</b>	<b>3</b>	<b>7</b>

Source: SES, June 2020

**Table 4: Age Distribution of Affected Household Heads**

	Age Group			Total No. of surveyed AHs
	30 - 40	41-64	65 and over	
Male	0	1	0	1
Female	2	3	1	6
<b>Total</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>7</b>

Source: SES, June 2020

##### Education Level

30. Regarding highest level of educational attainment, four (4) AH heads graduated from primary school while the remaining 3 AH heads did not attend school and are illiterate.

##### Occupation and Income Source

31. The main occupation of all the AH heads is business – this occupation is also their main income source. They are selling cold drinks and/or food and snacks. None of the AH heads have secondary occupation or any secondary income source.

#### 3.2. Information of Affected Household Members

##### Demographics characteristics

32. There are 32 DPs comprising 13 males and 19 females. The average household size is 4.6 persons per household. More than three-quarters of the DPs (25 persons) are of working age population including 6 DPs aged from 15 to 29 years old, 9 DPs aged from 30 to 40, and 10 DPs aged from 41 to 64 years old. There are six (6) children and adolescents

who are at the age of under 15 years old and only 1 old person in the age bracket of over 65 years old (Table 5).

**Table 5: Age Distribution of Displaced Persons**

	Age Group					Total No. of DPs
	Children and adolescents	Working age population			The elderly population	
	Under 15	15-29	30-40	41-64	65 and over	
Male	2	3	4	4	0	13
Female	4	3	5	6	1	19
<b>Total</b>	<b>6</b>	<b>6</b>	<b>9</b>	<b>10</b>	<b>1</b>	<b>32</b>

Source: SES, June 2020

### Education Level

33. Among the total DPs, more than two thirds or 22 DPs completed the primary school while the numbers of those who graduated secondary and high school are 4 and 3, respectively. Three (3) out of the 32 DPs are illiterate (Table 6).

**Table 6: Education Levels of Displaced Persons**

	Education Level				Total No. of DPs (person)
	Not attended school (illiterate)	Completed primary education	Completed secondary education	Completed high school	
Male	0	11	0	2	13
Female	3	11	4	1	19
<b>Total</b>	<b>3</b>	<b>22</b>	<b>4</b>	<b>3</b>	<b>32</b>

Source: SES, June 2020

### Occupation, Income and Expenditure

34. Among the 32 DPs, 9 DPs are currently attending school and 23 DPs are working for their respective family shops. This means none of the DPs are unemployed. The earnings from doing small business (cold drinks shops and restaurants) is the main income source of all the DPs. None of the DPs have secondary occupation/income source.

35. The results of the interviews with the AHs showed that six (6) out of the seven (7) AHs have the average monthly income of more than \$600.00 per household per month and the monthly income of the other household is estimated at about \$320.00 per month. Therefore, the average monthly income per capita of the DPs is from \$69.50 to \$130.40, which is much higher than the poverty threshold regulated by the Government (\$33 per capita per month)<sup>3</sup>. None of the AHs are poor households and none of them fall under ID Poor 1 or 2 status<sup>4</sup>. For the monthly expenditure of the AHs, as shown in Table 7, it was estimated by the AHs that 31.40% of their expenses is spent on water, electricity and fuel

<sup>3</sup> Cambodia uses an absolute poverty line definition. In 2013, the Ministry of Planning (MOP) introduced new poverty lines. The revisions to the poverty lines include (a) food poverty line based on 2,200 calories per person per day (up from 2,100); and (b) a non-food component that is estimated separately for Phnom Penh, other urban, and rural areas. Cambodia Socioeconomic Survey 2014 identified those who earned less than \$33 per person per month considered living under poverty line for other urban area.

<sup>4</sup> The Identification of Poor Households (ID Poor) classifies household income level using a proxy means test (PMT), which assigns a household "poverty score" based on a range of information, such as demographics, number of children in the house, and indebtedness, to the cumulative quality and quantity of a household's assets.

- Non-poor: Households classified as "non-poor" have been assigned a PMT score that ranges from 0 to 44;  
 - Poor ("ID Poor 1"): Households classified as "poor" fall within a PMT score range of 45 to 58 points;  
 - Very poor (ID Poor 2): Households classified as "very poor" have been assigned a PMT score greater than 58. (OECD, Social Protection System Review of Cambodia, 2017).

bills; 23.80% on food; 19.80% is for festival, weddings and funeral; 14.60% is for tuition fees. The cost of health examination and treatments makes up 3.90% of total expenditures and the remaining proportion of the household expenditure is for other purposes.

**Table 7: Breakdown of Average Monthly Expenditure of Affected Households**

	Expenditure Items						Total
	Water, electricity, and fuel bills	Food	Festival, weddings, and funeral	Tuition fees	Health examination and treatments	Others	
%	31.40	23.80	19.80	14.60	3.90	6.5	100

Source: SES, June 2020

### **Gender Issues**

36. In general, no significant gender issue in the subproject area as well as in the AHs was found during consultations with the community and one-on-one interviews with the AHs. Both men and women in the AHs play the role in their businesses such as selling goods, serving customers, and putting goods into their warehouses. Both men and women are involved in decision making of household issues. However, women are more likely responsible for doing household chores than the men.

### **Indigenous Peoples**

37. No Indigenous Peoples are affected by the subproject as all the DPs are Khmer people. Hence, Indigenous Peoples Safeguards is not triggered.

### **Preferences on Resettlement**

38. The one-on-one interviews with the AHs also revealed preferences on resettlement of the two (2) AHs with fully affected shops. The AHs preferred to be provided with compensation for affected structures and to build new shops on the state private land available behind the affected shops to continue their businesses.

## **IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

### **4.1. Objectives of Consultation and Participation**

39. The objectives of consultation and participation of local people include: (i) ensuring the participation of DPs and local community into the progress of design, preparation and making decision process of the proposed subproject; (ii) disseminating all the information, and activities related to the DPs; (iii) collecting the concerns, opinions and suggestions of DPs; (iv) ensuring that all the DPs are notified all the decisions related directly to their income and living standard; and (v) ensuring the transparency of the land acquisition, compensation and resettlement assistance payment. Subproject stakeholders include DPs, community chief, local authorities of Kep Province and Kep Town, and implementing agencies including MOT, MPWT, PMU, Project Implementation Unit (PIU), and Department of Tourism (DOT).

### **4.2. Public consultation and Information Disclosure during the Preparation of the Basic Resettlement Plan**

40. During the preparation of the BRP, the PMCES Consultant together with MOT and DOT worked closely with the local authority to conduct two rounds of public consultations with the AHs and local community in the subproject area.

41. The first round of public consultation was held in 29 May 2020 before the commencement of the IOL and one-on-one interviews with the AHs. The public information brochure (PIB) that was prepared by the PMCES Consultant for MOT and endorsed by GDR was distributed to the participants prior to the commencement of the consultations. The participants of the meeting included representatives of MOT/DOT, PIU, local authorities and heads of the AHs. A total of 21 people attended the meeting, of which 14 meeting participants were males and 7 meeting participants were females. The information discussed in the meeting included: (i) the project and subproject descriptions; (ii) the tentative implementation schedule of IOL and the one-on-one interviews; (iii) the eligibility and proposed entitlements applied for the subproject; (iv) the participation of AHs as well as local community in subproject's activities; and (v) the proposed GRM. The PIB (Appendix 4) was explained in detail to the participants, especially the DPs who are illiterate to tailor to their needs.

42. After the IOL and conducting one-on-one interviews with the AHs, the PMCES Consultant together with local authority carried out the second round of public consultations on 19 June 2020. A total of 12 participants attended the meeting including 4 men and 8 women. The information shared and discussed with the meeting participants included: (i) the preliminary design of the proposed subproject's components; (ii) the scope of land acquisition impacts based on the IOL results; (iii) the principles of LAR applied for proposed the subproject (cut-off date determination, eligibility, proposed entitlements on compensation and assistance); (iv) the proposed implementation schedule of land acquisition, compensation, assistance, and civil works; and (v) the proposed GRM. The PIB was again distributed and explained in detail the participants.

43. The number of the participants attending the meetings disaggregated by gender is shown in Table 8. The minutes of the consultation meetings and list of the meeting participants are enclosed in Appendix 2.

44. In addition to the public consultation meetings, two focus group discussions (FGDs) with one group of shop owners and one group of affected women were held in the subproject area. A total of 11 participants joined the FGDs, all of them (11) are women. The FGDs were conducted (i) to collect additional socio-economic information of the groups, (ii) to discuss their perceptions of the subproject and how the LAR impacts of the subproject will affect the women as well as the business of shop owners, and (iii) to record any concerns, suggestions, and opinions raised by them. All the attendees of the FGDs supported the subproject implementation and suggested that they are regularly informed

about the subproject implementation schedule or any updates on the schedules. The (2) fully affected shop owners fully agreed to shift back their shops. The women confirmed that there would be no impacts except LAR impacts on them. The list of the FGD attendees is attached in Appendix 2. Table 9 summarizes the concerns, suggestions and opinions of the AHs and the local authority on related issues of land acquisition, compensation, and resettlement assistance during the consultation meetings and the FGDs.

**Table 8: Number of Participants Attending Public Consultation Meetings Conducted during RP Preparation**

Date	Place	No. of Participants		
		Male	Female	Total
29 May 2020	Residence of Community Leader, Kon Tonsay	14	7	21
19 June 2020	Residence of Community Leader, Kon Tonsay	4	8	12
20 June 2020	Residence of Community Leader, Kon Tonsay - FGD with Women	N/A	7	7
13 July 2020	Residence of Community Leader, Kon Tonsay - FGD with shop owners at the residence of community leader, Kon Tonsay	0	4	4
	<b>Total</b>	<b>18</b>	<b>26</b>	<b>44</b>

Source: Minutes of Public Consultation Meetings, PMCES Consultant, May and June 2020

**Table 9: Summary of Public Consultation Meetings and FGDs**

Issues Discussed	Concerns, Suggestions, and Opinions Raised by the Participants	Agreements Reached with the AHs
<b>Preliminary design and land acquisition impacts</b>	The participants very much agreed with the implementation of the subproject. They expect that the subproject implementation could promote economy and tourism on the island, and they would be benefited from tourism development through the expansion of their businesses.	They were encouraged to start planning for their businesses expansion and diversify into selling tourism related products/goods that would increase their income.
	The proposed walkway with 20m distance from the shoreline causes impacts on structures and fruit trees as well as business of 7 AHs. The shop owners suggest adjusting the distance from the shoreline to the walkway to reduce the impacts.	The distance of 20m was not far away from the shoreline and the distance was to provide some privacy to the beach users. However, the design engineer team and the Department of Tourism (DOT) will consider the suggestion of AHs and incorporate it in the detailed engineering design (if possible).
	The shop owners are afraid that once the construction of the walkway is completed, other shop owners will operate business in front of their shops.	The DOT confirmed that no one would come to occupy or operate any business in-front their shops aside from the 7 AHs who are doing business in the area. The DOT encouraged that the 7 AHs should meet the expanded tourism needs to avoid other shop owners coming in. However, the 7 AHs were informed that walkway is 850m long and any new business application from anyone outside

<b>Issues Discussed</b>	<b>Concerns, Suggestions, and Opinions Raised by the Participants</b>	<b>Agreements Reached with the AHs</b>
		the 7 AHs will be consulted with them and will require prior approval of the Commune Chief. The assurance letter (Appendix 6) from the Kep Governor is attached.
<b>Entitlement on compensation and assistance</b>	The participants wonder about the cut-off date of the subproject and how the date is disclosed.	The cut-off date for eligibility for this subproject was set on <b>29 May 2020</b> - the date of the completion of public consultations with the DPs and local authorities during the feasibility study.  The cut-off date will be informed to affected community and households as well as posted in accessible public places in the subproject area.
	The DPs concerns about how to calculate the compensation for affected assets.	The Inter-ministerial Resettlement Committee will mobilize an independent and qualified appraiser to determine the full replacement cost who will carry out market research and then calculate the compensation and assistance amount of the lost assets. Compensation rate will be presented to the DPs prior to finalization of the contract. A PIB on compensation package will be prepared and distributed and discussed in the consultation meeting prior to contract offer. For affected structures, cash compensation at full replacement cost will be paid to the affected structure owners without any deductions for salvageable materials or depreciation. The affected fruit trees will be compensated at market rate.
	Two AHs who have to relocate their shops wanted to know how their income loss during business disruption will be calculated and compensated.	Compensation for the income loss is calculated by the net income generated from the affected shops for one month prior to the relocation and reestablishment of their business.
<b>Grievance redress mechanism</b>	The participants agree with the proposed GRM and there is no concern, suggestion, and opinion raised by the participants regarding the proposed GRM.	The participants were informed that prior to DMS, the PGRC will be established and the members will be trained on the process and procedures of GRM and the GRM made fully functional.

Issues Discussed	Concerns, Suggestions, and Opinions Raised by the Participants	Agreements Reached with the AHs
<b>Implementation schedule</b>	The implementation schedule should be updated and informed in advance to local people and authority.	The AHs will be announced of the implementation schedule at least three (3) months in advance before the construction activities start.

Source: Minutes of Public Consultation Meetings, May and June 2020

45. During the subproject implementation, based on the completion and approval of the detailed engineering design of the subproject, the DRP will be prepared. The AHs will participate in various process of the DRP preparation such as the DMS, RCS, compensation, and resettlement assistance payment, monitoring of impacts and benefits and additional consultation meetings.

#### 4.3. Disclosure Requirements

46. Documents including the (i) draft BRP endorsed by the IRC and concurred by ADB before the proposed subproject appraisal; (ii) final DRP endorsed by the IRC and concurred by ADB after the detailed engineering design, and completed census of DPs; (iii) new BRP or DRP, any corrective action plan prepared during implementation, if any; and (iv) resettlement monitoring reports will be disclosed on MOT and ADB websites. These documents including the updated PIB will also be disclosed to DPs and other stakeholders in the village, the commune hall, and the office of the commune chief in Khmer language. For those who are illiterate, the commune chief will summarize the contents of the document for them if they wish.

#### 4.4. Public Consultation and Participation during DRP Implementation

47. During the subproject implementation, there will be two (2) more public consultation meetings to be organized with the AHs, local community, and authority:

- (i) A consultation meeting will take place prior to the DMS stage and is undertaken jointly by the IRC-WG, PRSC-WG and MOT. The PIB will be updated by the GDR with the information about the entitlements as agreed in the BRP (the version accepted by ADB), explained in detail and shared to DPs during the house-to-house DMS and measurements of land and property losses. The DPs will be required to confirm the loss of assets and the measurements and get a full understanding of the basis on which the compensation will be paid for the loss of assets and other entitlements. The Grievance Redress Committee details will be announced to the AHs and the GRM processes and procedures including the relevant grievance forms will be presented and explained in detail during the consultations and attached in the updated PIB. Summaries of discussions with the AHs and/or DPs, including those that are vulnerable will be included in the DRP.
- (ii) A consultation meeting will be held prior to the signing of the agreement or contract for the compensation package and will be undertaken jointly by the IRC-WG, PRSC-WG, and MOT. At this stage, the DMS and the RCS are completed, the compensation package for each AH is known and draft contracts are prepared. Each AH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the AHs on a one-on-one basis. For those AHs who are unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to contact with them. During internal resettlement monitoring conducted by the PIU under MOT and GDR, FGDs, and key-informant

interviews will be conducted (when the compensation payments have been disbursed to the AHs). This is to identify if there are outstanding issues with compensation and assistance payment, and if land acquisition and resettlement are implemented in compliance with the agreed detailed and final DRP.

