

ཐིམ་ཕུ་རྫོང་ཁག་ཁྲོམ་སྡེ།

ཁྲོམ་སྡེ་ཚོགས་སྡེ་ ཞལ་འཛོམས་ཐེངས་ གསུམ་པའི་གོས་ཚོད།

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ས་གནས : ཐིམ་ཕུ་ཁྲོམ་ ཞོ་ལ་ཁ་ དམིག་དམར་བཟའ་ཁང་གི་ ཞལ་འཛོམས་ཁང་ནང་།

རུས་ཚོད : གྲོ་པ་ཚུ་ཚོད་ ༩ ལས་ཕྱི་ཕུ་ ༢:༣༠ ཚུ་བ།

ཚོས་གྲངས་ : རང་ལུགས་གནམ་ལོ་ ལུགས་མོ་ཡོས་ལོ་ ཟླ་ ༦ པའི་ཚེས་ ༡༧ ལུ།



THIMPHU DISTRICT MUNICIPALITY

Minutes of 3rd Thromde Tshogde Meeting

Venue: Hotel Migmar Conference Hall, Olakha, Thimphu

Time: 9:00 am – 2:30 pm

Date: 17th June, 2011.

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AGENDA FOR THE 3rd THIMPHU THROMDE TSHOGDE.

Venue: Hotel Migmar Conference Hall, Olakha, Thimphu.

Time: 9:10 am

Date: 17th June, 2011

Sl. #	AGENDA	Submitted by	Remarks
1	Review & Endorsement of the minutes of 2 nd Thimphu Thromde Tshogde.	Member Secretary	
2	Adoption of Agenda for 3 rd Thimphu Thromde Tshogde.	Member Secretary	
3	Endorsement of Rules and Regulations on Waste	Environment Div.	
4	The Memelakha Solid Waste Landfill Rehabilitation Project.	-do-	
5	Identification and allocation of area for the hawkers.	-do-	
6	Charge of fees for store at the Clock Tower	-do-	
7	Construction of additional 50 meter gabion wall at Changjiji	-do-	
8	Proposal of shifting the existing Dechencholing Satellite Town to the newly Identified site	UPD	
9	Narrow Plot Rules and Guidelines, Setback Rules for Irregular Shaped Plots and Addendum to DCR.	-do-	
10	Proposal to change the land use precinct for upper Taba	-do-	
11	Precinct change for Lubding from UV2-LD to E4	-do-	
12	Change of Precinct from G-2 to E-4 precinct in Samarzingkha	UPD	
13	Kinley Penjor's (Thram No: 629E, Plot No:24A-1) Land controversy at Simtokha	-do-	
14	Appraisal on Regularization of Illegal Construction.	DCD	
15	Unauthorized conversion of space below the slab constructed in between the building and the road into habitable purpose.	-do-	
16	Construction of Attic to floor.	-do-	
17	Restoration of small Mani Dungkhor adjacent to Druk Punjab National Bank	Norzin Member	

27.

18	Request for computer, notebooks, Digital Camera and other office stationeries	-do-	
19	Shortage of Drinking water -supply in Babesa	Babesa member	
20	Internal Access Road Requirement for all standard plots in UV-1 Areas.	UPD	
21	Requesting for necessary Law Books for the Tshogde members	Changbangdu-Olakha Member	
22	Procurement of Water Meters from Reserve Fund	Engineering Div.	

27.

