Asian Development Bank Accountability Mechanism
Compliance Review Panel

Report on Eligibility

To the Board of Directors
on
Compliance Review Panel Request No. 2009/1
on the Fuzhou Environmental Improvement Project
in the People’s Republic of China
(Asian Development Bank Loan No. 2176-PRC)

24 June 2009
### ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>AM</td>
<td>Accountability Mechanism</td>
</tr>
<tr>
<td>CRP</td>
<td>Compliance Review Panel</td>
</tr>
<tr>
<td>EA</td>
<td>Executing Agency</td>
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<tr>
<td>OSPF</td>
<td>Office of the Special Project Facilitator</td>
</tr>
<tr>
<td>PRC</td>
<td>People’s Republic of China</td>
</tr>
</tbody>
</table>

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.
## Contents

<table>
<thead>
<tr>
<th>MAP</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>iv</td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II. DESCRIPTION OF THE PROJECT</td>
<td>1</td>
</tr>
<tr>
<td>III. REQUEST FOR COMPLIANCE REVIEW</td>
<td>1</td>
</tr>
<tr>
<td>A. Requesting Parties</td>
<td>1</td>
</tr>
<tr>
<td>B. Remedies Sought by Requesting Parties</td>
<td>2</td>
</tr>
<tr>
<td>C. Request</td>
<td>2</td>
</tr>
<tr>
<td>IV. ASSESSMENT AND FINDINGS</td>
<td>2</td>
</tr>
<tr>
<td>A. Conduct of Eligibility Assessment</td>
<td>2</td>
</tr>
<tr>
<td>B. Findings</td>
<td>3</td>
</tr>
<tr>
<td>C. Conclusion</td>
<td>4</td>
</tr>
<tr>
<td>V. RECOMMENDATION</td>
<td>4</td>
</tr>
<tr>
<td>APPENDIXES</td>
<td></td>
</tr>
<tr>
<td>1. English Version of the Request</td>
<td>5</td>
</tr>
<tr>
<td>2. Original Request Letter in Chinese</td>
<td>9</td>
</tr>
<tr>
<td>3. Notice of Registration</td>
<td>13</td>
</tr>
<tr>
<td>4. Press Advisory</td>
<td>15</td>
</tr>
<tr>
<td>5. Project Profile</td>
<td>16</td>
</tr>
</tbody>
</table>
I. INTRODUCTION

1. This report was prepared by the Compliance Review Panel (CRP) to consider the eligibility of the request for compliance review (Request) in respect of the Fuzhou Environmental Improvement Project Loan No. 2176-PRC (Project). The Request was filed on 3 June 2009 by Mr. Wang Jie Quan and Mr. Xu Qi Long of Fujian Province, People’s Republic of China (PRC). The Request, in English and Chinese, are in Appendixes 1 and 2, respectively.

2. The CRP registered the Request on 5 June 2009 (Appendix 3) and issued a press advisory on the same day (Appendix 4). Details on the Request are in the CRP registry on the CRP website, www.compliance.adb.org.

3. The findings of the CRP review are presented in this report and are submitted to the Asian Development Bank (ADB) Board of Directors in accordance with paragraph 120 of the Accountability Mechanism (AM).¹

II. DESCRIPTION OF THE PROJECT

4. The Project, a key urban infrastructure initiative of the Fuzhou Municipal Government (FMG), aims to improve the environmental quality and living conditions in the project areas by reducing water pollution and protecting water resources. The Project has three infrastructure components: (i) Component A, expansion of the Yangli sewer networks serving the eastern part of Fuzhou; (ii) Component B, construction of the Lianban sewer network on Nantai Island in the southern part of Fuzhou; and (iii) Component C, rehabilitation of 13 inland creeks for pollution control and flood protection on Nantai Island. The Project also has capacity building components to provide training for project management, waste water management, and private sector participation in municipal services.

5. FMG is the Executing Agency (EA) and formed a project leading group chaired by the Deputy Mayor of Fuzhou. The group meets periodically to provide guidance and interagency coordination and to resolve any institutional problems affecting project implementation. The Fuzhou Water Environmental Construction and Development Company is the agency that takes responsibility for implementing the sewer network component. The Fuzhou Urban Visual Construction and Development Company is responsible for implementing the inland creek rehabilitation component.