48. One-on-one consultations with the vulnerable groups to get their views, concerns, and suggestions on LAR will be carried out during and after the DMS. During the finalization of the DRP, the vulnerable AHs shall be consulted about the income restoration program with the training needs elaborated during the consultations with the AHs to allow AHs to choose not only for the AHs heads, but the members of the households as well. Summaries of issues, documentation, photos, list of participants of the public consultation meetings and discussions that are conducted during the DRP preparation will be attached in the final DRP.

## V. GRIEVANCE REDRESS MECHANISM

49. To ensure that any questions and complaints of local people on all aspects of the subproject are addressed in a timely and satisfactory manner, and that all possible avenues are available to residents to air their grievances, the GRM which is stipulated by SOP shall be followed. The concerns and complaints of local people will be resolved through an easy-to-understand and clear process that is appropriate with local cultures and is easily accessed by all of AHs with no cost and penalty. All minutes of the complaint and arbitration process will be recorded, and a copy will be furnished to the complainant. In the public consultation meetings conducted in June 2020, the proposed GRM was discussed and agreed by all the meeting participants.

50. Prior to lodging of complaint or grievance, the complainant may informally seek the assistance of the commune chief or a community chief to discuss and find an amicable solution to his/her complaint or grievance with the leader of the PRSC-WG. This is done verbally and informally, and no recording is required. Any activities in resolving grievances at this stage (commune-level) will be recorded by the commune authorities and reported in the internal monitoring reports. If this does not resolve the complaint to the satisfaction of the DP, she/he can seek the formal route for lodging the grievance as explained below.

- **Stage 1:** The complainant can lodge a written complaint to the Head of the District Office where the subproject is located. The AH can bring a community chief or representative to mediate in the matter at the district level. The Head of the District Office shall respond to the complainant within 15 working days. The complainant has 15 days after receiving of response of the Head of the District Office to confirm if she/he agrees with the response. Confirmation of the complainant will be submitted back to the Head of the District Office. If the complaint is resolved at the District Level to the satisfaction of the complainant, the IRC-WG will inform to the DIMDM under GDR which will review and seek the approval of the General Director of GDR for appropriate remedial action.
- **Stage 2:** If the Head of the District Office does not respond within 15 working days or if the complainant is not satisfied with the response of the Head of the District, the complainants can lodge the grievance to the GDR for resolution. The GDR through the DIMDM will carry out a holistic review of the complaint and submit a report on its findings with the relevant recommendations, if any, to the General Director of GDR for a decision. It may also conduct a field visit to meet the aggrieved DPs and the IRC-WG to gather the relevant details. The final report shall be completed within 30 working days from the date of receipt of the complaint and submitted to the General Director for a final decision who shall made the final decisions within five (5) working days. The GDR will issue a written response and convey the decision to the aggrieved AP. If the complaint has been found to have merit, the DIMDM will inform the relevant Department of Resettlement in the GDR to settle the claim within 15 working days after the decision is made.
- **Stage 3:** If the GDR does not respond within 35 working days or if the complainant is not satisfied with the response of the GDR, the complainants will submit a written complaint with the Provincial Grievance Redress Committee (PGRC) through the Provincial Governor's Office. The PGRC comprises representatives from the relevant provincial authorities and Ministry of Economy and Finance (MEF) as follows:
  - Provincial Governor – Chair;
  - Director of Provincial Department of Land Management, Urban Planning and Construction – Vice Chair;
  - Director of Provincial Department of MEF – Member;
  - Chief of Provincial Office of Law and Public Security – Member;

- District Governor – Member;
- One representative of local based Civil Society Organization (CSO) – Member.

51. At any stage in the GRM, the complainant may have the option to elevate the complaint to authorized local courts for litigation following the rules of court. During the litigation of the case, the Government will request from the court that the Subproject proceed without disruption while the case is being heard. If any party is dissatisfied with the ruling of the provincial court, that party can elevate the case to a higher court. The Government shall implement the decision of the court. However, the mechanism should not impede access to the country's jurisdiction or administrative remedies. The handling of complaints at administrative level ends at Stage 3. There are no charges or fees levied to the AH for the lodgment and processing of complaints under stages, 1, 2, and 3. However, as provided for in the Expropriation Law, the aggrieved AH can file a suit at the Provincial Municipal Court, as applicable, to seek a resolution. Such actions will be at the cost of the AH. At this stage, there is no involvement of GDR, PRSC or IRC-WG unless there is a judicial order from the competent court.

52. The PGRC for the subproject has been established in July 2020, therefore, the GRM is functioning at the time of the BRP preparation and it will continue operate during the pre-construction, construction, and operation phases. A training workshop on management of complaints, including procedures for recording, registering, and sorting grievances, conducting an initial assessment of grievances, determining the resolution process, making decisions, directing relevant agencies responsible for implementing decisions, and tracking, monitoring, documentation, and evaluation, etc. will be provided by the GDR to the concerned agencies in all levels after the GRM has been established to ensure that the GRM is effective and functional.

53. In case, complainants do not have the writing skills or being able to express their grievances verbally, it is a common practice that complainants are allowed to seek assistance from any recognized local nongovernment organization or other family members, or the community chief to have their complaints or grievances written for them. Complainants will be allowed to have access to the DMS or contract document to ensure that all the details have been recorded accurately enabling all parties to be treated fairly. Throughout the grievance redress process, the responsible committee will ensure that the complainants are provided with copies of complaints and decisions or resolutions reached.

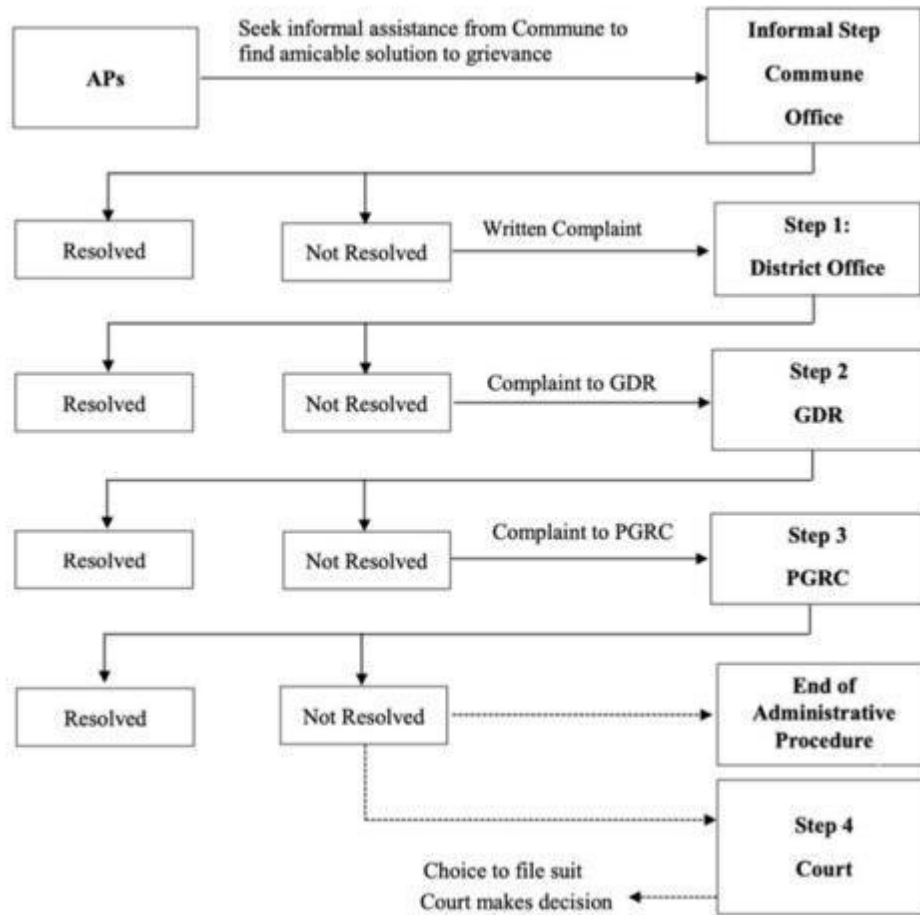
54. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, complainants - as a last resort - have the right to directly discuss their concerns or problems with the ADB's Urban Development and Water Division, Southeast Asia Department) through the ADB Cambodia Resident Mission (CARM). If DPs are still not satisfied with the responses of the Southeast Asia Department, they can directly contact the ADB Office of the Special Project Facilitator<sup>5</sup>. The Office of the Special Project Facilitator procedure can proceed based on the Accountability Mechanism in parallel with the subproject implementation.

55. The proposed GRM is illustrated in Source: SOP, 2018

56. **Figure 5.**

---

<sup>5</sup> Complainants can send their concerns to the Office of the Special Project Facilitator using the information at: <http://www.adb.org/accountability-mechanism>



AP = Affected Person, GDR = General Department of Resettlement, PGRC = Provincial Grievance Redress Committee  
 Source: SOP, 2018

**Figure 5: The Proposed Grievance Redress Mechanism**

## VI. LEGAL FRAMEWORK

57. The legal and policy framework for land acquisition and involuntary resettlement, compensation and assistance under the subproject is defined by the relevant laws and regulations of the Government and the ADB SPS (2009). In case there are any differences between requirements set by national legal framework and ADB SPS (2009), the latter should take precedence.

### 6.1. Cambodia Laws and Regulations

58. There are existing laws that govern land acquisition and resettlement in Cambodia. These laws, along with the ADBs SPS, shall govern the procedures for land acquisition and resettlement for the subproject.

59. The RGC's 2010 Expropriation Law is the main legal framework that governs land acquisition and involuntary resettlement. The 2010 Expropriation Law has listed the development of public infrastructure as one of its objectives and extended the definition of public infrastructure to any infrastructure *"required by the Nation in accordance with the determination made by the government."* Public interest is also understood in a broad manner as *"the use of land or property by the public or by public institutions or their agents."* The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation in advance to the owner and/or holder of real.

60. Some of the key articles of the 2010 Expropriation Law are listed below:

- (i) Article 2: the law has the following purposes: (a) ensure just and fair deprivation of a legal rights to private property; (b) ensure prior fair and just compensation; (c) serve the national and public interests; and (d) development of public physical infrastructure.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- (iv) Article 12: An Expropriation Committee shall be established and headed by a representative from the MEF and composed of representatives from relevant ministries and institutions. The organization and functioning of the Expropriation Committee shall be determined by a sub-decree [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].
- (v) Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.

61. Under the Article 3 of the 2010 Expropriation Law that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the SOP for LAR.<sup>6</sup> The SOP for Externally Financed Projects in Cambodia and LAR (2018), reflects RGC's laws and regulations relating to the acquisition of land and the involuntary

---

<sup>6</sup> Accessible at [https://www.mef.gov.kh/documents/laws\\_regulation/LAR-SOP-Final-13032018.pdf](https://www.mef.gov.kh/documents/laws_regulation/LAR-SOP-Final-13032018.pdf)

resettlement of DPs and the safeguard policies and procedures of Development Partners as applied to public infrastructure investment projects, such as the proposed Project. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting. The SOP has been promulgated under Sub Decree No. 22 ANK/BK on 22 February 2018 and applies to all externally financed projects in the Kingdom of Cambodia. The GDR of the MEF is responsible for providing guidance and clarification to users of the SOP. Given that the subproject under the proposed Project is to be funded by ADB, the provisions of SOP will apply to the subproject and therefore should be read together with this BRP.

## **6.2. ADB Safeguard Policy Statement (SPS) 2009**

62. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle. The SPS (2009)<sup>7</sup> of ADB sets guidance and requirements for resettlement planning, as well as the follow-up.

63. **Objectives** of ADB's Policy are to (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance or at least restore the livelihoods of all DPs in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

64. **Scope and Triggers.** The Involuntary Resettlement Safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It also covers whether such losses and involuntary restrictions are full or partial, permanent or temporary.

65. **Involuntary Resettlement Policy** principles include:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful public consultations with DPs and affected local communities. Inform all DPs of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a GRM to receive and facilitate resolution of the AP's concerns. Support the social and cultural institutions of DPs and their host population.
- (iii) Improve, or at least restore, the livelihoods of all DPs through (i) land- based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit

---

<sup>7</sup> SPS is available at: <https://www.adb.org/documents/safeguard-policy-statement>

facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

- (v) Improve the standards of living of the affected poor and vulnerable group to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a DRP elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose both the BRP and DRP in a form and language understandable to DPs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the DRP under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the DRP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring.

66. **ADB's Policy on Indigenous Peoples** aims to (i) design and implement projects/subprojects that foster full respect for indigenous peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by indigenous peoples themselves; and (ii) ensure that indigenous peoples receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects/subprojects and can participate actively in projects that affect them.

67. **ADB's Policy on Gender and Development** adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process. For projects/subprojects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation, and monitoring of the project/subproject.

68. The subproject includes the following specific actions to address gender issues:

- (i) both men and women participated in public meetings during consultation on the BRP, and the same approach will continue throughout the project cycle, including the DRP stage;
- (ii) women will be given equal chance in getting hired for skilled or unskilled work and receive equal remuneration for the same work by the men

- (iii) FGDs with women and vulnerable groups must be conducted during the preparation of the DRP; and
- (iv) a separate gender action plan has been prepared for the subproject and will be updated.

69. Other policies of ADB that have bearing on resettlement planning and implementation are the Access to Information Policy (2018) and Accountability Mechanism Policy (2012).

### **6.3. Comparison of Government Law and Regulations with ADB Policies**

70. In general, the main principles of the government policies on land acquisition, compensation, assistance, and resettlement are in line with those reflected in ADB SPS 2009. However, there are some gaps between the ADB resettlement policy and the government's legislation. The gap analysis and reconciliation of ADB Resettlement Policy and the government legislation is highlighted in Table 10 **Error! Reference source not found..**

**Table 10: Gap Analysis and Reconciliation of ADB's SPS (2009) and RGC's SOP**

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
1	<p><b>Meaningful Consultations and Disclosure</b></p> <p>Carry out Meaningful consultations with DPs including vulnerable groups, relevant stakeholders and information disclosure on entitlements and resettlement options.</p> <p><i>(Vulnerable groups include those below poverty line, the landless, the elderly, female headed households, women and children, IPs, and those without legal title to land).</i></p> <p><i>To comply with ADB SPS IR Principles 2, 9, 12 (page 17), para 54 (page 20), para.73 (page 26), Appendix 2, para 18 (page 47), para 26, 27, 28 (page 49)</i></p>	<p>The SOP, in its chapter IV and under its key tasks in basic resettlement plan preparation, mentions about consultation as one of the tasks which aims at bringing awareness about the Project to the affected communities and inform them about the possible alignment and seek their feedback.</p> <p>In Chapter V, under key tasks in detailed resettlement plan (updated RP after detailed design), it mentions about consultation as one of the tasks which aims to inform DPs about the overall entitlements and methods of compensation and the GRM procedures; about relocation to Resettlement Sites; and house to house consultation to confirm measurement survey.</p> <p>Chapter- VIII of SOP describes in detail the need for public consultations, participation and disclosure. In para 126, it mentions that the consultation is undertaken</p>	<p>The SOP mostly complies with the requirement of SPS (2009), however, it does not specifically mention about disclosing the entitlement matrix to the people during consultation. However, it mentions that the BRP/RP and the DRP/Updated DRP are disclosed at the Commune Offices for disclosure to affected communities. The entitlement matrix is integral part if these documents and hence are disclosed to the affected communities. This is explained in more detail in Appendix 7 of the SOP. It is clearly pointed out that the entitlement matrix and the entailments under the entitlement matrix are explained to each AH during the household to household consultation.</p> <p>Also, there is no mention of disclosure of monitoring reports. The SOP does not specifically mention about particular attention to women and vulnerable groups for their inclusion during consultation.</p>	<p>Some of the proposed clarification include:</p> <p>Personal detailed information of the DPs and their socio-economic status and other sensitive information compromising their privacy will not be disclosed at any time.</p> <p>DRPs/updated DRPs/resettlement monitoring reports contain summary of AP consultations (including vulnerable groups) through- out the project cycle.</p> <p>DRPs/updated DRPs/ resettlement monitoring reports are disclosed on the ADB and project websites and Khmer versions left at communes and district levels offices.</p> <p>SOP para. 120; generic information for the PIB includes the compensation policy (the generic entitlements) as stated in para 119.</p> <p>Four specific consultation meetings are mentioned in the SOP but as the SOP states consultation will be</p>