MINUTES OF THE 3RD THIMPHU THROMDE TSHOGDE

Venue: Migmar Hotel, Olakha, Thimphu
Date: 17th June 2011
Time: 9.00 am – 2.30 pm

The following members were present during the meeting:

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| 1. Kinlay Dorjee, Thrompon | Chairperson |
| 2. Minjur Dorji, Executive Secretary | Member Secretary |
| 3. Kinley, Changbangdu-Olakha Constituency | Member |
| 4. Kuenga Yonten, Norzin Constituency | Member |
| 5. Namegy Tshering, Babesa Constituency. | Member |
| 6. Ugyen Penjor, Jungshina-Kawajangsa Constituency | Member |
| 7. Ugyen, Dechencholing-Taba Constituency | Member |

The following officials from TDM were present:

1. Mr. Mahesh Pradhan, Chief Engineer, Engineering Division
2. Mr. Gyeltshen Dukpa, Chief Environment Officer, Env.D
3. Mr. Geley Norbu, Chief Urban Planner, UPD
4. Mr. Jigme Dorji, Offtg. Chief of DCD
5. Mr. Pema Dorji, Sr. Environment Officer, Env.D
6. Mr. Pekar Rabgey, Head, LMS
7. Mr. Sailash Humagai, Planner, UPD
8. Mr. Rinchen Wangdi, Head I&M, DCD
9. Mr. Ugen Dorji Tshechup, Legal Officer
10. Mr. Tshering Penjor, Survey Engineer, UPD
11. Mr. Ugyen Dorji, Planner, UPD
12. Mr. Dorji Wangchuk, IT Associate
13. Mr. Karchung Drukpa, Assistant Engineer, Engineering Division
14. Mr. Samten Lhendup, Engineer, Engineering Division
15. Mr. Khandu, Dzongkha Section

Mr. Choeda from UC Associates, a private consultancy was also present at the initial hour for the presentation of the draft rules and regulations for the Solid Waste Management.

The Chairperson welcomed the members and the observers to the 3rd Thimphu Thromde Tshogde. The chairperson informed the Tshogde that since the 'National Co-ordination Committee Meeting for Royal Wedding' shall be convened on the same day at 1500 hrs, the 3rd Thimphu Thromde Tshogde shall be adjourned by 1400 hrs. Therefore, due to limited time for Tshogde, the Chairperson placed strong emphasis on the following issues and stressed that these shall constitute as main objectives of discussion as these required immediate and urgent attention.

- The need to endorse the rules and regulations of the Solid Waste Management rules and regulations
- The need to review the DCR
- Attic

The Chairperson concluded the welcome address by expressing his anticipation of Changangkha and Motithang Members through the forthcoming elections.

1. Review and Endorsement of the Minutes of the 2nd Thromde Tshogde

Sl. No.	Agenda	Decision Taken	Status
1	Land Taxation under various locations to be standardized	The tax revision documents finalized and ready for implementation	
2	Karma L. Dorji and Pema Penjor Access road Controversy in Lungtenphu	Conduct meeting with the land owners to resolve the dispute	Dasho Thrompon has submitted to the floor that the issue has been amicably resolved by personally meeting with the land owners
3	BPC underground cable in LAPs	UG cables to be put in the setbacks of the private plots where govt. land is not available	TDM to inform the land owners through media services before implementation

The member secretary presented the minute of the 2nd Thromde Tshogde and the follow up actions taken. However, due to time constraints the chairperson instructed that it is not necessary to present the minutes in detail. With no comments from the members on the overall minutes, the floor adopted the minutes of the 2nd Thromde Tshogde. The member secretary apprised that agendas that have been already granted a decision for implementation in previous Tshogde shall not be presented in subsequent meetings due to limited available time. It was also imparted that only the issues requiring further attention shall be discussed.

2. Adoption of Agenda for 3rd Thromde Tshogde

After the adoption of the agenda the Chairperson redressed the welcome speech and informed the floor that the previously mentioned agendas shall be discussed on priority basis and that the remaining agendas shall be discussed as per the availability of time.

3. Endorsement of Rules and Regulations on Waste

The UC Associates, a private consultancy has made a presentation on the Thimphu District Municipality (TDM) Solid Waste Management Rules and Regulations, 2011 to the Tshogde. The comprehensive presentation was made on the salient features of the rule book for endorsement from the Tshogde.

Comments

The chairperson extended his heartfelt appreciation for the development of the draft rules and regulations for the Solid Waste Management as it shall have a significant bearing to implementation of the provision of the Waste Act. However, following comments were made from the floor for incorporation in the rules.