6. The Project was approved on 29 July 2005 and became effective on 14 September 2006. The ADB loan is scheduled to be closed on 30 June 2010. As of 31 May 2009, the physical completion of the project was at 50%, and the disbursement of the ADB loan was at 22%. The period of utilization of the ADB loan will be until 30 June 2010; the estimated project completion date is 31 December 2009. A detailed project profile is in Appendix 5.

III. REQUEST FOR COMPLIANCE REVIEW

A. Requesting Parties

7. The requesting parties live at Qiaonan, Gaohu Village, Gaishan Township, Cangshan District, Fuzhou City, Fujian Province, PRC. Based on project documents, the area where the requesting parties live is part of the project-affected area.

The CRP received the first request on 25 November 2008, which according to the AM policy was referred to the Office of the Special Project Facilitator (OSPF). On 12 May 2009, the requesting parties informed CRP that they would not insist that their identities be kept confidential for the compliance review process. On 21 May 2009, the requesting parties requested a parallel process of consultation and compliance review; however, on 3 June 2009, the parties discontinued the consultation process and requested a compliance review. In the consultation process, there were seven complainants, five of whom virtually reached agreement on offers of compensation from the PRC Government. Two complainants, namely, the two requesting parties, did not accept the Government's offer and requested compliance review.

B. Remedies Sought by Requesting Parties

The requesting parties want the Project to be implemented in accordance with ADB's policy and procedures on involuntary resettlement.

C. Request

1. Allegations of Direct and Material Harm

The requesting parties claimed that their three-storey houses, each with a total floor area of 180 square meters were affected by land acquisition for the Project. Specifically, they claimed to be suffering the following as a result of the Project:

(i) loss of housing;
(ii) loss of livelihood;
(iii) fear of being homeless; and
(iv) unfair compensation for resettlement for persons with and without legal property rights.

2. Allegations of Specific Non-compliance with ADB Policies

The requesting parties claim that the specific terms for land acquisition and property compensation included in the “Revised Resettlement Plan of August 2008” were not consistent with the “Resettlement Plan of September 2004” that was approved in accordance with the ADB Policy on Involuntary Resettlement of 1995, especially regarding (i) unequal treatment of legal residents and illegal residents who lost their houses and (ii) compensation at below replacement cost for illegal residents who lost houses.

IV. ASSESSMENT AND FINDINGS

A. Conduct of Eligibility Assessment

In assessing the eligibility of this Request, CRP conducted a desk based review of the relevant documents of the Project, all materials and analyses relating to the complaint at the consultation phase obtained from OSPF, and several ADB policies and procedures. CRP has consulted the Executive Director representing PRC; the Director General, East Asia Regional Department; the Director and staff, Urban and Social Sectors Division; and the ADB General Counsel.

13. During the review of eligibility, the Office of the Compliance Review Panel held teleconferences on 21 and 22 May 2009 with the requesting parties. The CRP met by teleconferences on 5, 11, and 18 June 2009, and met in person on 22 June 2009.

B. Findings

1. Review of the Elements of Eligibility

14. Based on paragraphs 72 and 113 of the AM, the CRP considers the Request falls under the authority of the consultation and compliance review phases because it:

   (i) is related to a project funded by ADB (Loan 2176); 
   (ii) is not related to procurement; 
   (iii) is not related to allegations of fraud; 
   (iv) is about an ongoing project; 
   (v) has never been referred to the Inspection Panel; 
   (vi) is not about the adequacy of ADB policies and procedures; 
   (vii) is not frivolous, malicious, trivial, or generated to gain competitive advantage. 
   (viii) is not within the jurisdiction of ADB’s Appeal Committee or Administrative Tribunal; and 
   (ix) is not related to ADB’s finance and administration.

15. In addition, the Request is also not part of the exclusion criteria for compliance review stated in paragraphs 110 to 114 of the AM because the Request does not:

   (i) relate to actions that are the responsibility of other parties such as the borrower, the EA, or a potential borrower unless the conduct of these other parties is directly relevant to an assessment of ADB’s compliance with its operational policies and procedures; 
   (ii) constitute a complaint that otherwise does not involve an action or omission by ADB to follow its operational policies and procedures; 
   (iii) relate to the laws, policies and regulations of the EA/developing member country government concerned unless they directly relate to ADB’s compliance with its operational policies; and 
   (iv) constitute a complaint that has not first been filed with the OSPF.