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
				<p>carried out as an on-going process throughout implementation.</p> <p>ADB staff may participate in consultation meetings.</p> <p>Efforts will be made to consult with potentially vulnerable affected people (as defined in para 53-55 of the SOP) and will be done throughout implementation.</p>
2.	<p><b>Grievance Redress Mechanism (GRM)</b></p> <p>Establish a GRM that is understandable, readily accessible, transparent procedures, gender responsive and culturally appropriate.</p> <p><i>To comply with ADB SPS IR Principle 2 (page 17), para 59, 60 (page 22), Appendix 2, para 29 (page 49)</i></p>	<p>Chapter IX of the SOP deals with GRM.</p> <p>The GRM is established as a locally based arrangement at the provincial level for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the DPs in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation.</p>		<p>Status of complaints at the commune level will be included in the periodic monitoring report to ADB.</p> <p>The Register of Complaint, however when reporting, the status of complaints will be included.</p>

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
3.	<p><b>Compensation and assistance</b></p> <p>Provide physically and economically DPs with compensation and needed assistance</p> <p><i>To comply with ADB SPS policy principle 3, 4, 5, 7 (pg 17) and Appendix 2, paras 7, 8, 9, 10 (page 45), 11 and 12 (page 46), 16 and 17 (page 47).</i></p>	<p>The SOP includes the compensation and transition/disturbance allowance to the DPs in its entitlement.</p> <p>SOP has provisions for relocation land (for DPs with titles or recognized rights to land) and are subject to conditions i.e availability of government land. This does not apply to illegal squatters or occupiers.</p> <p>SOP has provisions for loss of livelihoods for all DPs (limited to selection of 1 out of 3 pre-defined programs)</p> <p>SOP has provisions for providing relocation site to eligible DPs which is selected factoring in location, the availability of the basic social services and infrastructure development, depending on availability of land at affordable prices and availability of State land near the project area.</p>		<p>SOP Entitlement Matrix 2b transitional allowance to be commensurate with the time taken to relocate the business.</p> <p>Livelihood restoration will be commensurate with the impact assessed during DMS and socio-economic survey of the DPs.</p> <p>For vulnerable groups except for illegal squatters, provision of legal and affordable access to adequate housing and income sources.</p> <p>Valuation rates are valid for a period of one year from the date of endorsement of RCS report by the IRC and thereafter updated.</p> <p>DPs with legal rights both with hard and soft titles are treated the same.</p>

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
4.	<p><b>Procedures for Negotiated Settlement</b></p> <p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement</p> <p><i>To comply with ADB SPS IR safeguards policy principle 6 (page 17), para 73, (page 26), Appendix 2, para 25 (page 48-49)</i></p>	<p>Chapter-X (Section-B) of the SOP mentions that in the case of acquisition of private land where the seller is willing to sell and the buyer is willing to buy, such land may be acquired under a commercial contract. The price will be negotiated as part of commercial norms.</p>		<p>For the willing buyer willing seller cases (where expropriation will not be used), ADB will have access to all the documentation for on-site verification at GDR. If agreement between the willing buyer and willing seller cannot be reached, alternate site will be selected.</p> <p>Where negotiated settlement is applied in lieu of compulsory land acquisition based on SR 2 requirements para. 25 will be followed, documented and described in the DRP and information of the negotiations included in the monitoring reports.</p> <p>A negotiated settlement will offer adequate and fair price for land/or other assets.</p> <p>Ensure that any negotiations with DPs openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions.</p> <p>Negotiated settlement procedures will follow para 25 of Appendix 2 of SPS and agreed with ADB.</p>

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
5.	<p><b>AHs (without titles or recognizable rights to land)</b></p> <p>Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets</p> <p><i>To comply with ADB SPS IR policy principles 2, 5, 7 (page 17), Appendix 2, paras 9, 11, 12, 16 and 17 (pages 45, 46 and 47.</i></p>	<p>Chapter-VII:</p> <p>Section B para 104 states:</p> <p>No compensation for land will be paid for DP occupying land in the ROW.</p> <p>Section C of the SOP states that:</p> <p>The entitlement to compensation of DPs largely depends on the legality of possession or ownership to the land and other assets at the time of the Cut-Off Date. The following types of DPs shall be eligible to compensation, but compensation would vary depending on their situation:</p> <p>Legal owners and holders of title or rights to land, including customary rights.</p> <p>Tenants and leaseholders, including employees, workers and hawkers.</p> <p>Those who have no formal title or rights to the land (illegal occupiers) who are engaged in farming or businesses.</p> <p>Poor and vulnerable groups.</p>	<p>Clarification needed for how poor and vulnerable DPs are provided legal and affordable access to land.</p>	<p>Social land concession is not an entitlement. However, IRC can just inform the relevant and competent local authorities about the affected poor, landless households who may be eligible to apply for social land concession. Criteria for providing social land concession will be defined by other competent authority. The decision on granting a social land concession will also be made at the sole discretion of the relevant authorities in accordance with Cambodia regulations on social land concession.</p> <p>GDR will provide information if there is any social land concession program available in the Project area in its monitoring report.</p>

Source: Aide Memoire Attachment 3 of the Safeguard Policy Dialogue Mission 22-23 August 2019

#### **6.4. Valuation Methodology for Replacement Cost**

71. All compensation will be based on the principle of full replacement cost as required by the ADB SPS (2009). Calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. A rapid replacement cost study (RRCS) was conducted by the PMCES consultant in June 2020. The results of the RRCS are in Appendix 3. It is expected that qualified and experienced experts will undertake the valuation of acquired assets. During preparing the DRP following the detailed engineering design of the subproject, GDR will recruit one professional independent appraiser or firm (RCS consultant) to conduct the RCS in the subproject area in order to determine compensation rates reflecting current market prices for different types of affected structures, and trees. The RCS will be valid for 1 year after the completion of DMS and if the offer of the compensation and/or assistance is not made to the DPs within this period, the replacement cost will be updated to reflect the prevailing market valuation by the RCS consultant. The RCS results will be the basis for estimating the budget for financing the resettlement costs when preparing the DRP.

72. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

#### **6.5. Subproject Policy Requirements**

73. The subproject will follow the involuntary policy principles of ADB SPS 2009.<sup>8</sup> No physical or economical displacement will occur until (i) compensation at full replacement cost has been paid to each DP for project components or sections that are ready to be constructed; (ii) other entitlements listed in the DRP have been provided to DPs; and (iii) a comprehensive income restoration and livelihood rehabilitation program supported by an adequate budget, is in place to help DPs improve, or at least restore their incomes and livelihoods. ADB gives no objection to civil works after (i) – (iii) above are complied with. After the payment of compensation and entitlements for respective sections are completed and land is vacated, GDR-IRC will send a Land Handover Letter to MOT with a copy to ADB to confirm progress of compensation payment and other resettlement activities<sup>9</sup>.

---

<sup>8</sup> Refer to Involuntary Resettlement Safeguards Principles, Page 17, ADB SPS 2009.

<sup>9</sup> The handover letter will include details on progress of/planned against actual payment of compensation and other assistance, number of DPs, including vulnerable DPs (planned against actual) etc. and will explain any deviation from the DRP.

## VII. ENTITLEMENT, ASSISTANCE AND BENEFITS

74. **Eligibility.** The cut-off date is the date established by the RGC that determines the eligibility of the AHs/DPs to receive compensation and resettlement assistance under the proposed subproject. The cut-off date for eligibility for this subproject was set on 29 May 2020 - the date of the completion of public consultations conducted with the DPs, and local authorities during the feasibility study (Appendix 7). Only those DPs who own, occupy or reside on the land to be acquired for the subproject as of this date will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the BRP. The DOT and the local authority have the responsibility to manage the site to ensure that no assets will appear after the cut-off date. Any person who encroaches into the subproject area after the cut-off date will not be entitled to compensation and other resettlement assistance under the proposed subproject. Fixed assets such as built structures (new or expansion of existing structures), crops, fruit trees, and other similar assets established after the cut-off date will not be compensated. The cut-off date determination has been discussed with the DPs and local community during the public consultation meetings in May and June 2020 and included in the PIB which was distributed to the DPs during the meetings. The PIB in Khmer language with the information on the cut-off-date was also posted in the village meeting hall and the house of the community chief, and other accessible public places.

75. **Entitlements.** The DPs in the subproject area can be of three types: (i) persons with formal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal right to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The DPs under the subproject are of type (ii). Based on the impacts identified during the IOL and results of public consultations with DPs and the villagers, the corresponding entitlements to-be provided to the AHs are presented in the entitlement matrix in Table 11 below. All the entitlements on compensation and assistance are based on replacement cost. The entitlements matrix will be updated and may be enhanced or improved in the DRP preparation and finalization, as necessary, during the detailed design stage of the subproject, but not downgraded.

**Table 11: Entitlement Matrix**

Type of Loss	Eligibility	Entitlements	Implementation Issues
<b>1. Loss of tree (fruit tree)</b>	Owners of affected trees regardless of land ownership/tenure status (6 AHs – 27 DPs)	<ul style="list-style-type: none"> <li>▪ <b>Compensation for fruit trees</b> at replacement based on the following formula: Quantity Harvested per Year X (Market Price) X (Number of years it will bear fruit)] + Cost of Seedling</li> </ul>	<ul style="list-style-type: none"> <li>▪ An independent professional and legal appraiser shall be mobilized by GDR to appraise the replacement cost of the affected trees.</li> </ul>
<b>2. Loss of structures</b>	Owners of affected structures regardless of land ownership/tenure status (6 AHs – 23 DPs)	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost for the affected portion with no depreciation and no deduction for salvageable materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ An independent professional and legal appraiser shall be mobilized by GDR to appraise the replacement cost of the affected structures.</li> <li>▪ DPs will have the right to use salvaged materials from the built construction at no cost.</li> </ul>
<b>3. Temporary loss of business</b>	All AHs who are engaged in business in their affected shops will have to move their shops to the available land at the back of the affected shops (2 AHs – 8 DPs)	<ul style="list-style-type: none"> <li>▪ Cash compensation for the projected loss of income during the time of relocation of the shops to the backside of the existing shops and reestablishment of business after moving the shops calculated by net income from the affected business for <b>one month</b>—\$600 per household.</li> <li>▪ Cash compensation for loss of income during the transition period to a lump sum amount equivalent to 3 months income based on the official monthly poverty rate established by RGC. This is calculated as follows: <b>Monthly Poverty Rate x Number of Members in AH x 3.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The assistance amount was estimated based on the result of one-on-one interviews with the AHs and by local people during public consultations. The amount will be updated and finalized during DRP preparation.</li> <li>▪ Monthly poverty rate as established by the Government of Cambodia.</li> </ul>
<b>4. Transport allowance for household and personal goods</b>	All AHs who are engaged in business in their affected shops will have to move their shops to the available land at the back of the affected shops (2 AHs – 8 DPs)	<ul style="list-style-type: none"> <li>▪ Fixed lump-sum allowance per AH based on average cost of transportation during moving their shops to the available land at the back of the affected shop, estimated at \$60 per household.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The assistance amount was estimated based on the result of one-on-one interviews with the AHs. The amount will be updated and determined during the RCS.</li> </ul>

Type of Loss	Eligibility	Entitlements	Implementation Issues
<p><b>5. Loss of Livelihood</b></p>	<p>AHs who will permanently lose their main source of livelihood.</p>	<ul style="list-style-type: none"> <li>▪ Entitled to participate in any one of the three types of livelihood restoration or support programs. <ul style="list-style-type: none"> <li>- <b>Land-Based Livelihood Restoration</b> for affected households engaged in land-based livelihood: (i) facilitate access to other land-based sources of income, if productive land is available, like vegetable gardening, fruit tree, livestock, and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump-sum cash grant of \$200 to restart land-based livelihood. In case of unavailability of suitable land, the affected households can opt for either employment or business-based livelihood program.</li> <li>- <b>Employment-Based Livelihood Restoration</b> for affected households who lose employment permanently: (i) provision of employment skills training; and (ii) lump-sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period.</li> <li>- <b>Business-based Livelihood Restoration</b> for affected households who lose businesses permanently or affected households who opt for this as an alternative source of livelihood: (i) provision of business skills; and (ii) a lump-sum cash grant of \$200 to assist in starting a micro or home-based business.</li> </ul> </li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>- In lieu of the above provided with cash assistance of \$500/AH for IRP.</li> </ul> <ul style="list-style-type: none"> <li>▪ For poor and vulnerable AHs, in addition to skills training, (i) lump-sum cash grant under each livelihood restoration program will be <b>doubled</b>; and (ii) priority access to employment opportunities under the proposed subproject.</li> </ul>	

Type of Loss	Eligibility	Entitlements	Implementation Issues
<b>6. Vulnerable households</b>	(i) households falling under the Cambodia national poverty rate, (ii) female headed households with dependents living below the national poverty rate, (iii) disabled household heads with no other means of support, (iv) elderly households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities.	<ul style="list-style-type: none"> <li>▪ Lump-sum cash grant will be doubled; and</li> <li>▪ Priority access to employment opportunities under the subproject.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Classification of vulnerable households will be carried out during the DMS and in accordance with the established criteria prescribed in Section IV.D of SOP and Principle 2 of ADB SPS IR Policy Principles.</li> <li>▪ The PCU of the MOT will develop measures to prioritize labors of the eligible households for employment opportunity under the subproject.</li> </ul>
<b>7. Impacts during construction</b>		<ul style="list-style-type: none"> <li>▪ Contractors and MOT will assist AHs seek alternate areas should they be temporarily affected during construction.</li> <li>• Land outside of the alignment that is adversely impacted by construction activities will be compensated in cash or in-kind at replacement cost by the civil works contractor.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Impacts due to construction (for example, damages of structures, restricted access to business/income sources resulting from construction activities) and compensation measures will be included in the project environmental management plan.</li> </ul>
<b>8. Unanticipated involuntary resettlement impacts beyond 1 to 7 above</b>	New eligible AHs	<ul style="list-style-type: none"> <li>▪ New DPs that will be identified are entitled to the same entitlements as those of the other DPs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ MOT and GDR shall ensure the conduct of a social assessment and update the DRP or formulate a DRP depending on the extent of the impact changes covering all applicable requirements specified in the DRP in accordance with the SPS and RGC laws and regulations.</li> </ul>

Source: The PMCES Consultant, 2020

## VIII. RELOCATION OF HOUSING AND SETTLEMENT

76. According to the IOL results, there will be two (2) AHs/8 DPs have two shops fully affected by the construction of the walkway and the affected shops are required to be relocated. The AHs will move their shops back to the State private land behind the affected shops to re-establish their businesses which was allocated to the community including the AHs for use by Kep Provincial Administration. It is noted that the AHs will relocate their shops on the same plot of the affected land. The 2 AHs will not permanently lose their main source of livelihood as they will re-establish their businesses. The AHs will be (i) compensated for affected structures of the shops at replacement cost; (ii) compensated for the projected loss of income for one month during the time of moving the shops and re-establishment of their businesses; (iii) compensated for loss of income during the transition period as per the entitlement matrix; and (iv) provided with cash assistance of \$60 per household for the transportation of goods and assets in affected shops as they shift them back.