1. Chapter II of the rules, Section 17 indicates 'Sanitary/Environment Inspectors' as authorized regulators of law to enforce and execute the provisions of these rules. The Chairperson stated that the name must be changed to 'Thromde/Municipal' Inspectors so that these employees shall be authorized to carry out multiple tasks of inspection works of TDM including sanitation, environment, building, etc...
2. The categorization of wastes was also deliberated as some of the wastes are incinerable while some cannot be incinerated. The need for this segregation as deciphered by the Chairperson was based on the increasing amount of waste in the near future which may not be possible to be managed by other means, whereby in possible cases incineration options should be adopted. To this the Chief Environment Officer submitted to the Tshogde that incineration options were never solicited by the government and is indicative in the previous rules. However, if the need is felt provision for such options shall be kept based on the bulk of wastes produced.
3. The members of Dechencholing-Taba and Babesa constituencies expressed their concerns on the fines indicated in the Appendix II of the draft rules. The fines imposed are same for different bulks of waste. It was inferred that fines should be imposed based on the bulk of waste. The chairperson stated that fines should be rationalized based on the bulk of waste.
4. As the expression 'Solid Waste' interprets the waste to be solid in essence wherefore the rules shall be confined to solid wastes alone. Therefore, the Member Secretary stressed the need to amend the title of the rule book to 'Waste' management to have a holistic picture of all kinds of waste. He also submitted that the Clause 46.1 needs to be deleted.
5. The member of Babesa constituency has indicated to the floor of the requirement of a 'reward' mechanism for the informers of illegal waste dumpers or those littering. The members and observers unanimously agreed to the proposal and further deliberation were made on the amount and procedure.
6. The Chief Engineer suggested for inclusion of 'public sewer' in the Chapter IX, Section 40(a) of the rules. This was specifically included based on the practical encounters where people have dumped wastes in the public sewers.

Decision

Comments in aforementioned serial nos. 1, 2, 4 and 6 were decided for inclusion in the amendment of the rules. (Action: Environment Division)



The chairperson instructed the Chief of Environment Division to work out appropriate fine structures for defaulters as indicated in the comment no. 3. **(Action: Environment Division)**

With regard to comment indicated in serial no. 5 the Tshogde decided that the informer be rewarded an amount equal to fifty percent of the fine amount upon the receipt of the fines. In addition, it was also decided that the confidentiality of the informer should be maintained. **(Action: Environment Division)**

4. The Memelakha Solid Waste Landfill Rehabilitation Project

The Senior Environment Officer presented on the status of the Memelakha land fill rehabilitation project which has been carried on for last two months. A comprehensive presentation was made on on-going process. The current wastes are compacted and a layer of soil is further compacted on the waste to increase the area for further disposal of waste. It was submitted to the floor that ample area shall be created with such compaction so that the land fill site shall last for next 10 - 15 years. The project has been carried by the end of May, 2011 by hiring an excavator for one month from the outstanding budget of the Environment Division. The floor was informed that the Thromde management has approved to hire the same machine for additional one month since the work could not be completed.

The Chief Environment Officer observed importance of the rehabilitation of the land fill site in ensuring the cleanliness of vicinity of the Memelakha in the event of the Royal wedding which was proposed towards the end of monsoon.

The Chief Environment Officer requested Tshogde's formal endorsement of the approval of additional time and finance (from the same funding used during the inception of the project) for continuation of the project.

Decision:

Additional time of one month and finance was granted by the Tshogde. Environment Division was instructed to proceed with further actions **(Action: Environment Division)**

5. Identification and Allocation of Area for the Hawkers

The Senior Environment Officer has submitted to the floor on the need of identifying and allocating land for the Local hawkers to trade their household products within the municipality. The need to allocate as the Member indicated is that the livelihood of this handful of peasants' is entirely dependent on the sale of household products in small scale. Therefore, it is important that the opportunity is provided for these farmers to gain income from small-scale sales.

