



KINGDOM OF CAMBODIA
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**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organisations at Geneva**

No. 2021/02/147

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organisations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the joint communication No. AL KHM 11/2020 dated 23 December 2020 of the Special Procedures, has the honour to transmit to the latter herewith another reply from the Ministry of Environment of the Kingdom of Cambodia as to Boeung Tumpun-Cheung Ek Satellite City Development Project.

The Permanent Mission of the Kingdom of Cambodia would be appreciated if the said information could be conveyed to its high destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 18 February 2021



Office of the High Commissioner for Human Rights
Geneva

**Reply from Ministry of Environment of the Kingdom of Cambodia
to the joint communication of the Special Procedures
No. AL KHM 11/2020 dated 23 December 2020**

1. The urban development project of ING Holdings Co., Ltd is located in Tumpoun and Cheung Ek Lakes/wetlands in Mean Chey District and Dangkao District of Phnom Penh and Takhmao City of Kandal Province. Its environmental and social impact assessment report was approved by the Ministry of Environment [Letter No. 333 dated 10 April 2017].
2. The Ministry of Environment would like to offer clarifications as to the impact assessment and mitigation measures on physical, biological environment, and monitoring process.
3. The joint communication No. AL KHM 11/2020 dated on 23 December 2020 of the Special Procedures claimed that the total area of the development project of ING Holdings Co., Ltd is 1,500 hectares. However, the actual size in the environmental and social impact assessment approved by the Ministry of Environment is only 863 hectares out of the total area of 2,572 hectares in the 2035 Master Plan for the city development project of Phnom Penh Capital Administration. The construction of Samdech Hun Sen Boulevard, Phnom Penh's biggest road, which was officially inaugurated in early April 2017, not only eases traffic congestion in the capital's southern region, but also serves as an emergency landing runway for certain planes.
4. The joint letter asserted that there were 1,000 families affected by the development project. Instead, based on the study conducted by a consulting firm and the public consultation during the monitoring stage of the environmental impact assessment with authorities concerned, which was held on 7 March 2016, the number was fewer than. Therefore, the Special Procedures' source of data is questioned. When was the figure released? Do the above-said 1,000 families carry legal land title deeds or illegally settle in the zone? As for impact upon land and house, a joint committee from Phnom Penh Capital Administration and Kandal Provincial Administration adheres to three principles, namely (a) definitive purchase based on a market price, (b) exchange of land, and (c) retention without exchange or purchase in case of minor impact. At the same time, ING Holdings Co., Ltd has a settlement policy (exchange of land) for the affected families, especially those who demand to resettle in the vicinity of the development

zone. In this regard, the company constructed 171 houses in Borey Leap (X: 492154, Y: 1271656) and (X: 492183, Y: 1274533). For the affected families living along Street 271, the firm constructed 07 houses, appropriately 20 meters away from their previous location.

5. The joint communication referred to water contamination caused by the project development. The fact is that some development projects, namely R&F Group, International School of Phnom Penh, Ling Nan Garden, and Chip Mong Group, do not deal with industrial plants, but residents, schools and shopping malls. Those development projects, namely R&F Gropu, Star Auto (Cambodia), 271 Mega Mall of Chip Mong Group, had environmental and social impact assessment reports approved by the Ministry of Environment. Therefore, the alleged pollution caused by the development project is not warranted because the remaining wetland area receives sewage water from residences from the surrounding area and Boeung Trabek pumping station. In the future, a water treatment plant is to be constructed by JICA to reduce the level of water pollution in the area. In addition, R&F Group, Chip Mong Retail- 271 Mega Mall have their own waste water treatment plants. The special procedures are urged to provide information on the level of the impact on water quality in comparison to the result of the study on constructing a waste water treatment plant in Cheung Ek, which was conducted by JICA and a consulting firm in October 2018 in 3 locations, namely (a) Cheung Ek area (X: 0491299, Y: 1272570), (b) Stung Chrov (X: 0493103, Y: 1268628), and (c) behind Nak Oknha Hun Neang street (X: 0491408, Y: 1272673) with only some parameters which exceed the standards of Ministry of Environment.
6. On the impact on families living along Tonle Sap and Tonle Bassac as a result of the land embankment collapse allegedly caused by sand dredging to fill the development project area by two companies, namely Hero King and Global Green (Cambodia), the question is whether they supplied it only to ING Holdings Co., Ltd or to other companies. The dredging process of the firms is under the close supervision of local authorities and in accordance with the guidelines of relevant ministries. Their supply amount is decided by the enterprises with no involvement of any concerned institutions. In addition, is the impact on families living along Tonle Sap and Tonle Bassac allegedly caused by these two firms? What are the bases for making such an assumption?
7. Regarding the public consultation process, the working group of the Environmental and Impact Assessment Department conducted, on 7 March

2016, a dialogue with local authorities of Chak Angre Krom District, Chak Angre Leu District, Sagkat Cheung EK District, Dangkao District, Deum Mean Sangkat, Prekho Sangkat, Ta Khadol Sangkat and Prek Rusi Sangkat. It was carried out during the EIA monitoring process on the project for the purpose of verifying the study results submitted by the consulting firm.

8. The monitoring process on the environmental, social and human rights impacts of sand dredging along Tonle Mekong and Tonle Bassac to infill Beung Cheung EK in the development phase indicated that the dredging process was duly undertaken, and that the enterprises licensed by relevant institutions must comply with the dredging process in the approved zone.
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