2. Review of CRP Eligibility Criteria

16. The CRP found that the Request is in accordance with the eligibility requirements of the AM. The Request for compliance review is in writing and is specifically addressed to the “Secretary, Compliance Review Panel.” It complies with paragraph 107 of the AM.

17. The CRP found that the requesting parties are claiming direct material harm as a result of the specific terms for land acquisition and property compensation included in the “Revised Resettlement Plan of August 2008” that they claim are not in compliance with ADB’s policies and procedures for involuntary resettlement.

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3 During the review of eligibility, CRP was informed that the Project design may change. However, CRP concluded that this would not have any bearing on its eligibility findings.

18. The CRP addressed the question whether the Request implicate potential policy violations. The CRP evaluated the Request, and in its opinion, the Request raises issues of potential policy violation.

C. Conclusion

19. Based on the above, CRP determines that the Request is eligible.

V. RECOMMENDATION

20. As CRP finds that the Request is eligible, CRP recommends that the Board authorize compliance review for this Project.

/S/ Rusdian Lubis
Chair, Compliance Review Panel
24 June 2009
ENGLISH VERSION OF THE REQUEST

Request for Performing Compliance Inspection

Dear Secretary:

Greetings! We are farmers permanently living at Qiao Nan of Gao Hu Village in Gai Shan County, Cang Shan District, Fu Zhou City, Fu Jian Province. We have non local resident registrations (non local farmers). Wang Jie Quan and Xu Qi Long are the representatives of our two families. We hereby request the Asian Development Bank (ADB) to inspect again the Fu Zhou Environment Improvement Project (Loan number: 2176-PRC). Please inspect the actual situation regarding how government offices comply with relevant business policies and procedures. Those business policies and procedure are found in policies on involuntary resettlement due to ADB engineering projects, and in the “Resettlement Plan” made by the Government that was also approved by ADB.

Name of the Project:  China Fu Zhou City Nan Tai Dao Inner River Improvement Project.

Project Location: Cang Shan District, Fu Zhou City, Fu Jian Province

We believe that during the implementation of this project, the party in charge of implementation and the relevant department at ADB did not sincerely abide with ADB business policies and procedures. This is mainly reflected in unjust compensation for involuntary resettlement and the fact that the relevant monitoring office did not fulfill its responsibilities. The actions and behavior of the relevant departments has severely endangered our normal daily lives. It forced our small workshop to stop operations which removed the only source of our income. At the same time, the deterioration of the surrounding environment forced us to leave our former house, and we had to migrate to a very remote area to continue our lives. Our good living conditions had already been seriously affected by this project, then on top of all that, in a related report the government office even mentioned applying force to evict us from our house (government comments of 22 April 2009). This made us wonder about the practical effects of this ADB project that is supposed to improve the living standards of the people in poverty-stricken areas.

Allow us to offer some detailed descriptions. Wang Jie Quang’s family has six members. Two sons are studying at university right now. Both he and his wife lost their jobs. There are also two elderly persons in the family who need to be taken care of. They don't have any fixed, reliable source of income, and life is extremely hard. Xu Qi Long’s family also has six members. Two children are studying at university right now, one daughter is disabled, and two children are Hepatitis B carriers who need to take medication regularly. Xu Qi Long also has high blood pressure. Before, he did outsource processing for a living, but due to the inner river improvement project that work has stopped. The family’s only source of income has thus been removed which could greatly affect the educational stability of the children at university. Because of a lack of financial resources, they might be forced to stop their educations. The family's living condition is also very poor.