The Senior Urban Planner also informed the floor that BAoWE, a civil society organization has put up a proposal for construction of the gallerias for hawking which shall be done on the areas identified by TDM. A comprehensive presentation was made on the proposal of the BAoWE.

Comments

The chairperson inquired the environment officers on whether or not the hawking is permitted within the Municipality. To that the Chief Environment Officer apprised the floor that hawking is not permitted nor had such provision been kept in any standing rules.

Further the Chief Environment Officer appraised the floor that hawking has been a pertinent issue in the Municipality which has created a problem of cleanliness in the Norzin Lam, and Gongphel Lam in Changzamtog. In Changzamtog hawking also created traffic congestion due to parking of vehicles for purchasing the stocks.

The chairperson indicated that although hawking cannot be stopped all the same, studies need to be done to allot and designate areas for hawking so that it is done in a proper manner where the hawkers shall have to ensure the cleanliness and pay taxes to the Thromde for renting out space.

The Dechencholing/Taba Member also stressed the need to screen out the possibility of screening out the hawkers from foreign Dzongkhags should the approval be accorded for providing spaces for the hawkers.

Decision

The chairperson instructed the Planning Division to identify potential sites for hawking and the Environment Division to make a thorough investigation of the existing hawkers and the spaces and work out conditions of hawking at designated sites in collaboration with the BAoWE. **(Action: Environment Division)**

It was also decided to look at the possibility of taking over of the existing Centenary Market from MoA. **(Action: Environment Division)**

6. Charge of Fees for Store at the Clock Tower

The Chief Environment Officer informed the floor that the store near the clock tower has been used by a private agency for a long time for storage of materials without any fees. Therefore, it is required for the incumbent to pay some kind of fees for utilizing the store.

The fees as rationalized by the Chief Environment Officer based on the daily wage rate of the caretaker was calculated to be Nu. 50000.00 per annum.

It is appraised that the store user be made to construct a toilet for the store.

Decision

- The lease of the area has been approved by the Tshogde
- The lease amount shall be based on the existing approved plinth area rates.
- Regarding the toilet, it was decided that TDM shall construct and maintain the toilet for public on pay and use basis. **(Action: Environment Division)**

7. Construction of Additional Gabion Wall at Changji

Chief Environment Officer presented to the floor that TDM has written to the NHDC to carry out the construction of the additional 50-m gabion wall in continuation to the ongoing construction. The ongoing wall was awarded to M/S JTL Construction as a deposit work. However, NHDC based on the clarification from the procurement office, Ministry of Finance, had responded to TDM that the since the additional work amount to more than allowable percent it shall have to be carried out through separate tender.

Further it was presented to the floor that due to limited time before the onset of the monsoon proper procedures for tendering and awarding the work shall not be possible because of the possibility of danger the public of Changjiji may exposed to in the absence of the gabion wall. Therefore, the only immediate solution is to award the work to M/S JTL construction at the same rates accepted by NHDC.

Decision

Although, the proposal made is in contravention to the tendering rules Tshogde has approved that the work is awarded to the same contractor at same rate due to the possibility of enormous dangers during the monsoon season (**Action: Environment Division**)

8. Proposal of Shifting the Existing Dechencholing Satellite Town to the Newly Identified Site

The Chief Urban Planner presented to the floor that based on the data from the National Re-cadastral Survey initiated sometime in December, 2010 a site has been identified next to the RBA's compound wall in Dechencholing. The site has an area of 318.87 decimals. A proposal has been made to shift the present satellite town to this area. The newly identified plot can accommodate a total of 38 plots of 2000 Sqft. In size.

After a through reconnaissance of the area within the existing satellite town, the Chief Urban Planner submitted to the floor that all the plots can be allotted within the existing area (near the river). Few plots can be allotted in a ribboned manner abutting the existing road to Dechechenphu and near the existing archery range.