## **IX. INCOME RESTORATION AND REHABILITATION**

77. Among seven (7) households, two (2) households are with shops affected and have to re-establish their businesses at the back of their existing places – the same plot of the affected land, which was documented in the minute of the meetings. However, during the construction of a new shop, the AHs still can operate their business partly in their affected shops. Both AHs who are engaged in doing businesses will be compensated for the loss of income due to the business disruption as mentioned in the entitlement matrix and in para.76. The compensation amount equals to the net income generated from the affected shop for one month – \$600.00 per household – this amount was estimated by the AHs during the conducted consultation with the AHs (the AHs anticipated that their income will be disrupted for only one month – this includes the period for shop re-establishment, moving assets and goods to the new shops and the period after moving the shops when they restore their businesses) and will be determined during the DRP preparation. No AHs will permanently lose their main source of livelihood (Appendix 6).

## X. RESETTLEMENT BUDGET AND FINANCING PLAN

78. The cost for LAR will be covered from the counterpart funds allocated from the national budget of the Government of Cambodia and no loan funds will be required from the ADB Loan. The PMCES Consultant conducted a preliminary RRCS in June 2020 for affected structures and affected fruit trees. The market rate of coconut tree was collected from the AHs, local authority and the local fruit shop owners. Moreover, the PMCES Consultant also interviewed directly with the construction material shop owners and construction contracting agencies for salvaged materials, which make up the replacement cost for the affected structures. The results of RRCS were used to estimate compensation at full replacement cost as required in ADB's SPS, 2009. A summary of the RRCS is attached in Appendix 3.

79. The compensation and assistance budget were calculated based on the IOL results that was completed in June 2020 and the entitlements of AHs which have been consulted with the AHs, local authority and other concern agencies. During the DRP preparation, the compensation budget will be updated following the results of DMS, RCS and additional consultations with the AHs.

80. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The Government will set up a designated account, called the counterpart funds account for the project at the National Bank of Cambodia. The funds for LAR are provided to the GDR from the counterpart funds account. The budget is prepared by the GDR and submitted to MEF for approval once the project is approved by ADB. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management which will process the request and submit to the General Department of National Treasury. The funds are released and deposited into a project designated account established by the GDR for the project at the National Bank of Cambodia. The funds are released from project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the AHs.

81. The compensation payments are made in a public place by the PRSC-WG in close collaboration with IRC-WG. The PRSC-WG will inform the commune or the village office on the schedule dates for the commencement of the payments at least 3 days in advance. A notice will be placed at the commune and village office and community hall, if any, at the same time. The commune and village office will make best efforts to inform the DPs about the schedule dates for commencement of payments. On the date for the payments, a public consultation meeting will be also conducted to explain the procedures that will be followed prior to the commencement of the payment to each individual DP.

82. The estimated compensation budget is \$20,655.44 of which, the compensation and assistance payment is \$13,888.80, replacement costs study for a lump-sum amount of \$2,000.00 and the administrative and contingency cost is \$3,177.76 and \$1,588.88, respectively. Table 12 provides the breakdown of the indicative compensation and assistance budget.

**Table 12: Indicative Estimated Compensation and Assistance**

No	Items	Unit	Quantity	Rate (\$)	Amount (\$)
<b>A</b>	<b>Compensation for affected shops</b>	m <sup>2</sup>	<b>242.60</b>	<b>32.15</b>	<b>7,799.6 0</b>
<b>B</b>	<b>Compensation for other affected structures</b>				<b>2,787.20</b>
1	Plastic/aluminum shade umbrella (TS1)	m <sup>2</sup>	189.00	6.80	1,285.20
2	Plastic/aluminum shade umbrella (TS2)	m <sup>2</sup>	84.00	14.50	1,218.00
3	Ordinary concrete pavement (SS21)	m <sup>2</sup>	20.00	8.50	170.0 0

No	Items	Unit	Quantity	Rate (\$)	Amount (\$)
4	Concrete ring $\phi$ 0.60m (SS25)	LS	6	19.00	114.00
<b>C</b>	<b>Compensation for affected trees</b>				<b>1,190.00</b>
	Coconut	Tree	17	70.00	1,190.00
<b>D</b>	<b>Compensation for temporary impacts on business</b>	<b>AH</b>	<b>2</b>	<b>600.00</b>	<b>1,200.00</b>
<b>E</b>	<b>Compensation for loss of income during transition period (2 AHs – 8 DPs – the national poverty line of \$33/person/month)</b>	<b>AHs</b>	<b>8</b>	<b>99.00</b>	<b>792.00</b>
<b>F</b>	<b>Transportation allowance for AHs who move assets and goods to new shops built on the land behind the affected shops</b>	<b>AH</b>	<b>2</b>	<b>60.00</b>	<b>120.00</b>
<b>G</b>	<b>Total Compensation Cost (A+B+C+D+E+F)</b>				<b>13,888.80</b>
<b>H</b>	<b>Cost for RCS (estimated)</b>	<b>lump-sum</b>			<b>2,000.00</b>
<b>I</b>	<b>Total (G+H+I)</b>				<b>15,888.80</b>
<b>J</b>	<b>Administrative costs (20% of I)</b>				<b>3,177.76</b>
<b>K</b>	<b>Contingencies (10% x I)</b>				<b>1,588.88</b>
<b>L</b>	<b>GRAND TOTAL</b>				<b>20,655.44</b>

Source: The PMCES Consultant, 2020

## XI. INSTITUTIONAL ARRANGEMENTS

83. **Ministry of Tourism (MOT).** MOT is the subproject's EA and MPWT is the implementing agency for the subproject. MOT will oversee all subproject activities including BRP and DRP preparations. MOT will coordinate closely with the MPWT in the implementation of the subproject and with the IRC-WG on all matters concerning LAR, working closely with Resettlement Department 2 (RD2) of GDR to prepare, update, and implement the BRP and DRP. MOT will establish a Project Coordination Unit (PCU) to coordinate closely with the IRC on all matters concerning LAR and work closely with the GDR. MOT's specific tasks include the following

- (i) Sharing the final DED with RD2 of GDR;
- (ii) Set out the demarcation of the land requirement along the final ROW within one month after completion of the detailed designs jointly with RD2;
- (iii) Provide RD2 with the proposed construction schedule identifying the schedule for completion of LAR and handover of sites by sections to the contractor at least 6 months before planned contract award date;
- (iv) Inform RD2 in a timely manner if construction progress is hampered by LAR or in case of any anticipated bottleneck;
- (v) Assist and cooperate with RD2 in seeking solutions to problems encountered during implementation of the Subproject;
- (vi) Invite RD2 to participate in supervision missions and wrap up meetings with ADB and ensure RD2 comments on LAR issues are incorporated in Aide Memoires, Memorandum of Understandings, and Minutes of Discussions;
- (vii) Responsible for ensuring there is no further encroachment on the ROW after it has been handed over by RD2.

84. **The Kep Provincial Department of Tourism (DOT).** DOT will establish a PIU comprising staff of the DOT, Provincial Department of Public Work and Transport, and Provincial Department of Natural Resources and Environment. The PIU will have one full time safeguards officer to coordinate with RD2 in the implementation of the DRP. The PCU will provide technical assistance to the PIU as necessary.

85. **Inter-Ministerial Resettlement Committee (IRC).** The IRC has the mandate to review and evaluate the LAR impacts for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC, by virtue of the Prime Minister's Decision, exercises the authority of the Expropriation Committee under the Expropriation Law and is a collective entity, permanently chaired and led by the MEF, and with members from different line ministries. The IRC carries out its role and responsibilities through the IRC-WG which is established for each public investment project by MEF. The powers of the IRC are delegated to its permanent Chairman. The key responsibilities of IRC include:

- (i) Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations.
- (ii) Ensure effective coordination between line ministries, provincial/local authorities and GDR in carrying out LAR.
- (iii) Provide overall guidance on implementing rules and regulations for LAR and propose updates; as necessary;
- (iv) Initiate the establishment of PGRC;
- (v) Approve of BRPs, DRP and any updated DRPs.

86. **General Department of Resettlement (GDR).** The GDR is the Permanent Secretariat of the IRC and the lead agency for LAR for public investment projects. It is

responsible for the preparation, implementation, monitoring and reporting of resettlement plans in accordance with the laws and implementing rules and regulations related to LAR and the mandatory requirements of the safeguard policies of the development partners. The key responsibilities include:

- (i) Coordinate and collaborate with line ministries, MOT and other agencies involved in LAR activities;
- (ii) Conduct public consultations and FGDs with the DPs and vulnerable groups (if any);
- (iii) Prepare the DRP for the subproject and submit to ADB for review and concurrence;
- (iv) Develop terms of reference and recruit the replacement cost appraiser;
- (v) Prepare and secure the necessary budget for the implementation of the DRP;
- (vi) Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- (vii) Implement all LAR activities in compliance with the DRP;
- (viii) Ensure proper functioning of the GRM, including training/refresher training for GRC members, adequate record keeping etc.;
- (ix) Supervise, monitor, and report on implementation progress of the DRP;
- (x) Prepare and submit to ADB DRP Compliance Report for ADB's no objection for the civil works;
- (xi) Prepare and submit to ADB semi-annual monitoring reports;
- (xii) Prepare, agree with ADB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to ADB for concurrence and disclosure;
- (xiii) Conduct awareness workshops for MOT, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- (xiv) Serve as the focal knowledge center for resettlement of the project.

87. The DIMDM of GDR is responsible for carrying out the internal monitoring of the implementation of the DRP and the verification and validation of the compliance of the entitlements and compensation payments with the provisions of the entitlement matrix in the DRP. Its role extends to internal verification of all LAR activities for compliance with the provisions under the agreed DRP and reports directly to the Director General of GDR. In addition, it records and reviews all complaints and grievances submitted by DPs; investigates them and makes recommendations on compliance to the Director General of GDR. After the payment of compensation and other entitlements is completed, GDR will prepare and submit to ADB the DRP implementation report to obtain "no objection" for civil works.

88. **IRC-Working Group (IRC-WG)** which was established on July 9, 2020 is the technical arm of IRC to plan and carry out the day-to-day LAR activities under the subproject which is led by the Deputy Director, Chief of the RD2 of GDR and comprise of technical PMU staff of the executing agency, staff of the RD2 and staff of the Ministry of Land Management, Urban Planning and Construction. The IRC-WG is responsible for all the field work under the supervision of the Director of the RD2 and overall guidance and direction of the Director General of GDR.

89. **Provincial Resettlement Sub-Committee (PRSC):** The PRSC is established by the Provincial Governor at the request of the IRC for the project and comprises of (i) the Provincial Governor or the Deputy Provincial Governor as the Head and (ii) Provincial Department Directors of the Line Ministries represented in the IRC and (iii) the respective

chiefs of the Districts and Communes of the locations affected by the project as Members. The key role of the PRSC is as follows:

- (i) Provide the coordination and supporting role to the GDR, IRC and IRC-WG for the preparation, implementation and monitoring of the DRP the field and at the local level;
- (ii) Ensure all relevant provincial and local government authorities provide the necessary support for LAR;
- (iii) Manage the public consultation meetings at Provincial Level;
- (iv) Oversee and monitor the work of the PRSC-Work Group;
- (v) Responsible and accountable for the disbursements of the compensation payments at the provincial level; and
- (vi) Assist the IRC-WG in developing measures to assist vulnerable households by the subprojects

90. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG will be established by the Provincial Governor for the subproject and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out the land acquisition and resettlement activities at the provincial level. In addition to supporting the PRSC, the PRSC-WG has the following specific functions:

- (i) Facilitate all public consultation and information disclosure meetings and maintain records;
- (ii) Cooperate with consultants and IRC-WG in carrying out the DMS and in the implementation of the approved DRP;
- (iii) Lead the payments of compensation to DPs; and
- (iv) Prepare monthly progress reports on all LAR activities at the provincial level and submit to PRSC and GDR.

91. **Cadastral Administration Office.** The Cadastral Administration Office under the Ministry of Land Management, Urban Planning and Construction is responsible for issuing titling documents, including the land use rights certificate, hard titles and social land concessions as part of securing tenure for landless and issuing title documents for the land plots acquired in favor of MOT.

92. **Key Provincial Administration.** The Head of Provincial Administration leads the PRSC to undertake the tasks described in para 90, makes the decision to allow the AHs with full affected shops to move their shops back to the land behind their affected shops, and grants the extension of land use of the AHs who have been using the land area since 2013.

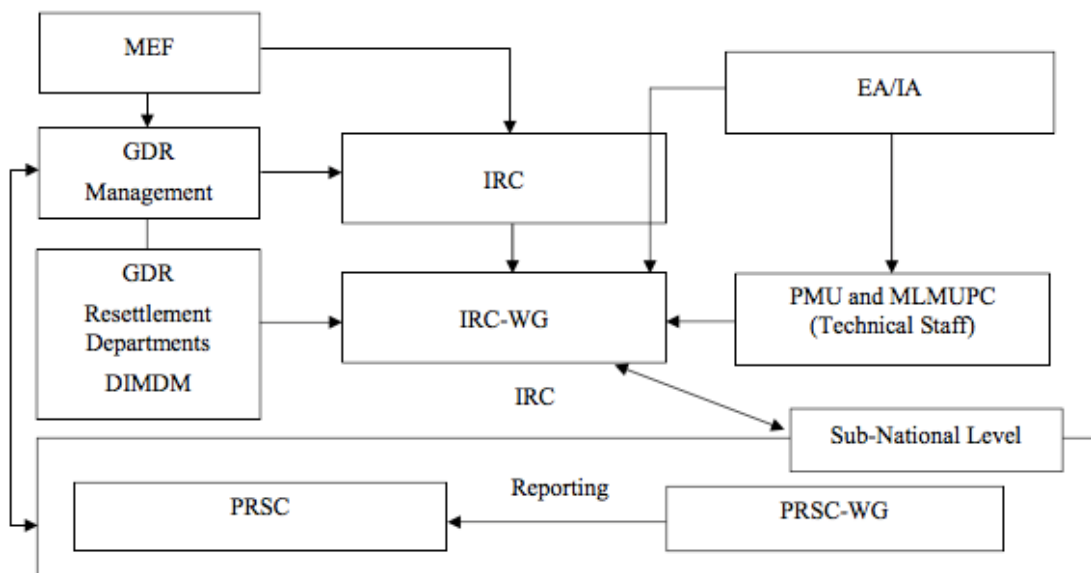
93. **The Concerned Local Administration Authorities (district, commune and village).** The districts, communes, and villages where subproject is located will coordinate and work closely with the PRSC, PRSC-WG and IRC-WG on the DRP preparation and implementation. Their roles and responsibilities include:

- (i) Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, IOL, DMS, SES, RCS and other resettlement related activities; and
- (ii) Assist the IRC-WG, PRSC-WG, and GDR in identifying the vulnerable (ID poor 1 and 2), and in developing suitable measures to assist the vulnerable AHs.

94. **Project Management Civil Engineering Services (PMCES):** An international and a national social safeguards specialist will be hired to support the RD2 in preparing the DRP and in performing internal monitoring of DRP implementation in behalf of the PCU. Specific tasks include:

- (i) Assist PCU, PIU and RD2 in preparing the BRP and DRP for the subproject and provide needed technical support to facilitate its approval and subsequent implementation and monitoring;
- (ii) Design and actual facilitation of capacity development activities for all project management/implementers on ADB’s social safeguards policies particularly on involuntary resettlement, environment and indigenous people’s development; also includes gender mainstreaming of all women’s concerns in the project implementation cycle as well as how to facilitate information campaigns and other activities with project beneficiaries;
- (iii) Provide technical assistance in the development and production of Information materials using as context the local situation in project area;
- (iv) Coordinate the DMS/community consultations, incorporating information from the infrastructure detailed design to update the list of DPs;
- (v) Together with members of the IRC-WG, brief officials at all levels on the content and procedures for implementing the DRP and if necessary, provide suggestions to improve procedures for the coordination of resettlement and compensation; and
- (vi) Assist IRC-WG and PRSC-WG in collecting the data and information on the progress of LAR activities for RD2 to prepare monthly monitoring reports and periodic spot checks on the implementation of the DRP. The DIMDM will compile quarterly progress reports, to be submitted to the PMU to attach with the project’s quarterly progress reports for submission to ADB.