All family members moved here from Ping Yang County in Zhe Jiang Province 15 years ago. Their former house has already collapsed due to a lack of maintenance. Right now, this is the only house left. According to the current compensation plan of the Government, we were to buy public housing but would still have to pay all price differentials. This would be a burden too heavy to bear. At recent market prices, public housing costs 3000 yuan per square meter (first floors cost around 2800 yuan per square meter and any upper floor would cost more), so to buy
Appendix 1

A three-story 180 square meter house would cost 540,000 yuan. Subtract the resettlement compensation of a little more than 180,000 and we would still have to pay a difference of around 360,000 yuan. This money can be obtained from a bank loan, but at the current lowest bank interest rate, we would have to take out a 20-year mortgage with payments of 3000 yuan per month. At the moment we have no income whatsoever, so this is unthinkable. We don’t have jobs now, life is already very difficult, and we will not be able to pay the mortgage which means the new house will be confiscated by bank and we will lose everything and not even have a place to live.

We wish ADB to help with our problem through the following means.

1. Thoroughly inspect the reason for the change in the location of the watercourse during the implementation of this ADB project. Determine if the operations of the internal and external monitoring organization were carried out properly. Determine if all the people affected have been treated equally during the implementation of this project because the project implementing agency had no right to force our eviction before negotiations were concluded. This is a serious violation of the business policies and procedures of ADB.

2. We reported this unfair treatment imposed on us due to this project to the Beijing office of ADB in May 2008, but in August 2008, the Government published a new involuntary resettlement plan for this project. Why did they amend the resettlement plan after we made the complaint? The amended plan is even more unfair to us. We don’t understand the reasons behind it.

3. Please urge the project implementing agency to strictly follow the involuntary resettlement manual for ADB engineering projects and the resettlement plan for this project. Please ask them to implement the plan according to the requirements of these documents and to give us reasonable compensation and resettlement. As for detailed proposals, first compute compensation for resettlement at 30 square meters per person and don’t make us pay any price differentials. This is the same as the compensation plan for the Lan Zhou loan project of ADB. Second, in accordance with relevant articles of the resettlement plan, provide us occupations after the completion of the project. This would help us improve our living standards and would also comply with the updated articles of the resettlement plan published by the Government on August 2008. It stated that the aim is to at least maintain or to improve living standards compared with the situation before the implementation of the project.

We did report these problems to the staff of ADB and to the special facilitator for the project, hoping that these problems could be solved. What happened can be described as follows. From February 11 to 13, 2009, representatives from Office of the Special Project Facilitator (OSPF) came to Fu Zhou to confirm if these complaints satisfied the standard requirements for initiating discussions under the ADB accountability mechanism. These representatives held numerous meetings with us including one group meeting with all of us and then meetings with the seven complaining families one by one. The representatives verified the exclusion criteria under the accountability mechanism, checked all the requirements needed in the negotiation stage, and assessed the possibility of resolving the problem by facilitating negotiations. Then on February 12, 2009, OSPF confirmed that this complaint satisfied all requirements for opening a negotiation and notified the complainants, the East Asia Department, and the Fu Zhou Project Management Office. On March 27, 2009, representatives from OSPF (including the facilitator from Hong Kong, China) came to Fu Zhou in order to discuss the issue with us. At the meeting on March 28, the Special Project Facilitator helped us to negotiate with the Government, but the Government gave the proposal of only a lump sum compensation of 185,640 yuan with a house
of 180 square meters as an example and a quota for purchasing public housing. On April 28, 2009, OSPF and staff from East Asia Department called us on the phone and discussed this problem, but the compensation plan decided by the government office did not change at all.

The reason we filed this complaint with the Compliance Review Panel is because in the previous negotiations, the Government showed no sincerity which is very unacceptable to us. This was mainly evident in the following.

1. The lump sum compensation of 185,640 yuan for an entire family can purchase only 66 square meters of public housing with property rights. This is the largest affordable area without considering the differences between stories. Taking those into account and the shared areas in public buildings, the actual living area would be only around 50 square meters; therefore, each of the six members of our families would have an average living area of less than 10 square meters. The Government never considered poor people like us who do not have any social insurance, and they never considered helping us pay for insurance or providing us with permanent occupations to sustain life. They never really considered improving our standards of living.