The Dechencholing-Taba Member stressed the urgent of moving the existing dwellings from the river shore due to potential of flood in the event of rising river level during the monsoon.

The Head, Land Management Division expressed his concern on the size of the plots (2000Sqft.) to be allotted as it is below the minimum plot size (10 decimals) indicated in the Land Act 2007. The floor was apprised that NLCS as the land registering authority of the country may not entertain the registration of plots below the minimum plot size of 10 decimals. The Chief Urban Planner clarified floor that although the plot size is less than minimum plot size, discussions were made with the NLCS regarding the issue (during the meeting of NLCS and Thrompons). The floor was informed that a documentation of proper rationale with legitimate documents and endorsements from the MoWHS should be submitted to the NLCS with regard to the compromise of the plot size.

Decision

The chairperson informed the floor that the area shall be crowded whereby there shall be limited or no open spaces within the satellite town if all the plots are allotted within the existing area.

Therefore, it was decided that 11 out of 22 plots shall be retained within the previous area (near the river) along with the 6 kasho plots while the remaining 11 plots shall be moved to the newly identified location. However, a detailed report needs to be submitted to the Hon'ble Zhaptog Lyonpo for instructions and recommendations before the allotment of the plots which shall be based on lottery basis. (**Action UPD, and LMS**)



9. Narrow Plot Rules and Guidelines, Setback Rules for Irregular Shaped Plots and Addendum to DCR

The Hejo-Samtenling planner presented to the floor the requirement of amendments for the narrow and irregular shaped plots in the municipality. It was explained that construction provisions in the DCR 2004 was based on the size of the plot which has not accounted for irregularity in shapes. As a result although land owners has agreed to the Local Area Plan as a whole, they refused to take over their plots since construction was either not possible or not optimal based on the existing DCR.

The floor was also intimated that implementation of infrastructures becomes practically difficult when the land owners refuse to take over the narrow or irregular shaped plots. In addition, the adjustment of these plots to a regular shape is impossible since the Local Area Plan as a whole needs to be re-adjusted and also because the re-adjustment is dependent on the availability of additional land within the local area plan.

Decision

1. The Tshogde endorsed the proposals for amending rules for irregular and narrow shaped plots. However, public consultation should be carried out and the technical proposals submitted to the Ministry of Works and Human Settlements for further endorsement or instructions (**Action: UPD**).
2. Site plans of the irregular and narrow plots should be kept on hold until endorsement is accorded from the Ministry (**Action: UPD**).
3. Definition of irregular and narrow shaped plots must be made clear (**Action: UPD**)

10. Proposal to Change the Land Use Precinct for Upper Taba

The Chief Urban Planner highlighted to the floor that a letter (Ref. no. 701/1/GS(SD) dated 5/11/2011) has written to TCC indicating an exposure to huge risk of collateral damage which may be caused due to the accidents in Ammunition depot in Upper Taba. In this regard a map indicating the 'Danger Zone' was also submitted to TCC by the Army. However, there was no indication of responsive action taken by TCC.

Therefore, the UPD after making an illustrative analysis of the danger zone has proposed the following five options for necessary deliberation in the Tshogde.

1. Not to allow constructions in the Upper Taba
2. Request RBA to remove the ammunition dump from its present location
3. Change the precinct from UV-2 (MD) to UV-2 Sub-Cat(I)
4. Change the precinct from UV-2 (MD) to UV-2 Sub-Cat(II)
5. change the precinct from UV-2 (MD) to UV-2 Low Density

The changes in the land use precincts indicated are proposed to reduce the floors during construction in pursuit to alleviate the property damage in the event of accidents.

Comments

The Chairperson indicated that as per the Thimphu Structure Plan the Ammunition Depot has been proposed to be shifted outside the municipal area because of the potential danger it imposes on the property and lives in the vicinity. It was further highlighted that options 1 is not feasible or

possible as the landowners intention of construction cannot be stopped with the increasing value of land within the municipality. Further, options to change the land use precincts also cannot be entertained as this dilates the optimal utility of land of the owners. Therefore, the Chairperson stressed that RBA must be requested to remove the Ammunition Depot or they may acquire the plots within the danger zone at market rates.