95. The chart below shows the institutional arrangements for land acquisition and resettlement.



Source: SOP, 2018

**Figure 6: Flowchart of Institutional Arrangements for Land Acquisition and Resettlement**

DIMDM = Department of Internal Monitoring and Data Management, EA = executing agency, GDR = General Department of Resettlement, IA = implementing agency, IRC = Inter-Ministerial Resettlement Committee, IRC-WG = Inter-Ministerial Resettlement Committee Working Group, MEF = Ministry of Economy and Finance, MLMUPC = Ministry of Land Management, Urban Planning and Construction, PMU = project management unit, PRSC = Provincial Resettlement Sub-Committee, PRSC-WG = Provincial Resettlement Sub-Committee Working Group.

## XII. IMPLEMENTATION SCHEDULE

96. All the resettlement activities will be coordinated with the schedule of the civil works. The contract shall not be awarded to the contractors until the DRP has been approved and the compensation and resettlement activities have been completed. All resettlement impacts are expected to be limited to the construction period and hence will be further reviewed, assessed, and paid based on actual loss. The MOT and IRC- WG will ensure that the land acquisition, compensation, and resettlement assistance activities would be conducted and completed prior to the start of civil works. The AHs will be informed at least three (3) months in advance before the construction activities start and all the payment of compensation for affected structures and trees to the AHs is made completely.

97. The tentative implementation schedule of compensation and resettlement activities is as below.

**Table 13: Tentative Implementation Schedule of Resettlement Activities**

Activities	Schedule
Preparation and Finalization of BRP	June-September 2020
Submission of BRP to ADB for review and concurrence	September 2020
Preparation and approval of the detailed engineering design	September 2020
Implementation of DMS, RCS and additional interviews/consultations with the AHs and the local community	October 2020
Preparation of the DRP	November 2020
Submission of DRP to ADB for review and concurrence	November 2020
Disclosure of the agreed DRP	December 2020
Commencement of DRP implementation	March 2021
Submission of social semi-annual monitoring reports	Every 31 January and 31 July
Submission of DRP implementation compliance report as a basis for ADB's no objection to commencement of civil works	April 2021
Commencement of civil works	April 2021

Source: RD2, 2020

### XIII. MONITORING AND REPORTING

98. **Internal Monitoring.** The objectives of the internal monitoring are to (i) measure and report of the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP.

99. While the PCU (through the PMCES) will be responsible for monitoring of the overall implementation of the project and subproject, the DIMDM of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP. All displaced persons will be informed of their entitlements and resettlement options and they will participate in planning, implementation, and monitoring and evaluation of resettlement programs

100. The IRC-WG and PRSC-WG will collect the data and information on the progress of LAR activities in the field and prepare monthly reports and submit to RD2 of GDR. The RD2 will compile the field reports and prepare a consolidated for the subproject every month. The reports will be submitted to DIMDM of GDR which will (i) review the monthly progress reports, including fielding its own mission to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring reports for submission to the Director General of GDR. GDR will send the quarterly reports approved by its Director General to EA for inclusion into the Project Quarterly Progress Reports. The DIMDM will also validate that the (i) entitlements and the corresponding compensation are paid in accordance with the entitlement matrix in the approved DRP; and (ii) GRM is functioning as per the guidelines. During subsequent monitoring periods, the DIMDM will look into whether or not corrective actions agreed to address LAR issues in the past monitoring period (i.e., outstanding resettlement issues) have been resolved.

101. In cases where a serious problem is encountered at any time during the preparation or implementation of the DRP, the DIMDM will field a special mission to assess the situation and prepare a special report for remedial action and submit to the Director General of GDR for endorsement. The DIMDM will also prepare the semi-annual social safeguard monitoring reports and submit to Director General of GDR. These reports will closely follow the involuntary resettlement monitoring indicators provided in the Appendix 1. After the semi-annual reports are endorsed by Director General of GDR, they will be submitted to ADB for disclosure on its website.

102. The internal monitoring reports include the status of the following:

- (i) set up of institutional arrangements;
- (ii) compensation payments for entitlements;
- (iii) relocation;
- (iv) grievance redress mechanism;
- (v) public consultations;
- (vi) budget expenditures;
- (vii) livelihood support program, where applicable;
- (viii) overall progress against agreed implementation schedule;
- (ix) major problem and issues; and
- (x) proposed remedial actions.

103. The preparation and submission of semi-annual social safeguard monitoring reports begins upon commencement of resettlement planning activities, such as demarcation of the COI on the ground and establishment of the IRC-WG. The report covering January to June will be submitted to ADB no later than 31 of July, and the covering July-December to be submitted no later than 31 January.

104. In addition to the internal monitoring conducted by the implementing agencies mentioned above, the construction activities will be monitored by people in the subproject

area and the contractor will ensure the impacts on surrounding lands and assets of households are avoided.

105. **External Monitoring.** The subproject is categorized B for involuntary resettlement; therefore, no external monitoring will be required.

## APPENDICES

## Appendix 1: Internal Monitoring Indicators

Issues	Monitoring Indicators
Set up of institutional arrangements	<ul style="list-style-type: none"> <li>▪ Establishment of IRC-WG, PRSC, PRSC-WG, and PGRC</li> </ul>
DMS and contract signing	<ul style="list-style-type: none"> <li>▪ Completion of DMS - Number of DPs and overall %</li> <li>• Completion of Draft Contracts- Number of DPs and overall %</li> <li>▪ Completion of Contract Signing- Number of DPs, Number Unlocated/Uncontactable and overall %</li> </ul>
Compensation payments for entitlements	<ul style="list-style-type: none"> <li>▪ Number of AHs paid</li> <li>▪ Number of AHs not paid and reason</li> <li>▪ Payments by category of losses</li> <li>▪ Timelines for disbursements</li> <li>▪ Disbursements for poor and vulnerable groups (if any)</li> <li>▪ Number of AHs paid allowances as mentioned in the entitlement matrix</li> <li>▪ Overall % of Budget Disbursed for Compensation</li> </ul>
Relocation	<ul style="list-style-type: none"> <li>▪ Number of AHs that have moved their shops back to the available land behind the affected shops</li> </ul>
Grievance redress mechanism	<ul style="list-style-type: none"> <li>▪ Number of complaints and nature of complaints</li> <li>▪ Number of complaints resolved</li> <li>▪ Number of complaints on pending and at what level of the GRM</li> </ul>
Public consultations	<ul style="list-style-type: none"> <li>▪ Number of types of consultation meetings</li> <li>▪ Summary of main issues raised, if any</li> <li>▪ Number of meeting participants disaggregated by gender</li> <li>▪ Number of PIB distributed to the participants</li> </ul>
Budget expenditures	<ul style="list-style-type: none"> <li>▪ Budget expenditures by category</li> <li>▪ Overall % of budget disbursement</li> </ul>
Livelihood support program, where applicable	<ul style="list-style-type: none"> <li>▪ Number of DPs eligible for land-based, employment, support based and business/enterprise-based program (if applicable)</li> <li>▪ Disbursement of financial support grant across the three programs</li> <li>▪ Disbursements for poor and vulnerable group</li> <li>▪ Number of AHs who opted for skills training (women, men, and vulnerable groups)</li> <li>▪ Number of AHs who opted for micro/small business training</li> <li>▪ Participation rate in training</li> <li>▪ Number of AHs provided with assistance for temporary disruption of business</li> </ul>
Overall progress against agreed implementation schedule;	<ul style="list-style-type: none"> <li>▪ Any delay and reason</li> </ul>
Others	<ul style="list-style-type: none"> <li>▪ Check if the outstanding issues raised in the previous monitoring reports have been addressed or not.</li> </ul>

AHs = Affected Households, DMS = Detailed Measurement Survey, DPs = Displaced Persons, IRC-WG = Inter-Ministerial Resettlement Committee Working Group, PRGC = Provincial Grievance Redress Committee, PRSC = Provincial Resettlement Sub-Committee, PRSC-WG = Provincial Resettlement Sub-Committee Working Group.

## **Appendix 2: Minute of Public Consultation Meetings and List of Participants**

### **Minute of Public Consultation Meetings**

Name of Sub-project: Koh Tonsay (Rabbit Island), Kep Town, Kep province

Country: Cambodia

Date: 29-May-2020 and 19-June-2020

Place: Residence of Community Leader/Khim Vouch Ia, Koh Tonsay

#### **1. Agenda/Topic**

- Explanation of Public Information Brochure (PIB)
- Preliminary design of the subproject;
- Subproject potential impacts on land and non-land assets;
- Policies and mitigation measures for impacts on land and non-land assets;
- Cut-off date;
- Subproject policies on compensation, assistance and resettlement according to the PIB; and
- Proposed grievance redress mechanism

#### **2. Participants**

- PCU/MOT- H.E Sok Sokun, project director
- PCU/MOT members
- PMU/MPWT representative
- PIU Members
- PMCES consultants
- Communities
- Police

#### **3. Discussion**

- **H.E Sok Sokun, Project Director (PD)**, welcomed participants of the public consultation meeting and requested for the distribution of the PIB to the participants. The PD informed the participants that the PIB contains the information about the Project and Subprojects including the eligibility and entitlements, and compensation and is published in Khmer language for easier reading and understanding. He requested all participants to familiarize with contents of PIB and told them the technical and resettlement experts present will explain the PIB in detailed. He mentioned that the meeting with communities today is to confirm that the Subproject on Koh Tonsay will have five components that are (i) construction of a passenger pier; (ii) construction of a concrete walkway; (iii) installation of solar light and generator; (iv) provision water supply system; and (v) provision of solid waste and liquid waste management. The Subproject intends to develop this island to become a long-term tourist attractive area. Koh Tonsay is beautiful it can attract both local and international tourists to come and stay on the island. He would like to request participants to attend all meetings of Subproject activities and coordinate with Subproject teams to know about the progress of the Subproject. The PD emphasized that this Subproject would benefit to the communities of this island. He mentioned that MOT will provide trainings to business owners and will provide certification to trainees. Later, business operator will need to have a certification from MOT. Then he asked for community participation and contribution to the Subproject by affected properties.

- **Mr. Ham Nimol, Deputy Team Leader (DTL)**, paid his respect to the PD, MPWT, MOT, PIU delegation and participants of the meeting. The DTL informed that he had already several meetings at Koh Tonsay to study in detailed the pier location site and walkway alignment. Detailed design will be developed according to the best option to minimize the resettlement impact on communities' assets. After getting advice from H.E Sok Sokun, we will all together take a transact walk along the proposed walkway alignment. The final design will be adjusted with aim to keep the walkway at least 20 m away from the shoreline. The detailed design will be finalized based on the ongoing topographical survey and adjustment to be made for minimizing the resettlement impacts. The design team will demarcate the land boundaries for the IRC-WG to conduct the detailed measurement survey (DMS) and replacement cost study (RCS) to prepare the detailed resettlement plan. Additional consultations will be conducted prior to DMS. The DTL explained the technical aspects of the project and subproject in the PIB. Finally, Mr. Nimol request for communities' participation to the Subproject to successfully complete the Subproject and thanked them for attending the meeting.
- **Mr. Mel Sophanna, Social Safeguards and Resettlement Specialist (SSRS)**, paid his respect to the PD, delegation, and participants in the meeting. The SSRS presented his discussions of the meeting he held on May 28, 2020 with PIU members at Department of Tourism (DOT). He informed that the results of discussions were that the proposed walkway should be located in front of the Bungalows and restaurants in order to retain a good view and should be at least 10m to 20m inland from the beach. The SSRS informed the participants that based on his initial screening of involuntary resettlement impacts, the subproject will not have major resettlement issues and the impacts on community's assets and properties will be very minor. According to the result of the IOL conducted based on the preliminary design of the subproject, only 7 households with 32 persons will have structures and/or fruit trees affected by the land acquisition by the subproject. He explained the involuntary resettlement categorization of projects/subprojects according to ADB Safeguard Policy Statement 2009. He explained the ADB's resettlement and Royal Government of Cambodia's resettlement and compensation policies and then explained the cut-off date, corridor of impact (COI), DMS, RCS, eligibility, entitlement, compensation and grievance redress mechanism in the PIB. The Subproject construction can start only after the compensations to the affected properties are made. The SSRS confirmed that the cut-off date for this subproject is today – 29 May 2020 - the date of completion of public consultations conducted with the DPs and local authorities during the feasibility study. Existing structures expanded or new structures built after today's meeting will not be eligible for receiving compensation if they are affected during the subproject implementation. The SSRS informed the participants that they will be given the opportunity to ask questions, clarify any doubts or seek clarifications to any issues before the closure of the meeting. He also asked them to provide suggestions and ideas so improve the subproject design for the enhancement of the social and economic development of Koh Tonsay island. At the end, the SSRS expressed his best wishes for the successful implementation of the subproject for faster economic gains through the proposed tourism development on the island.
- **Mr. Chhay Sarat, PCU/MOT**, gave his views that the proposed tourism development subproject will provide very good opportunity for Koh Tonsay communities because it will attract more tourists to visit this beautiful island. However, the subproject may cause some impacts during its construction and these impacts will be addressed during construction. Should the communities have and issues on the impacts of the subproject
- during construction, they should lodge or register their complaints through the grievance redress mechanism that would be established and fully functional prior to the DMS. He asked communities to collaborate and support the government/MOT in the implementation of the subproject.

- **H.E Sok Sokun** added that “this subproject with the envisaged investment approximately \$1.2 million offers indeed a great opportunity to this community for the positive social and economic development of Koh Tonsay island. The PD reiterated any complaints or opposition towards the subproject should be lodged or registered through the GRM process. If there are some concerns, please express them now, so that solutions and appropriate measures to address them may be taken in the detailed design to remove possible hurdles during subproject implementation. Therefore, community participation and supports are needed. He invited participants those attending the meeting to raise questions if they are not clear about the subproject, compensation on the loss of assets regarding resettlement or want to raise concern about environmental issues or if they have any suggestions and recommendations to engineering design.

#### 4. Questions/Requests/Recommendations

- **Question:** The shop owners suggest adjusting the distance from the shoreline to the walkway to reduce the impacts.
- **Response:** The design engineer team and the DOT will consider the suggestion of AHs and incorporate it in the detailed engineering design (if possible).
- **Question:** How will the loss of income be compensated for?
- **Response:** Compensation for income disruption is calculated by net income generated from the affected shops during DMS and RCS. The construction of new shops and re-establishment of their business.
- **Question:** I have available land to shift back my affected structures, but I am afraid that after I demolished the affected structures, I am not allowed to rebuild them back.
- **Response:** AHs whose shops are fully affected can move their shops back on the remaining land that is still within the State private land allocated by Kep Provincial Administration to the community for use since 2013.
- **Question:** How will the affected structures and trees compensated for?
- **Response:** Affected structures are compensated at full replacement cost and affected fruit trees are compensated by market rate. The RCS will be conducted by qualified and independent cost appraiser to determine unit rates for affected structures and assets of the AHs.
- **Question:** The AHs would like to be informed about the implementation schedule of the subproject.
- **Response:** The AHs will be announced the implementation schedule at least three (3) months in advance before the construction activities start. There will be additional consultation meetings until the compensation is fully paid. The AHs will be kept informed about the subproject schedule.