2. The government’s understanding of related concepts is distorted; this is the major problem facing us in obtaining reasonable compensation. During numerous meetings with the Government, the government office did mention multiple times that our house is an illegal building, but the actual situation is not what the government office says it is. To give a short description, the location of our house was in a centrally planned area of the village. During the transfer of the residential land area, we paid all related costs to Gao Hu Village. After the transfer process had been approved by Gao Hu Village, we built our house in 1994 and have lived there until now. The building has three stories, and the total area is 180 square meters. Our house could have had property rights, but we didn’t pursue them. This point can be proved by showing you that our adjacent neighbors have property rights. Even without property rights, according to ADB regulations houses with property rights and those without property rights shall be treated equally. The local government did not, therefore, comply with the ADB business policies and procedures and treated us differently when providing compensation for involuntary resettlement. In addition, the staff of East Asia Department of ADB also did not completely understand the difficult situation our families are in which caused them to be biased regarding our compensation.

Aside from the above information, the following are some documents that might help you to understand our situation. Sources are indicated.

1. Asian Development Bank Loan Project Fu Zhou City Nan Tai Dao Inner River Improvement Project Resettlement Plan (Published by: http://www.adb.org)

2. Inner River Improvement Project (Yue Jin River, Long Jin River) Relocation Compensation Settlement Implementation Rules (Published by: Fu Zhou Land Source Demolition and Relocation Agency)

3. Asian Development Bank Accountability Mechanism (Published by: http://www.compliance.adb.org)

4. “EASS Position” 21 April 2009 CHN (Published by: East Asia Department of ADB)

5. “Government Comments” 22 April 2009 (Published by relevant government office)
6. “Summary of Current Status” 21 April 09 (Published by OSPF)

Requested by: Wang Jie Quan and Xu Qi Long
April 28, 2009

Our contact details:
**Qu Qi Long**: Contact details: +8613991302982 Email: xugilong2009@yahoo.cn
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Mailing Address: no. 112 Gao Hu San Zuo, Gai Shan County, Cang Shan District, Fu Zhou City, Fu Jian Province  (Postal code: 350007)
合规检查申请

尊敬的秘书:

您好！我们是常住在福建省福州市仓山区盖山镇高湖村桥南的外地户口（非当地农经户）农民，王接泉和徐其龙是这两户家庭的代表。请求合规检查小组帮助我们对亚洲开发银行福州环境改善项目（贷款编号：2176-PRC）在有关亚行制定的工程性移民政策和政府起草公布亚行审核通过的移民安置计划中政府部门遵守有关业务政策和程序的情况进行检查。

该项目名称：中国福州市南台岛内河整治工程。

项目地点：福建省福州市仓山区。

我们认为在项目执行过程中，本项目实施方和亚行有关部门未严格遵守亚洲开发银行有关业务政策和程序，尤其在移民安置补偿不合理和有关监督机构未完全履行职责方面，有关部门的做法和行为，已经严重危害我们正常的生活，造成了我们小工作坊被迫停止，唯一生活来源被迫中断，同时由于周围居住环境的恶化导致我们不得不离开原来的居所，到其他偏远地区居住生活，原本良好的生活环境受本项目影响现已极度恶化；更严重的是政府部门在有关的报告中还谈及强制拆迁我们房屋（Government-comments22April2009），令我们十分担心亚行此项目对改善贫困地区人民生活水平所起的真正实际意义，对此我们进行详细描述：王接泉，家中共有6口人，2个儿子上大学，夫妻双双下岗，家中仍有二老需要赡养，无固定经济收入，生活极度贫困；徐其龙，家中共有6口人，2个子女上大学，一个女儿残疾，且2个子女是乙肝携带者，需要不间断地吃药，本人还患有高血压，原本靠来料加工度日，如今因为内河改造，来料加工被迫停止，唯一生活来源被迫中断，这将极大影响两子女上学的稳定性，其家庭成员由浙江省平阳县迁来此地居住已经长达15年之久，原居住地房屋因为年久失修早已倒塌，如今仅剩这一住所。如果按照政府现有赔偿方案，让购买经济适用房，还得补差价，那么对我们而言将不堪重负。因为经济适用房就以每平方米3000元来计算（2800元的价格是第一层房子的价格，一层以上还要加价），购买180平方米的房子需要54万元，减去补偿款18万多元，那我还需补差价近36万元。虽然这笔钱可以贷款，但就按银行现在最低利息来计算，贷20年的话我们一个月得向银行还款近3000元，对我们这种目前零收入家庭而言，可想而知会有怎么样的结果。更严重的是我们目前都无工作，生活过的十分
艰难，根本无力还款，那么我们房子将被银行收回抵债，结果还是一无所有，流落街头。