Decision

Inform the RBA to relocate the Ammunition Depot from its current location to outside the Municipality (**Action UPD**)

11. Change of Precinct for Lubding from UV2-LD to E-4

The Chief Urban Planner presented to the floor that generally Lubding area is fairly steep and there is scarcity of water due to lack of sources within the area. Therefore, to minimize the developmental area during the construction the area may be proposed to be changed from existing land use precinct of UV-2 Low Density to E-4. While the coverage for UV-2 Low Density is 30 percent it is 20 percent in the E-4 precincts.

Decision

Change of precinct shall not be recommended as the development options are minimized which shall not be agreed by the landowners. However, official release of all the site plans shall be kept on hold till water facilities are availed within the area.

12. Change of Precinct from G-2 to E-4 Precinct in Samarzingkha

The Survey Engineer presented to the floor that plot belonging to Mr. Sonam Jamtsho (owner of Thram no. 472, Plot no. 290) falls in G-2 precinct (Green Space) where only 'public assets like parks, gardens, community level/local recreational facilities' are allowed as per DCR, 2004. Hence, land cannot be used for residential or commercial purposes. Therefore, two possible options are presented to the floor

1. Acquire the land and provide substitute
2. Convert the precinct from G-2 to E-4 precinct

Comments

The Chairperson stressed that due to the terrain of the area, there are high chances of erosion if developments are allowed within the area. Further, it is felt that enormous scarring of the hillside shall be created within the area in the event of constructions. Therefore, a substitute land may be proposed from other locations within the Municipality.

The Head, Land Management Section informed the floor that as per the provisions of the Land Act, 2007, the land owner shall be entitled to substitute only if there is no other land holdings within the municipality. Therefore, if the landowner owns other lands within the municipality he shall be entitled to cash compensation only.

Decision

Acquire the existing plot and retain the precinct status quo. (**Action UPD & DCD**)

Investigate other land holdings of the land owner (**Action DCD**) and if the land owner was found eligible for substitute land then same proportion of land must be substituted preferably from an E-4

precinct land use location. In the case of unavailability of land in E-4 zones then equivalent substitute land must be identified from other locations through 'value-equation' based on existing PAVA rates.

13. Mr. Kinley Penjor's (Thram no. 629E, Plot no. 24A-1) Land Controversy at Semtokha

The Incharge Planner of the Southern Local Area Plans made a presentation on the aforementioned land. Initially, plot nos. 33,24A & 24Y under Thram no. 629 were under the ownership of Mr. Kinlay Dorji which was later transferred to Ms. Yangzom and Ms. Denkar in 6/6/2005. Later in 22/5/2006 TCC was directed by the Court (Verdict no. Thrim Cho Ang(10309)) to transfer 4.74 decimals to Mr. Kinley Penjor from plot no. 24A which was accordingly approved by TCC. Meanwhile Ms. Yangzom and Ms. Denkar had constructed on plots 33, 24A and 24Y.

At present, Mr. Kinley Penjor (plot no. 24A-1) is occupying a plot with the two storey house near Ms. Yangzom and Ms. Denkar's plot which is marked as a service plot as per the Local Area Plan. In essence, the plot occupied by Mr. Kinley Penjor should have been where the construction of Ms. Yangzom and Ms. Denkar's occurred. The service plot has ground coverage of 6.22 decimals. Based on the ground conditions the planner made following proposal for deliberation

1. Regularize the additional area of 1.48 decimals in favour of Mr. Kinley Penjor on his registered area of 4.74 decimals such that the service plot becomes his registered area and the also because the plot is undersize.
2. Also regularize the 4.74 decimals occupied by the construction of Ms. Yangzom and Ms. Denkar.