## List of Participants in Public Consultation Meetings

គម្រោងហេដ្ឋារចនាសម្ព័ន្ធនៃសម្រាប់កំណែទម្រង់យន្តការសេដ្ឋកិច្ចសម្រាប់ការអភិវឌ្ឍន៍មេកុងហ្គង់

Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project

ប្រតិបត្តិការសាងសង់ហេដ្ឋារចនាសម្ព័ន្ធនៃគម្រោងយន្តការសេដ្ឋកិច្ចសម្រាប់ការអភិវឌ្ឍន៍មេកុងហ្គង់

ផែកោះទន្សាយ / Koh Tunsaj Pier ខេត្តកែប/Province កែប/Ke

ទីកន្លែង/Venue: Koh Tonsaj

កាលបរិច្ឆេទ/Date: 29 May 2020

ល.រ No	ឈ្មោះ Name	ភេទ Sex	តំណែង ឬ មុខរបរ Position	អាសយដ្ឋាន/ស្ថាប័ន Address/Institution	លេខទូរស័ព្ទ Phone Number	ហត្ថលេខា Signature
1	H.E Sok Sokun	M	Project Manager	PIU/ MoT		
2	Khim Vouch Ia	F	Chief of Community	Koh Tunsaj	077 288 844	
3	Pok Taing	M	Manager	PIU/ Kep		
4	Chan Pheakdey	M	Staff	MoT/ PCU		
5	Nu Sokunkeov	M	Staff	MoT/ PCU		
6	Sou Chheangyu	M	Environment Specialist	SBK		
7	Hom Nimol	M	Deputy Team Leader	SBK/ Ranardet		
8	Chhum Sok	M	Project Manager	MPWT		
9	Huo Phallaravy	M	Project Manager2	DPWT/Kep		
10	Khhorn Vuthy	M	Deputy Governor	Kep		
11	Pov Sunhorn	M	Staff	DPWT/Kep		
12	Chhay Sarath	M	Tourism Specialist	MoT/ PCU		
13	Goan Sophy	F	Saler	Koh Tunsaj		
14	Mel Sophanna	M	Resettlemnet Specialist	SBK		
15	Tep Chinda	F	Assistant	SBK		
16	Khhem Sin	M	Saler	Koh Tunsaj		
17	Chhun Rim	F	Saler	Koh Tunsaj		
18	Chea Am	F	Saler	Koh Tunsaj		
19	Khhem Vouchleang	F	Saler	Koh Tunsaj		
20	Tep Pheourn	M	Police man	Koh Tunsaj		
21	Soun Bonna	F	Staff / Finance	PIU		

Male = 14

Female = 7

គម្រោងហេដ្ឋារចនាសម្ព័ន្ធនៃសមរណ៍ សម្រាប់កំណើនប្រកបដោយបរិយោជន៍នៃមហាអនុតំបន់មេគង្គ  
ជំហានទី២






Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project  
បញ្ជីចែករំលែកអ្នកចូលរួមក្នុងការប្រជុំពិគ្រោះយោបល់សម្រាប់អនុគម្រោង

List of Participants in public consultation for subproject  
ផែនការទន្សាយ / Koh Tunsay Pier ខេត្តកែប

កាលបរិច្ឆេទ/Date: ១១/០៥/2020

ទីកន្លែង/Venue: សាលាខេត្តកែប

ល.រ No	ឈ្មោះ Name	ភេទ Sex	តួនាទី ឬ មុខរបរ Position / Occupation	អាសយដ្ឋាន/ស្ថាប័ន Address/Institution	ហត្ថលេខា Signature
1	ស៊ុន សុភាណា	ស	Pro Manager	PCU/MOT	S. Khun
2	ឃីង ឌីន ណុយ	ស	ឧបនាយករដ្ឋមន្ត្រី	កោះទន្សាយ	Phny
3	អ៊ុន ឌីន	M	Manager	PIU/kep	Phny
4	ហង់ ឌីន	M	ប្រធាន	MOT/PCU	Phny
5	អ៊ុន ឌីន	M	ប្រធាន	PCU/MOT	Phny
6	ឌីន ឌីន	M	SPR Envin	SBK	Phny
7	ហង់ ឌីន	M	Lead Civil.Eng	Renardet/SBK	Phny
8	អ៊ុន ឌីន	M	PM	MPWT	Phny
9	ឃីង ឌីន	ស្រី	ប្រធានការងារ	DPWT/KEP	Phny
10	ឃីង ឌីន	ស្រី	អគ្គនាយក	ក្រសួង	Phny
11	ឃីង ឌីន	ស្រី	អគ្គនាយក	DPWT/KEP	Phny
12	ឃីង ឌីន	ស	នាយករដ្ឋមន្ត្រី	MOT/PCU	Phny
13	ឃីង ឌីន	ស្រី	នាយករដ្ឋមន្ត្រី	កោះទន្សាយ	Phny
14	ឃីង ឌីន	ស្រី	នាយករដ្ឋមន្ត្រី	SBK	Phny
15	ឃីង ឌីន	ស	នាយករដ្ឋមន្ត្រី	SBK	Phny
16	ឃីង ឌីន	ស	នាយករដ្ឋមន្ត្រី	កោះទន្សាយ	Phny

ល.រ No	ឈ្មោះ Name	ភេទ Sex	តំណែង ឬ មុនរបរ Position / Occupation	អាសយដ្ឋាន/ស្ថាប័ន Address/Institution	ហត្ថលេខា Signature
17	សុខ សីមា	ស	សាងសង់	កោះស្រែក	
18	សុខ សុខ	ស	សាងសង់	កោះស្រែក	
19	ឃីម ធួនណា	ស	សាងសង់	កោះស្រែក	
20	ចេត សុខីន	ស	បំពង់ប្រឹក្សា	កោះស្រែក	
21	សុខ ធួនណា	ស	សាងសង់	កោះស្រែក	
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					

**គម្រោងហេដ្ឋារចនាសម្ព័ន្ធនៃសេវាសម្រាប់កំណែប្រកបដោយបរិយាកាសនៃមហាអុំតំបន់ទន្លេមេគង្គទី២**

Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project

**ប្រតិបត្តិការសម្ភាសន៍ក្នុងគម្រោងហេដ្ឋារចនាសម្ព័ន្ធនៃសេវាសម្រាប់កំណែប្រកបដោយបរិយាកាសនៃមហាអុំតំបន់ទន្លេមេគង្គទី២**

ផែនការ៖ កូស្តាយ / Koh Tunsay Pier ខេត្ត/ខេត្តកែប/កែប

ទីកន្លែង/Venue: Rabbit Island, Keb Village, Keb Commune

កាលបរិច្ឆេទ/Date: June 19, 2020

ល.រ No	ឈ្មោះ Name	ភេទ Sex	តំណែង ឬ មុខរបរ Position	អាសយដ្ឋាន/ស្ថាប័ន Address/Institution	លេខទូរស័ព្ទ Phone Number	ហត្ថលេខា Signature
1	Khoem Vouch Aiy	F	Chief of Community	Rabbit Island	077 288 844	
2	Chhun Rim	F	Vendor	Rabbit Island	066 298 975	
3	Kheng Srey	F	Vendor	Rabbit Island	012 893 102	
4	Khoem Vouch Laing	F	Vendor	Rabbit Island	088 9494 059	
5	Chea Om	F	Vendor	Rabbit Island	097 7343 759	
6	Khoem Sin	M	Vendor	Rabbit Island	088 7706 222	
7	Khoem Sophy	F	Vendor	Rabbit Island	086 939 317	
8	Horm Nimol	M	DTL	Consultant	012 858 093	
9	Mel Sophanna	M	Engineer	Consultant	077 937 773	
10	Pang Ratana	F	Interviewer	Freelance	085 822 828	
11	Kem Sarom	M	Interviewer	Freelance	087 555 177	
12	Tep Chinda	F	Interviewer	Freelance	011 787 377	

Male = 4

Female = 8

បញ្ជីឈ្មោះអ្នកចូលរួមក្នុងការប្រជុំពិភាក្សាសាធារណៈសម្រាប់អនុគមន៍  
 List of Participants in public consultation for \_\_\_\_\_

ទីកន្លែង/Venue: Rabbit Island, Key Village, Kab Lann

កាលបរិច្ឆេទ/Date: 19.06.20

ល.រ No	ឈ្មោះ Name	ភេទ Sex	អាយុ Age	តួនាទី ឬ មុខរបរ Position	ស្ថាប័ន/អាសយដ្ឋាន Institution/Address	លេខទូរស័ព្ទ Phone Number	ហត្ថលេខា Signature
1	ឃុំ វិបុល	ស	64	ឧបនាយក	កា: ចក្ខុ (ក្រុង/កម្ពុជា)	077 28 88 44	
2	លោក វិបុល	ស	62	អគ្គនាយក (សម្រាប់ សេវា)	-----	066 29 89 75	
3	ឃុំ វិបុល	ស	40	- - -	- - -	012 893 102	
4	ឃុំ វិបុល	ស	51	-----	-----	088 9494 059	
5	ឃុំ វិបុល	ស	77	-----	-----	077 734 77 59	
6	ឃុំ វិបុល (សម្រាប់/ឯក)	ស	58	-----	-----	088 77 06 222	
7	ឃុំ វិបុល (សម្រាប់/ឯក)	ស	55	-----	-----	086 9393 17	
8	ឃុំ វិបុល	ស	60	ប្រធានគម្រោង NGO	សម្រាប់/ឯក	012 58093	
9	ឃុំ វិបុល	ស	48	ឧបនាយក/ឯក	SBK/Peradet	077937773	
10	ឃុំ វិបុល	ស	31	ឧបនាយក	Freelance/P.P	085 82 28 28	
11	ឃុំ វិបុល	ស	32	-----	-----	087 555 177	
12	ឃុំ វិបុល	ស	34	-----	----- P.P	011787377	
13							

**Appendix 7: Photos Taken during the Consultation Meetings**





## List of Participants in the FGDs Conducted with Shop Owners and Affected Women

**គម្រោងហេដ្ឋារចនាសម្ព័ន្ធនេសចរណ៍ សម្រាប់តំណើនប្រកបដោយបរិយាម័ន្តនៃមហាអនុតំបន់ទន្លេមេគង្គទី២**

Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project

**បញ្ជីមត្តមានអ្នកចូលរួមក្នុងការប្រជុំពិភាក្សាក្រុមសម្រាប់អនុគម្រោង**

ផែកោះទន្សាយ / Koh Tunsay Pier ខេត្តកែប/Province កែប/Kep

ទីកន្លែង/Venue: Rabbit Island, Keb Village, Keb Commune

កាលបរិច្ឆេទ/Date: July 13, 2020

ល.រ No	ឈ្មោះ Name	ភេទ Sex	តួនាទី ឬ មុខរបរ Position	អាសយដ្ឋាន/ស្ថាប័ន Address/Institution	ហត្ថលេខា Signature
1	Khoem Vouch Aiy	F	Chief of Community	Rabbit Island	
2	Kheng Srey	F	Vendor	Rabbit Island	
3	Khoem Vouch Leang	F	Vendor	Rabbit Island	
4	Ngan Sophy	F	Vendor	Rabbit Island	
5					
6					
7					
8					
9					
10					
11					
12					

Male = 0

Female = 4

**គម្រោងហេដ្ឋារចនាសម្ព័ន្ធនេសចរណ៍ សម្រាប់តំណើនប្រកបដោយបរិយាម័ន្តនៃមហាអនុតំបន់ទន្លេមេគង្គទី២**

Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project

**បញ្ជីមត្តមានអ្នកចូលរួមក្នុងការប្រជុំពិភាក្សាក្រុមសម្រាប់អនុគម្រោង**

ផែកោះទន្សាយ / Koh Tunsay Pier ខេត្តកែប/Province កែប/Kep

ទីកន្លែង/Venue: Rabbit Island, Keb Village, Keb Commune

កាលបរិច្ឆេទ/Date: June 20, 2020

ល.រ No	ឈ្មោះ Name	ភេទ Sex	តួនាទី ឬ មុខរបរ Position	អាសយដ្ឋាន/ស្ថាប័ន Address/Institution	ហត្ថលេខា Signature
1	Khoem Vouch Aiy	F	Chief of Community	Rabbit Island	
2	Chhun Rim	F	Vendor	Rabbit Island	
3	Kheng Srey	F	Vendor	Rabbit Island	
4	Khoem Vouch Leang	F	Vendor	Rabbit Island	
5	Chea Om	F	Vendor	Rabbit Island	
6	Khoem Sophy	F	Vendor	Rabbit Island	
7	Ngan Sophy	F	Vendor	Rabbit Island	
8					
9					
10					
11					
12					

Male = 0

Female = 7

Photos Taken During the FGDs Conducted in June and July 2020





## Appendix 3: Summary of Rapid Replacement Cost Study

### A. Methodology

The Rapid Replacement Cost Study (RRCS) for affected structures and trees was conducted in June 2020. The study was carried out to gather the current market price of the affected assets including structures and fruit tree (coconut). The results of the RRCS are used to calculate the compensation rates for structures and fruit trees to ensure that the affected assets are compensated at full replacement cost.

The methods that were used by the RRCS team to collect the information on the current market price of the affected assets, are:

- Collecting the price of structures and trees regulated by the Government that were applied for compensation for affected assets by the Projects funded by international funding agencies and/or by the Government in period of 2019 – 2020. The information is used for discussions with AHs on the compensation unit rates for affected structures and trees.
- Direct interviews: 22 interviews were carried out by the RRCS team. The participants of the interviews include Kep town authority; Koh Tonsay island authority; chief of local community; house and shop owners; construction contractors; construction material shops, buyers and seller of fruit trees in locality.
- Focus Group Discussions (FGDs): Three FGDs with the participations of 16 people were carried out during the RRCS. The participants in the FGDs included displaced persons and non-displaced persons. The issues discussed in the FGDs include the current market rate of structures and fruit trees; the cost of construction labors; and the estimated price for compensation for affected assets.

The replacement cost for the affected structures is equal to market cost for the construction of the same but new construction materials, including transportation costs to the locality, plus with the labor cost to re-build. The affected fruit trees are compensated at the market rate.

### B. Results of the Rapid Replacement Cost Study

#### 1. Structures

Ten interviews with 5 AHs, 2 non-AHs, 2 construction contractors and 1 construction materials shop owner were conducted during the RRCS. The issues covered by the interviews include:

- Interviews with affected and non-affected households: construction materials (the materials used for current structures, type of shop where the owners bought construction materials, distance of transport, etc.); labor cost (the daily wage of construction workers; if the owners built the structures by themselves, they use their own labor or hire other people, etc.);
- Interviews with construction contractors: main materials that used to build the structures; cost for the materials; cost of labor; average construction cost per square meter floor; validation of regional construction prices;

One type of shop structure and two types of other structures were identified during the IOL. Construction materials of each type of structures are given in the table below.

**Table 3 - 1: Type of Affected Structures in Subproject Area**

Story	Roof	Wall	Column	Floor	Type
Shop/Store Structures					
Ground floor	Zinc	None	Wood	Concrete	SS1
Other structures (Plastic/Aluminum Shade Umbrellas)					

Story	Roof	Wall	Column	Floor	Type
Ground floor	Plastic net	None	Wood	Soil	TS1
Ground floor	Plastic net	None	Concrete	Soil	TS2

Source: The RRCS, 2020

The results of RRCS for the affected structures are shown in the following table.

**Table 3 - 2: Replacement Cost of Affected Structures**

Story	Type	Roof (\$)	Wall (\$)	Column (\$)	Floor (\$)	Labor (\$)	Total Cost (\$)
Shop/Store Structures							
Ground floor	SS1	9.5	0.0	8.3	8.35	6.0	32.15
Other structures (Plastic/Aluminum Shade Umbrellas)							
Ground floor	TS1	1.5	0.0	3.8	0.0	1.5	6.8
Ground floor	TS2	1.5	0.0	11.5	0.0	1.5	14.5
Other Structure							
Concrete Ring of 0.6m diameter	CR1	Lumpsum					15

Source: The RRCS, 2020

## 2. Fruit Trees

The market rate of the fruit trees was gathered through the interviews with three (03) affected tree owners; two (2) non-affected tree owners; and three (3) market shop owners of trees and four (4) representatives of local authority. The participants were interviewed about the price that the owners were willing to sell and the price of affected fruit tree in the market. The average market price of affected trees was gathered from the interviews.