我们希望亚洲开发银行能够从以下几个方面着手为我们解决困难：

1、彻底检查亚行本项目在执行过程中，有关部门是出于何种原因要更改河道走向；有关内、外部监督机构工作开展是否到位；本项目在实施过程中是否同等对待所有受影响人；项目实施方有什么权利在协商未果的情况下可以强制拆迁我们房屋，这严重违反亚行有关业务政策和程序。

2、我们于 2008 年 5 月向亚行设在中国北京的办事处反映了我们由于本项目受到不公平的对待。然而在 2008 年 8 月针对本项目，政府部门却公布了新的移民安置计划。为什么在我们投诉后才去修改移民安置计划内容，且是越改越对我们不公平，我们不明白这其中到底是出于何种原因。

3、督促项目实施方严格按照亚行工程性移民手册和针对本项目的移民安置计划，执行相关内容和要求，对我们进行合理补偿安置。具体方案：第一种方案，以人均 30 平方米补偿安置，不补差价。另外，根据移民安置计划中相关内容，在项目完成后，为我们提供工作岗位，帮助我们提高生活水平，这符合政府部门 2008 年 8 月更新过的移民安置计划内容的最初宗旨——至少维持或改善项目实施前的生活水平。第二种方案，按亚行兰州贷款项目赔偿方案进行。即人均 30 平方米安置，不补差价。

我们以前曾经向亚行工作人员和项目特别协调人提出过我们所关心的问题，希望能够得到解决。事情的大体经过是：2009 年 2 月 11 日至 13 日，项目特别协调人办公室代表团到福州以确定该投诉是否达到问责机制下磋商阶段所需条件的标准。代表团与我们举行了几会面，包括我们作为一个团体的第一次会议，之后与七个投诉家庭一一单独面谈。在核对了问责机制政策下的各种排除性情况，审核了磋商阶段所需的资质要求，并评估了通过协助谈判来解决问题的可能性之后，在 2009 年 2 月 12 日，项目特别协调人办公室确定了此投诉是符合磋商条件的并通知了投诉人、东亚事务署和福州项目管理部；2009 年 3 月 27 日，项目特别协调人办公室代表团（包含来自中国香港的调解人）来到福州与我们协商，经过项目特别协调人在 3 月 28 日调解会上的努力，政府仅提出了以 180 平方米的房子为例，总额为 185,640 元的一揽子补偿价格加上购买经济适用房的指标的赔偿方案。2009 年 4 月 28 日项目特别协调人办公室和东亚事务署工作人员与我们通了电话，为我们解释了我们关心的问题，但是政府部门确定的赔偿方案没有任何变化。

我们之所以决定向合规检查小组投诉，是因为以前的协商结果，政府部门太没有诚意，太不能让我们接受，主要表现在：
1、户均总额为 185,640 元的补偿仅仅能购买不到 66 平方米的有产权的经济适用房，这是在未计层间差价的前提下，我们能购买的最大面积，如果考虑层间差价及扣除建筑公摊面积，真正实际居住面积仅有 50 平方米左右，对于我们有 6 个人口的家庭人均不到 10 平方米，而且政府从未考虑我们这些任何保险都没有的贫困群体，也从未考虑过为我们交纳任何保险金或提供固定工作岗位以维持生计，更不要提改善我们的生活水平。

2、政府对有关概念歪曲理解，这造成对我们合理赔偿最大的障碍。政府部门在多次和我们协商的过程多次提到我们的房子是非法的，然而实际情况却不是政府部门所提及的那样，简要的说我们所建房屋宅基地是本村规划统建项目地块，宅基地在转让的过程中我们向高湖村交纳了相关配套费用，转让过程经过高湖村确认同意后，我们住宅于 1994 年建造完工并入住至今，楼房为三层，户均总建筑面积 180 平方米，我们的房屋是属于可办产权但未办产权的房屋，这点有紧挨我们房屋的有产权房子可以提供佐证。就算退一步来说，根据亚行规定，有产权和无产权的房屋应该是同等对待，然而由于当地政府没有遵守亚行业务政策和程序，导致政府部门区别对待我们补偿安置。此外，亚行东亚事务署有关工作人员对我们的现实困难认识不清，导致对我们的赔偿情况有所偏见。