Decision

The Tshogde strongly recommended on the proposal made by the planner and the UPD was instructed to proceed for regularization as proposed. (Action: UPD & DCD)

14. Appraisal on the Regularization of Illegal Construction

The Head, I&MS, DCD informed the floor that as per the decision taken during the 2nd Thromde Tshogde, DCD had notified all the 19 property owners to deposit the penalty amounts to regularize the illegal structures within a period of 30 days starting from 19th May 2011. However, only 5 owners have turned up so far.

Comments

The Chairperson informed that due to the reduction of the fines to 50 percent, land owners were solicited turn up within the foresaid timeframe. However, they had not paid the fines during the stipulated time. Further, the floor was informed that some of the landowners have turned up to the Chairperson complaining about the biases in the penalty which was not in proportion to the illegal structures.

Further Decisions

It was decided that an intensive physical verification must be undertaken to reasonably assess the penalty amount to be proportionate to the illegal structures constructed. The investigation was to be carried out within a month. The DCD was further instructed to carry out further actions based on the outcome of the investigation. (Action: DCD)

15. Unauthorized Conversion of Space below the Slab Constructed in Between the Building and the Road into Habitable Purpose

The Head, I&MS, DCD presented to the floor that such unauthorized constructions are becoming difficult to control. It was further highlighted that RCC slabs were allowed to provide access to the floors which have differences in the ground levels and to facilitate parking. However, it was observed that spaces below the slab were converted for inhabitation. These illegal conversions can only be controlled by avoiding the construction of the RCC slab. However, accesses to upper floors cannot be provided without the slab.

Decision

Due to limited parking spaces parking may be recommended or any other utilities may be allowed. However, a thorough study needs to be done to identify appropriate utilities within the space keeping in mind the construction coverages allowed as per land use precincts (**Action: DCD**).

16. Conversion of Attic to Floor

The Head, I&MS, DCD informed the floor that approved habitable attics were converted to full fledged floors without approval from TDM. During inspection one such constructions was encountered in Dechecholing. When the property owner was informed of the illegality of the construction and the need to stop the inspectors were counter-informed that the approval process is underway in the Ministry of Works and Human Settlement. In the light of awaiting the anticipatory approval by competent authorities, it has become a practical difficulty for the TDM inspectors to refrain the property owners from constructing illegally.

Comments

The Head, I&MS, DCD brought to the picture that dissemination of incomplete information on premature decisions must not be dissipated to the general public as such decision hampers implementation of existing rules in force.

The Chairperson informed the floor that approval for conversion of attic to floors should be sought from the Cabinet. However, through general public consultations it was observed that it is more benefitting to the general public to have a full floor rather than attic. It was further stated that additional slabs should not be entertained.

The Legal Officer cited previous examples of full floors constructed from attics in the past and highlighted on the possible illegal attics which may be constructed on the approved floors. The Legal Officer appraised that such proposals must be strongly assessed prior to seeking approval from the Cabinet to avoid invitation of problems in future.

The Chairperson indicated that rectification of already completed constructions shall be very difficult for TDM and also that it shall incur a huge loss to the defaulters in the event of having to demolish such structures. Therefore, TDM must ensure that monitoring of illegal constructions in future should be stringent such that illegal constructions are prevented at inception. Details of the future monitoring mechanism should also be subsequently indicated in the submission to the Cabinet.

Decision

Although the Thromde Tshogde approves the conversion of attic to floor, onward submission must be made to the Cabinet for endorsement. During the time of awaiting approval from the Cabinet,

any property owners with approved Attics shall be allowed to convert to bona fide floors so long as they desire. In addition, new constructions with proposed attics shall be allowed to construct additional floors instead of Attic. However, it must be strictly observed that an additional slab shall be approved to accommodate water storage systems only. (Action: DCD)

17. Restoration of the Small *Mani Dunkor* Adjacent to Druk Punjab National Bank

The Norzin member submitted to the floor that the Mani Dungkor needs to be renovated. It has been observed that the roofing, flooring and even the portions of statues and the wall paintings were weathered and damaged. In addition, the traditional monument has been deprived of enough light and water facilities. It was urged that an urgent action is required to restore its religious sanctity.