**Table 3 - 3: Market Price of Affected Fruit Trees**

No.	(Trees & Crops)	(Unit)	Ages of Trees/Crops		
			Under 3 Years old	3 Years old - under 5Years old	5 Years old &above
1	Coconut	Tree	\$18.0	\$30.0	\$70.0

Source: The RRCS, 2020

## Appendix 4: Public Information Brochure

### PUBLIC INFORMATION BROCHURE (PIB)

#### Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project

##### Koh Tonsay Pier Subproject

#### 1. What is Second GMS Tourism Infrastructure for Inclusive Growth Project?

The project is financed by the Asian Development Bank (ADB) and will improve urban-rural transport infrastructure and urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia. It will help transform secondary towns in the GMS Economic Corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (2014–2019).

#### 2. What are the proposed interventions included in the Koh Tonsay Pier subproject?

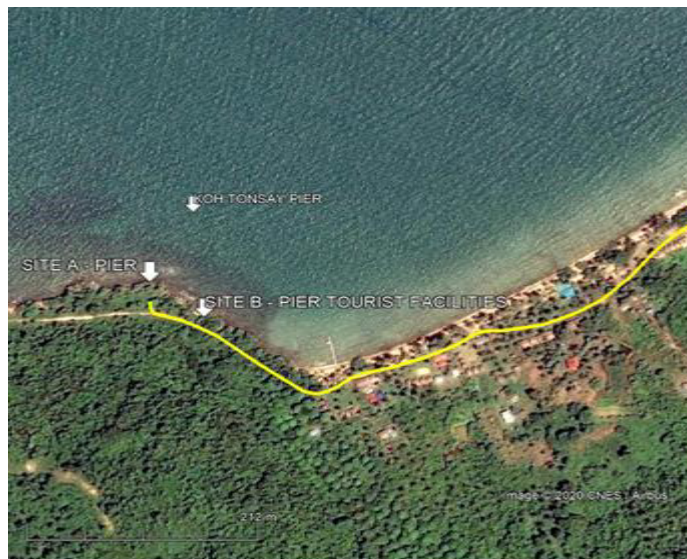
The **proposed** subproject will include two components: (i) the pier construction; and (ii) the walkway construction.

Component (i) consists of four sub-components: (a) a platform built offshore on shallow water, resting on rock-fill and protected by a retaining wall; (b) a protection dike; (c) the terminal head-hammer; and (d) two floating pontoons. The purposes of the pier construction are not only to the transit of tourists but also to transport goods, water and construction materials that are needed for the operation of resorts on the Koh Tonsay island.

Component (ii) consists of a reinforced concrete walkway of about 900m long, 2.8m wide and 150mm thick placed over a sub-base of compacted sand. The walkway will be utilized by the tourists not only for the transfer to/from the pier, but also during

their stay to reach the various parts of the beach and to walk between the various bars and restaurants.

The subproject components are in the location map in Figure 1.



**Figure 1: Location of Subproject Components**

#### 3. Will there be impacts on land, structures, trees and other assets of the households by the Subproject?

Based on the preliminary design of the subproject, no private land of individuals and households will be acquired for the construction of the pier and the walkway. There will be some households having structures and/or trees other than land affected by the subproject.

The impacts by the subproject will be confirmed once the detailed engineering design (DED) of the subproject is available and approved by competent agencies (August 2020) and the

detailed measurement survey (DMS) of loss that will be conducted in October 2020 (tentatively).

#### 4. What will be the compensation and entitlements?

Households/People affected by the proposed Project are entitled to receive compensation for affected assets under the following key compensation principles:

Provisions of fair and just compensation in advance.

Full compensation paid before expropriation or clearance.

Compensation is based on the replacement costs of lost assets at market prices that will be determined by an independent consultant through replacement cost study (RCS) without any deductions made for depreciation, salvage materials and transaction costs.

#### Will I be compensated for lost land?

The ROW is state land and AHs who occupy land on the ROW will not be compensated for the land. However, they will be compensated for any loss resulting from using the land like for example, for operating a shop, planting crops or fruit trees, or for structures.

In case after the completion of DED, if it becomes necessary to acquire private land for new alignments or land on which the AH has a legal right that falls **outside of the ROW** due to design changes, then compensation will be paid at the replacement cost of the land to be acquired.

#### Will I be compensated for affected house and structures that I own?

Yes. Private houses and structures that are affected by the proposed Project will be compensated at replacement cost without counting depreciation, salvage materials or transactions costs. Structures include fences, wells, pavements and other similar structures for which the AH can show ownership. If the house or structure is partially affected, then the compensation will be paid for the affected portion unless it can be shown that the remaining portion can no

longer be useful after the removal of the affected portion. In such cases, compensation will be paid for the whole structure.

#### **Will I be compensated for my crops and trees?**

Yes. For standing crops that are ripening but cannot be harvested by the time the land is required, the AHs will be compensated for the lost crop on replacement cost basis. However, for annual crops that are produced on annual seasonal basis like rice, sufficient notice will be provided to the AHs so that they can harvest the crops in time. No compensation is paid for crops in this case.

For perennial crops (trees that produce fruits for multiple years like mango tree), the AHs will be compensated for the loss of fruit which will take into account the loss of potential income and the time required to re-establish the perennial trees.

#### **If I have to relocate my house or shop, is there any relocation assistance?**

Yes. All efforts will be made during the detail design stage of the subprojects to avoid any physical displacement of AHs. However, apart from the compensation for the structures at replacement costs, transitional allowances will be paid as follows: (i) fixed lump sum transportation allowance for moving the assets; and (ii) loss of business income in case of stalls carrying out business. In case, the AHs are classified as poor and vulnerable, these allowances will be **doubled**.

#### **In case my livelihood is affected, how will I be compensated?**

The DMS will take note of the livelihoods of the AHs and whether there is any impact on them. Under the proposed Project, for AHs whose livelihood is impacted they will be provided with income loss or restoration support:

Loss of income during the transitional period where physical relocation is required. This will cover loss of income during the period of self-relocation.

When main source of livelihood source is **permanently** lost, a livelihood restoration/support program will be provided to assist the AHs/APs to rebuild/restore their livelihood.

In case the AHs are classified as poor and vulnerable, these allowances will be **doubled**. In addition, the proposed Project will seek to provide work opportunities in the project during the construction period.

#### **5. What is the "Cut-off-Date"?**

"Cut-off-Date" is the date established by the RGC that determines the eligibility of the AHs/DPs to receive compensation and resettlement assistance under the proposed subproject. The cut-off date for this subproject is the date of the completion of public consultations conducted with the DPs and local authorities during the feasibility study. The cut-off date for this subproject is **29 May 2020**. Only those DPs own, occupy or reside on the land to be acquired for the subproject as of this date will be eligible for receiving compensation and resettlement assistance. The Department of Tourism and the local authority authorities have the responsibility to manage the site to ensure that no assets will appear after the cut-off date. Any person who encroaches into the subproject area after the cut-off date will not be entitled to compensation and other resettlement assistance under the subproject. Fixed assets such as built structures (new or expansion of existing structures), crops, fruit trees, and other similar assets established after the cut-off date will not be compensated.

#### **6. How will be the replacement cost be decided and compensation calculated?**

The payment for compensation will be made based on the market value or replacement cost of the lost assets without deduction being made for salvage materials, depreciation, or transaction costs. A **Replacement Cost Study (RCS)** will be carried out by a local qualified independent consultant with the necessary qualification and experience in asset valuation to determine the prevailing market rates. This will be done at the time of the DMS. The RCS consultant will carry out a detailed analysis of the market rates for all types of assets prevailing in the proposed Project or subproject area and prepare the **unit rates** for each category of the loss asset. These will be used to calculate the replacement value and will be used to prepare the resettlement budget. The General Department of Resettlement of the Ministry and Economy and Finance will select the RCS consultant before the commencement of DMS.

#### **7. Do I have the right to complain about disagreements, compensation issues resettlement or other related issues, if yes how?**

Yes, you have right to lodge your complaint to Grievance Redress Committee (GRC) if you are unclear or unhappy with resettlement activities. The members of GRC at all time are ready to assist you. The attempt to redress your grievance will commence at village level through the Village Chief. However, you can lodge your verbal complaint to any member of the GRC (i.e. at village, commune or resettlement working group). The

GRC will record and document your complaint and advise you of the resolution.

#### **8. How can people submit complaints or grievances on the issues for which they are not satisfied?**

Given that the Project has been approved by ADB, the loan agreement has been signed and the Project is now being implemented, the contact persons and their mobile numbers are provided in the box below who can provide you with clarifications on the subproject related technical issues. At this point in time, the eligibility, loss of assets, the DMS and the compensation packages have not been decided and hence any complaints relating to them will not be entertained.

The Project has been approved by ADB, the Inter-Ministerial Resettlement Committee of the MEF will established a Grievance Redress Mechanism (GRM) under which Grievance Redress Committees will be established at both District and Provincial levels. These Committees will be set up and made operational before the commencement of the DMS. Any complaints or grievances on any aspects relating to incorrect measurements or compensation package will need to be sent to these Committees for resolution. An updated PIB with all the details on the GRM will be circulated and explained to the AHs during a separate public consultation meeting before the commencement of the DMS.

#### **Contacts Persons Related to Land Acquisition and Resettlement**

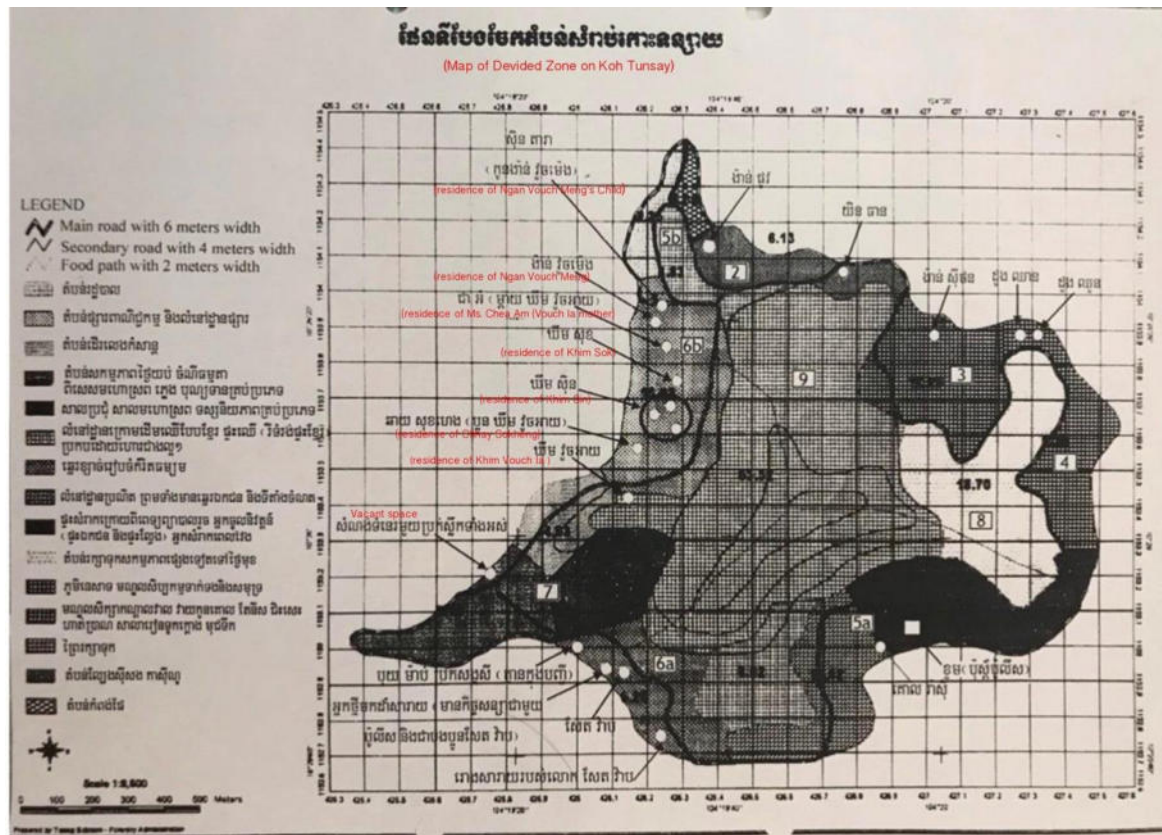
**Mr. Seng Hay**, Team Leader of IRC-WG, Resettlement Department 2, General Department of Resettlement, Ministry of Economy and Finance, Phnom Penh.

Tel: 012 231 402

**Mr. ChhumSok**, Project Manager, Project Management Unit, Ministry of Tourism, Phnom Penh

Tel: 012 819 006





Appendix 6: The Assurance of the Kep Governor

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**ខេត្តកែប**

**អង្គបាលក្រុងកែប**

លេខ ៤៤៧ អង្គ/២០១៧ ថ្ងៃទី ២២ ខែ កញ្ញា ឆ្នាំ ២០១៧ ទោស័ក ព.ស. ២៥៦៤  
ក្រុងកែប, ថ្ងៃទី ១៤ ខែ កញ្ញា ឆ្នាំ ២០២០

**លិខិតបញ្ជាក់**

**អតិថិជន នៃគណៈអតិថិជនក្រុងកែប**

សូមជម្រាបជូនថា ដោយមានការសាងសង់ផ្លូវថ្មីរំពឹងនៅកោះទន្សាយ ខេត្តកែប ក្រោមគម្រោងអភិវឌ្ឍន៍ហេដ្ឋារចនាសម្ព័ន្ធទេសចរណ៍ជំហាន២ (ផ្លូវថ្មីរំពឹង និងកំពង់ផែ កោះទន្សាយ) ក្រោមហិរញ្ញប្បទានពីធនាគារអភិវឌ្ឍន៍អាស៊ី (លេខ ៣៧០១) តម្រូវឲ្យមានការរុះរើកិលសំណង់គោដនីយដ្ឋានចំនួន០២កន្លែង របស់ម្ចាស់ឈ្មោះ ឃ៉ាន សុខា ប្រពន្ធឈ្មោះ ឃ៉ាន់ សុភី និងម្ចាស់ឈ្មោះ ម៉េង ណារិន ប្រពន្ធឈ្មោះ ខេង ស្រី ។

អាស្រ័យដូចនេះ អាជ្ញាធរក្រុងកែប សូមបញ្ជាក់ថា សំណង់គោដនីយដ្ឋានទាំង០២ កន្លែងខាងលើនេះ ត្រូវរុះរើកិលចេញពីកន្លែងដែលប៉ះពាល់ និងការសាងសង់ផ្លូវថ្មីរំពឹង នៃគម្រោងអភិវឌ្ឍន៍ហេដ្ឋារចនាសម្ព័ន្ធទេសចរណ៍ជំហាន២ នៅកោះទន្សាយ ។ ដូចនេះនឹង ត្រូវបានអនុញ្ញាតឲ្យម្ចាស់សាមីទាំងពីរ សាងសង់ឡើងវិញនៅខាងលើផ្លូវថ្មីរំពឹង ដែលមាន លក្ខណៈសមស្របប្រកបដោយសេរីភាពស្ថាពរ ដូចកាលស្ថានភាពមុនគម្រោងសាងសង់ ចំពោះដីទំនេរណាមួយនឹងមិនត្រូវបម្រុងទុក សម្រាប់អាជីវកម្មផ្សេងទៀតឡើយ ។

លិខិតបញ្ជាក់នេះ គឺជាការធានាអះអាង ចំពោះកង្វល់របស់ម្ចាស់គោដនីយដ្ឋានទាំង ០២កន្លែងខាងលើ ដែលបានលើកឡើងក្នុងកិច្ចប្រជុំពិគ្រោះយោបល់សាធារណៈ។

  
**អតិថិជន**

**ឌិត សុខា**

Kingdom of Cambodia  
Nation Religion King

KEP Province  
KEP Municipality Administration  
No 2475/20 Lor Bor Vor

KEP. Date 14 October 2020

**Certification Letter**  
**Governor of Kep City Board of Governors**

Please be informed that due to the construction of the Kep Pier and Walkway Subproject on Koh Tonsay, Kep province under the Greater Mekong Sub-Region Second Tourism Infrastructure for Inclusive Growth Project financed by ADB under Loan No. 3701-CAM, which will require to relocate two restaurants owned by Mr. Ngan Sokha, wife name Mrs. Ngan Sophy and Mr. Meng Narin, wife name Mrs. Kheng Srey.