除了上述提及的信息外，还有许多文件或许能够帮助你们了解我们的情况，兹附上文件/报告名录，在文件后注明了文件/报告出处：

1、《亚洲开发银行贷款项目——福州市南台岛内河整治工程——移民安置计划》
（出处：http://www.adb.org）

2、《内河整治工程（跃进河、龙津河）拆迁补偿安置实施细则》（出处：福州地源拆迁工程处）

3、《亚洲开发银行问责机制》（出处：http://www.compliance.adb.org）

4、《EASS position-21April-2009-CHN》（出处：亚行东亚事务署）

5、《Government-comments22April2009》（出处：政府相关部门）

6、《Summary of Current Status-Chinese_21April09》（出处：OSPF）

申请人：王接泉 徐其龙
2009 年 4 月 28 日

我们的联系方式：
徐其龙：联系方式：+8613991302982 Email: xuqilong2009@yahoo.cn

家庭住址：福建省福州市仓山区盖山镇高湖村 71 号
王接泉：联系方式：13509384648/059183462702  Email: wangjiequan@yahoo.cn

家庭住址：福建省福州市仓山区盖山镇高湖村 66 号

通讯地址：福建省福州市仓山区盖山镇高湖三座 112 号（邮编：350007）
NOTICE OF REGISTRATION

Xu Qi Long
No. 71 Gao Hu Village, Gai Shan County
Cang Shan District, Fu Zhou City
Fu Jian Province, People’s Republic of China

Wang Jie Quan
No. 66 Gao Hu Village, Gai Shan County
Cang Shan District, Fu Zhou City
Fu Jian Province, People’s Republic of China

Subject: Request for Compliance Review
Request No. 2009/1
People’s Republic of China
Fuzhou Environmental Improvement Project (Loan No. 2176-PRC)
Notice of Registration

On 5 May 2009, the Office of the Compliance Review Panel (OCRP) received your email requesting for a compliance review on the above cited Project in Chinese Mandarin.

Some time was spent on translation, clarification and communications between you and OCRP particularly as we sought clarification on the termination of the consultation process that you had initiated with ADB’s Special Project Facilitator.

On 3 June 2009, through two separate emails, you confirmed the termination of your participation in the consultation process and reaffirmed your request for compliance review.

In accordance with paragraph 30 of the CRP Operating Procedures, the OCRP will today register this Request No. 2009/1 in the CRP Registry at http://www.compliance.adb.org/dir0035p.nsf/alldocs/ELLN-6NC49E?OpenDocument.

The Compliance Review Panel will also issue a press advisory on the registration of this Request.

The registration of this request does not address the eligibility or the merits of the request for compliance review but acknowledges receipt of your request and notifies you of registration.

In accordance with paragraph 31 of the CRP Operating Procedures, the CRP by 19 June 2009 will inform you whether this Request is eligible to proceed to compliance review by the CRP.

6 ADB Avenue, Mandaluyong City Tel (632) 632 4149 Email: crp@adb.org
1550 Metro Manila, Philippines Fax (632) 636 2088 www.compliance.adb.org
All communications on this Request will be sent to both of you at the above addresses. OCRP will also use the following contact details:

**Xu Qi Long**
Telephone: +8613991302982
Email: xqilong2009@yahoo.cn

**Wang Jie Quan**
Telephone: 13509384648/059183462702
Mailing Address: no. 112 Gao Hu San Zuo, Gai Shan County, Cang Shan District Fu Zhou City, Fu Jian Province  (Postal code: 350007)
Email: wangjiequan@yahoo.cn

Please use the reference "Request No. 2009/1" in all communication with the CRP or OCRP.

This Notice will also be sent to you in Chinese Mandarin.