Decision

Recommendations and instructions are to be sought from the Department of Culture, MoHCA for restoration of the monument. (Action: DCD)

A caretaker's cottage was proposed to be built within the setback of the Druk Punjab National Bank. (Action: DCD)

18. Request for Computer Note Books, Digital Cameras and other Office Stationeries

The member from the Kawang constituency informed the floor that in the process of service delivery all the documentation needs to be done and maintained in written format. Therefore, it has become imperative to furnish aforementioned items to all the members for efficiency of works.

Decision

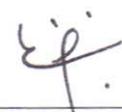
The proposal has been already put up to the Cabinet and a decision is being awaited. However, files and Xerox photocopy papers may be provided by the TDM. (Action: Administration Division)

19. Shortage of Drinking Water Supply in Babesa

The member of Babesa appraised the floor that although approvals for new constructions were accorded by TDM there is water shortage to within the locality. It is presented that water resources available were even not enough for drinking let alone sufficient for constructions. Further that after occupation of newly constructed building occurs there is a probability of creating new dimension of water problems.

Decision

1. Consultative meeting to be convened with the potential property owners.
2. Approval of constructions must be accorded only if the property owners can provide assurance on availability of water through their own expenses. This is because of the uncertainty in time of availing water facilities through TDM plans. (Action: DCD and Engineering Division)



20. Internal Access Road Requirement for all the Standard Plots in UV-1 Areas

The Babesa member pointed out the requirement of access road for every plot which is 1000 sqm. in size. The member explained that some single plots are more than an acre which when subdivided shall culminate in more than three standard sized plots after land pooling. Therefore, it is essential internal road provision are kept for individual plots from the pooled land even though the plot has not been legally fragmented. This is highlight that a plot owner of a plot measuring more than an acre shares same road privileges to a plot owner of a plot exactly measuring 1000 sqm. when the pooling amount is entirely different.

The member sited an example of Thram no. TT-752, plot no. 332 which was proposed to be subdivided. It was stated that TDM has asked the landowner to provide internal access through their registered area. However, it was felt that although bigger plots have already contributed to pooling additional pooling is applied.

Comments

The Chief Urban Planner informed the floor that these issued has been already discussed in the 12 LAP consultations convened with the public. Further, the floor was appraised that pooling amounts were assessed from the total number of legal plots during the conception of the LAP and not as per the sizes of the individual plots. Therefore, in the event of having to keep access provision for subdivision all the larger plots, the current pooled land shall not be sufficient. Therefore, re-assessment of the LAP as a whole shall be required which shall mean current LAP shall have to be rescinded.

The Member Secretary felt that since large amount of land is being pooled for larger plots, it is logically acceptable that road provisions must be kept for fragmentation of larger plots.

Decision

The deliberation orbited around land pooling without a decision. Therefore, the issue is status quo.

21. Request for Necessary Law Books for the Tshogde Members

The Changbangdu member submitted to the floor that all the members are required to be conversant with the provisions of the relevant laws. It is important to ensure the public service delivery be carried out in accordance with the law to ensure a check to their performance and accountability. Therefore, the member requested TDM to supply the members with hard copies of relevant Laws.

Decision

Relevant Law Books to be identified and procured for the members by TDM. (Action: Legal Officer)

22. Procurement of Water Meters from the Reserve Fund

To meet the demands of consumers and to replenish the existing stock of water meters. The Engineering Division has needs to procure water meters through competitive bidding process bills of which are proposed to be borne from the 'Reserve Fund'. The costs incurred for the purchase of the water meters shall be recovered through the sale of the meters.



Decision

The procurement of the water meters from the reserve fund was approved by the Tshogde.
(Action: Engineering Division)

TASHI DELEK!!!

A handwritten signature in black ink, appearing to be 'Tashi Delek', written in a cursive style with a large loop on the left side.