In this regard, Kep City Authority is to confirm that the two restaurant buildings, which affected by the construction of the Walkway of Greater Mekong Sub-Region Second Tourism Infrastructure for Inclusive Growth Project, will be allowed to rebuild behind the Walkway as per pre-subproject condition and any vacant land will not be allocated to other new businesses.

This certification serves the assurance to the two restaurant owners of their concerns raised during the public consultation meeting.

Stamp and Signature

Governor

TITH, Sokha

Appendix 7: Letter on Announcement of Cut-Off Date



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

ក្រសួងសាធារណការ និងដឹកជញ្ជូន

លេខ: ៣១៧៧.២៥ សក.ហសទ២

ថ្ងៃ ១០ កើត ខែ ៧ ភ្ន័ត ឆ្នាំ ជូត ទោស័ក ព.ស ២៥៦៤  
រាជធានីភ្នំពេញ, ថ្ងៃទី ២២ ខែ ៧ ឆ្នាំ ២០២០

គោរពជូន

ឯកឧត្តមអភិបាល នៃគណៈអភិបាលខេត្តកែប

**កម្មវត្ថុ:** សំណើសុំកំណត់អសានុវាទនៃកាលបរិច្ឆេទ (Cut-Off-Date) ថ្ងៃទី២៩ ខែឧសភា ឆ្នាំ២០២០ សម្រាប់សិទ្ធិទទួលបានសំណងលើដីធ្លី និងទ្រព្យសម្បត្តិដែលរងផលប៉ះពាល់ដោយសារអនុគម្រោងសាងសង់កំពង់ផែទេសចរណ៍កោះទន្សាយ និងផ្លូវថ្មីជើង នៃគម្រោងហេដ្ឋារចនាសម្ព័ន្ធទេសចរណ៍ជំហាន២។

**យោង:** យោងកិច្ចព្រមព្រៀងឥណទានលេខ Loan No. 3701-CAM (COL) ចុះថ្ងៃ២៤ ខែតុលា ឆ្នាំ២០១៨ រវាងរាជរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជាជាមួយធនាគារអភិវឌ្ឍន៍អាស៊ី។

សេចក្តីដូចមានចែងក្នុងកម្មវត្ថុ និងយោងខាងលើ ខ្ញុំសូមជម្រាបជូន **ឯកឧត្តមអភិបាល** មេត្តាជ្រាបថា៖ ទីប្រឹក្សាបច្ចេកទេសគម្រោងសហការជាមួយអង្គការអនុវត្តគម្រោង (PIU) ខេត្តកែប បានបើកកិច្ចប្រជុំពិគ្រោះយោបល់ជាសាធារណៈ នៅថ្ងៃទី២៩ ខែឧសភា ឆ្នាំ២០២០ សម្រាប់ការរៀបចំផែនការការតាំងទីលំនៅថ្មីជាមូលដ្ឋានសម្រាប់អនុគម្រោងសាងសង់កំពង់ផែទេសចរណ៍កោះទន្សាយ និងផ្លូវថ្មីជើង ខេត្តកែប។ នេះគឺជាផ្នែកមួយនៃតម្រូវការរបស់ធនាគារអភិវឌ្ឍន៍អាស៊ី ក៏ដូចជាអត្តនាយកដ្ឋានដោះស្រាយផលប៉ះពាល់ដោយសារគម្រោងអភិវឌ្ឍន៍ នៃក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ (GDR) ដើម្បីឯកភាពលើគម្រោងនេះ ដោយយោងទៅតាមគោលការណ៍ពាក់ព័ន្ធ និងឯកសារការតាំងទីលំនៅថ្មីដោយមិនស្ម័គ្រចិត្ត។

កិច្ចប្រជុំពិគ្រោះយោបល់ជាសាធារណៈជាមួយប្រជាពលរដ្ឋដែលរងផលប៉ះពាល់ និងអាជ្ញាធរពាក់ព័ន្ធបានធ្វើឡើងនៅថ្ងៃទី២៩ ខែឧសភា ឆ្នាំ២០២០ នៅសហគមន៍កោះទន្សាយ សង្កាត់កែប ហើយបានព្រមព្រៀងគ្នា លើសេចក្តីប្រកាសកំណត់អសានុវាទនៃកាលបរិច្ឆេទ (Cut-Off-Date) ជាថ្ងៃកំណត់នៃសិទ្ធិទទួលបានសំណងពីគម្រោង។ ដូច្នេះកាលបរិច្ឆេទចុងក្រោយនេះត្រូវបានព្រមព្រៀងគ្នាយកថ្ងៃទី២៩ ខែឧសភា ឆ្នាំ២០២០ ជាកាលបរិច្ឆេទចុងក្រោយ នៃសិទ្ធិទទួលបានសំណងសម្រាប់គម្រោងនេះ។

គោលបំណងសំខាន់នៃអសានុវាទនៃកាលបរិច្ឆេទ ក្នុងគោលនយោបាយការពារសុវត្ថិភាពសង្គមរបស់ធនាគារអភិវឌ្ឍន៍អាស៊ី(ឆ្នាំ២០០៩) គឺ៖ (ក) ការពារការហូរចូលចំនួនប្រជាជននៅក្នុងតំបន់គម្រោង (ខ) ការពារការរំលោភទន្ធនានាកាន់កាប់ដីសាធារណៈ (គ) ទ្រព្យសម្បត្តិរងផលប៉ះពាល់នៅក្នុងដីចំណីផ្លូវ (ROW) ទទួលបានសំណងតាមច្បាប់ដោយគម្រោង និង (ឃ) ជូនដំណឹងដល់ប្រជាជនមូលដ្ឋាន និងអាជ្ញាធររក្សាបានដីចំណីផ្លូវបានល្អ និងជឿស្រវឹងពីឧបសគ្គផ្សេងៗ។

បានពន្យល់យ៉ាងច្បាស់ដល់ម្ចាស់សំណង់ម្ចាស់ដី និងអាជ្ញាធរខេត្តដែលរងផលប៉ះពាល់ថា រាល់ការសាងសង់ថ្មី ឬដាំបន្លែមដើមឈើថ្មីនៅក្នុងរង្វង់ផលប៉ះពាល់របស់គម្រោងនឹងមិនត្រូវបានផ្តល់

មហាវិថីព្រះនរោត្តម ភ្នំពេញ ទូរស័ព្ទ-ទូរសារ(៨៥៥) ២៣ ៤២៦ ៦៤០, (៨៥៥) ២៣ ៤២៧ ៨៦២

សំណងដោយគម្រោងទេ បន្ទាប់ពីអសានុវាទនៃកាលបរិច្ឆេទនេះត្រូវបានកំណត់។ ក្រសួងសាធារណការ និង ដឹកជញ្ជូនជម្រុញឱ្យមន្ត្រីសាលាក្រុងខេត្តកែបធានានូវការអនុលោមយ៉ាងតឹងរឹងលើអសានុវាទ នៃ កាលបរិច្ឆេទដែលបានបង្កើតឡើង។ ហើយមានការទំនាក់ទំនងគ្នាយ៉ាងជិតស្និទ្ធជាមួយការិយាល័យក្នុង មូលដ្ឋានក្នុងក្រុងនឹងត្រូវអនុវត្តលើការត្រួតពិនិត្យ និងចេញលិខិតអនុញ្ញាតឱ្យសាងសង់អគារថ្មីលើដីនៅក្នុង តំបន់គម្រោង។

ទោះយ៉ាងណាមិនមានសកម្មភាពរុះរើណាមួយដោយអាជ្ញាធរខេត្តទេ ក្នុងដំណាក់កាលរៀបចំ គម្រោង រួមទាំងការបំលាស់ទី ការឈូសឆាយ ឬការរឹតត្បិតការប្រើប្រាស់ដីដែលមានស្រាប់ដោយគ្រួសារ ដែលរងផលប៉ះពាល់រហូតត្រូវមានការណែនាំដោយក្រសួងសាធារណការ និងដឹកជញ្ជូន បន្ទាប់ពី ផែនការវាស់វែងលម្អិតនៃការតាំងទីលំនៅថ្មី ត្រូវបានអនុម័តដោយអគ្គនាយកដ្ឋានដោះស្រាយផលប៉ះពាល់ ដោយសារគម្រោងអភិវឌ្ឍន៍ នៃក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ (GDR) និងធនាគារអភិវឌ្ឍន៍អាស៊ី (ADB)។

គោលនយោបាយគាំពារសង្គមឆ្នាំ២០០៩ មាននិយមន័យដូចតទៅ៖ នេះសំដៅទៅលើ កាលបរិច្ឆេទដែលប្រជាជននឹងមិនមានសិទ្ធិទទួលបានសំណង ឬជំនួយ។ អ្នកដែលកាន់កាប់ ឬប្រើប្រាស់ តំបន់គម្រោងមុនកាលបរិច្ឆេទដែលបានកំណត់ មានសិទ្ធិត្រូវបានចាត់ជាគ្រួសាររងផលប៉ះពាល់ និង មានសិទ្ធិទទួលបានសំណង ឬជំនួយផ្សេងៗ។ អ្នកដែលមិនត្រូវបានរាប់បញ្ចូលក្នុងជំរឿនមិនមានសិទ្ធិទទួល បានសំណង និងសិទ្ធិផ្សេងៗទេ លើកលែងតែពួកគេអាចបង្ហាញភស្តុតាងជាក់លាក់ (១) បើពួកគេត្រូវ បានខកខានដោយចៃដន្យក្នុងអំឡុងពេលជំរឿន (IOL) ឬ(២) ពួកគេមានទ្រព្យសម្បត្តិដែលរងផល ប៉ះពាល់ដោយស្របច្បាប់ បន្ទាប់ពីការបញ្ចប់ជំរឿន IOL និងមុនពេលធ្វើការស្ទង់មតិវាស់វែងលម្អិត (DMS)។

ជាចុងក្រោយច្បាប់ចម្លងនៃដំណោះស្រាយនេះ គួរតែត្រូវបានរក្សាទុកនៅសាលាខេត្តក្រុង និងសង្កាត់ក៏ដូចជាការិយាល័យរបស់ ADB និងទីប្រឹក្សាគ្រប់គ្រង និងអនុវត្តគម្រោង ដើម្បីទទួលបាន ព័ត៌មាន និងសកម្មភាពសមស្រប។

អាស្រ័យដូចបានជម្រាបជូនខាងលើ សូម **ឯកឧត្តមអភិបាល** មេត្តាពិនិត្យ និងសម្រេច ដោយអនុគ្រោះ។

សូម **ឯកឧត្តមអភិបាល** មេត្តាទទួលនូវការរាប់អានដ៏ស្មោះស្ម័គ្រអំពីខ្ញុំ។

**ជំរឿនត្រួតពិនិត្យសាលាធារណការ និងដឹកជញ្ជូន**  
**ស៊ឹម សាន**

- ចម្លងជូន៖
- ក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ
- អង្គភាពគ្រប់គ្រងគម្រោង
- អង្គភាពអនុវត្តគម្រោង
- សាលាក្រុងកែប
- មន្ទីរ-អង្គភាព អាជ្ញាធរពាក់ព័ន្ធ
- ឯកសារ-កាលប្បវត្តិ

មហាវិថីព្រះនរោត្តម ភ្នំពេញ ទូរស័ព្ទ-ទូរសារ(៨៥៥) ២៣ ៤២៦ ៦៤០, (៨៥៥) ២៣ ៤២៧ ៨៦២

**Kingdom of Cambodia  
Nation Religion King**

\*\*\*\*\*

**Ministry of Public Works and  
Transport (MPWT)  
N°: 3726**

**Date:** 26 October 2020

**Attention to  
H.E Governor of Kep Provincial Board of Governors**

**Subject:** Request for setting up Cut-Off Date on May 29, 2020 for entitlement for compensation for the affected land and assets by Koh Tunsay Subproject of Second Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project.

**Ref:** Reference to Loan No. 3701-CAM (COL) dated on October 24, 2018 between the Royal Government of Cambodia and Asian Development Bank.

As stated in the subject and reference above I would like to inform His Excellency Governor that Project Technical Consultant in collaboration with the Kep Project Implementation Unit (PIU) held public consultation meeting on May 29, 2020 for preparation of the Basic Resettlement Plan (BRP) for Koh Tunsay subproject. This is one of the ADB's requirements, as well as of the General Department of Resettlement (GDR) of the Ministry of Economy and Finance, in order to approve the project in accordance with the relevant policies and documentation for involuntary resettlement.

The public consultation meetings with potential affected households, local authorities and stakeholders were held on May 29, 2020 at Koh Tunsay Community, Sangkat Kep, Kep city. The said date was announced and concurred as the Cut-Off-Date (COD) which defines the limit for the entitlement for compensation from the Project. Therefore, the COD is duly concurred as **May 29, 2020** for the entitlement of compensation for the project.

The main scopes of the COD in the ADB Safeguards Policy Statement (2009) are to: (a) prevent influx of population in the project area, (b) prevent illegal encroachment of public land, (c) fix the assets falling within the Right-of-Way (ROW) to be legally compensated by the project, and (d) inform local residents and Provincial Authorities of keeping ROW clear of obstructions.

It has been clearly explained to the affected structure owners, landowners and the Provincial Authorities that any new or additional improvements built or introduced, or trees and new areas with crops planted within the project's ROW shall no longer be compensated for by the project after COD. The Ministry of Public Works and Transport urges officials of Kep town to ensure strict compliance with the established cut-off date. Then a close coordination within the town will be undertaken for the monitored and controlled issuance of new building and land use permits within the vicinity of the project.

However, no demolition activities shall be carried out by the provincial authorities during the planning phase, including the relocation, clearing or restriction of existing land use by the affected households until further guidance by the Ministry of Public Works and Transport after detailed measurement survey for resettlement plan has been approved by the General Department of resettlement (GDR) of the Ministry of Economy and Finance (MEF) and the Asian Development Bank (ADB).

The Social Policy Statement 2009 refers to the date when people will not be entitled to compensation or assistance according to the following: those who occupy or use the project area before the definition COD date would have the right to be considered as affected household and are entitled to compensation or other assistance. The households who are not included in the Inventory of Loss (IOL) are not entitled to compensation and other rights unless they can present specific evidence of the following cases:

(1) If they have been accidentally missed during the IOL; (2) if they have other assets that are legally affected after the IOL is completed and before the detailed measurement survey (DMS) has been conducted.

Finally, a copy of this resolution should be furnished to Provincial, District and Sangkat offices, as well as to the ADB and the PMIS, for their information and appropriate action.

As mentioned above, His Excellency the Governor, please review and decide with favor.

Sincerely yours

For Minister of Public Works and Transports

Secretary of State

Seal

Suy San

CC:

- Project Implementation Unit (PIU)
- Local Authorities at the Project area
- Municipal of Kep Province
- Provincial Council "to be Informed"
- Record-Achieve/ Chronological

---

*Unofficial translation*

## Appendix 8: Some Photos During the IOL



IOL Implementation