Yours sincerely,

Bruce A. Purdue  
Secretary  
Compliance Review Panel

President

Directors and Alternate Directors
Board of Directors

Vice-Presidents

Managing Director General

Director General
East Asia Regional Department

Country Director
PRC Resident Mission

Special Project Facilitator
PRESS ADVISORY

CRP Press Advisory No. 2009/1
Issued on 9 June 2009

ADB Compliance Review Panel Registers a Request for Compliance Review on Fuzhou Environmental Improvement Project (Loan No. 2176-PRC)

The independent Compliance Review Panel (CRP) registered today a request for compliance review in relation to the Fuzhou Environmental Improvement Project (Loan No. 2176-PRC). By 19 June the CRP will issue a report to the Board of Directors on the eligibility of the request. Details on the request are in the CRP Registry at the CRP website, www.compliance.adb.org.

Contact:
Mr. Bruce A. Purdue
Secretary, Compliance Review Panel
Email: crp@adb.org
Tel: +632 632 4149
## PRC: FUZHOU ENVIRONMENTAL IMPROVEMENT PROJECT
### PROJECT PROFILE

<table>
<thead>
<tr>
<th>Loan No.</th>
<th>2176-PRC</th>
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</thead>
<tbody>
<tr>
<td>Project No.</td>
<td>35340</td>
</tr>
<tr>
<td>Date of Approval</td>
<td>29 July 2005</td>
</tr>
<tr>
<td>Date of Signing of Loan Agreement</td>
<td>23 February 2006</td>
</tr>
<tr>
<td>Date of Signing of Project Agreement</td>
<td>23 February 2006</td>
</tr>
<tr>
<td>Date of Signing of Onlending Agreements with FUVCDC and FWECDC</td>
<td>27 July 2006</td>
</tr>
<tr>
<td>Date of Loan Effectiveness</td>
<td>14 September 2006</td>
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<tr>
<td>Loan Closing Date</td>
<td>30 June 2010</td>
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<tr>
<td>Physical Completion</td>
<td>December 2009</td>
</tr>
<tr>
<td>Borrower</td>
<td>People's Republic of China</td>
</tr>
<tr>
<td>Executing Agency (EA)</td>
<td>Fuzhou Municipal Government</td>
</tr>
</tbody>
</table>

### Implementing Agencies (IA)
1. FUVCDC (Fuzhou Urban Visual Construction Development Company) for Component C and portion of Component D; and
2. FWECDC (Fuzhou Water Environment Construction and Development Company) for Components A, B, and portion of Component D.

### Project Cost
$185.50 million

### ADB Loan Amount
$55.80 million

### Financing Plan ($ million)

<table>
<thead>
<tr>
<th></th>
<th>Foreign</th>
<th>Local</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADB</td>
<td>55.80</td>
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<td>55.80</td>
<td>30</td>
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<tr>
<td>Commercial Banks</td>
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<td>27.19</td>
<td>27.19</td>
<td>15</td>
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<tr>
<td>Fuzhou Mun. Govt.</td>
<td>17.58</td>
<td>84.93</td>
<td>102.51</td>
<td>55</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>73.38</strong></td>
<td><strong>112.12</strong></td>
<td><strong>185.50</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

### Objective
The Project will improve the urban environment of Fuzhou by constructing and rehabilitating sewer networks, rehabilitating the system of inland creeks, and strengthening governance in water resource management. Specifically, the Project will: (i) construct about 264 km of sewers and rehabilitate 35 km of existing sewers; and (ii) improve the water quality to achieve targeted standards in the inland creeks and the Min River, in a manner that supports integrated water resources management.

### Output (Component)
- Component A: Yangli Phase 2 Sewer Networks
- Component B: Lianban Sewer Networks
- Component C: Nantai Island Inland Creek Rehabilitation
- Component D: Capacity Building

### Project Progress
50% (as of 31 May 2009)

### ADB Loan Utilization
22% (as of 31 May 2009)

### Project Director General
Klaus Gerhaeusser, Director General, EARD

### Project Director
Amy S. P. Leung, Director, EASS

### Project Team Leader (processing)
Edgar A. Cua, Advisor, EARD

### Project Specialist (implementation)
Maria Theresa J. Villareal, Urban Development Specialist

### Resettlement Specialist:
- project processing: Scott Ferguson, Principal Social Development Specialist (Safeguards)
- project implementation: Madhumita Gupta, Social Development Specialist (Safeguards)