

24th THROMDE TSHOGDE MINUTES

THIMPHU THROMDE

1/5/2015

Venue: Conference Hall -1, MoWHS

Table of Contents

Abbreviation.....	4
Definition	5
Venue:	6
Time:	6
Date:	6
Members Present.....	6
Invitees	6
Opening Remarks by the Chairperson.....	7
Agenda 1: Proposed Residential Building at Zilukha	7
Agenda 2: Appeal for Nu 85,878 for care taker's house in Jungzhina PS	8
Agenda 3: Support for Urban Planner Ugyen Dorji	9
Agenda 4: Utility Vehicle for Building Inspectors-ODE Recommendation.....	10
Agenda 5: Muster roll- Upper age limit. ODE Recommendation.....	11
Agenda 6: Land Allotment to JB Cloth Vendors	12
Agenda 7: Issues related to Septic tank Vs Sewerage Connection	13
Agenda 8: Renovation of Buddha Statue in Centenary Park	14
Agenda 9: 5% Property transfer tax for Tshering Lham	15
Agenda 10: Standardization of Penalty/regularization fees	16
Agenda 11: Precinct Change related Issues	17
Agenda 12: Basement converted to shop by Mrs Shazam	19
Agenda 13: Regularization of additional floor of Mr. Karma.....	19
Agenda 14: Requirement of lift facilities for residential buildings	20
Agenda 15: Conversion of basement parking into conference hall- Dasho Dorji Norbu's case.....	21
Agenda 16: Illegal Construction by Mr. Rinzy Wangchuk in E4 precinct.....	22
Agenda 17: Car-wash Proposal in Changangkha/Motithang area.....	22
Agenda 18: Plot relocation from Jungzhina workshop to nearby LAP	23
Agenda 19: Drinking water issues in Semtokha and Babesa LAPs-ADB Projects.....	24
Agenda 20: Road width problems in Semtokha and Babesa LAPs.....	25
Agenda 21: Proposal by Youth Media Center (YMC).....	26
Agenda 22: Proposal to waive off land lease for Thimphu PS and Sunshine PS	26
Agenda 23: Land dispute case of Dr Ugyen Tshewang (UT) and Tshering Dorji (TD).....	28
Agenda 24: E4 land Issue- Aum Kardung's case.....	29
AOB	30

1. The case of RRM wall above Memorial Chorten.....	30
2. Support for Autism Day- Nu 50,000, put up for endorsement	32
3. Land issues reconfiguration and sub-division, adjustments	32
4. Betterment Charges for Aum Denka, Wangchhutaba, Babesa.....	34
5. Compensation to the death of a City labourer- Amrit Bdr	35
6. Frequency of Thromde Tshogde as per ODE recommendations	36
Conclusion.....	37
Tentative Date for 25th Tshogde:.....	37
Minute keeper:.....	37

Abbreviation

ADB: Asian Development Bank

AFD: Administration and Finance Division

AoB: Any Other Business

BPC: Bhutan Power Corporation

DCD: Development Control Division

DCFO: Deputy Chief Finance Officer

DCR: Development Control Regulations

E4: Environment Precinct 4

EIA: Environment Impact Assessment

ENV: Environment

LAPs: Local Area Plans

LG: Local Government

MBA/MPA: Masters in Business Administration/Masters in Public Administration

MLCP: Multi Level Car parking

MoAF: Ministry of Agriculture and Forest

Moe: Ministry of Education

MoF: Ministry of Finance

MoHCA: Ministry of Home and Culture Affairs

MoWHS: Ministry of Works and Human Settlement

NCWC: National Commission for Women and Children

NEC: National Environment Commission

ODE: Organizational Development Exercise

PPP: Public Private Partnership

PS: Primary School

RCSC: Royal Civil Service Commission

SLMS: Survey and Land Management Section

Sq.ft: Square feet

TEO: Thromde Education Officer

TT: Thimphu Thromde

UPD: Urban Planning Division

UV2: Urban Village 2

VIP: Very Important Person

Definition

Chadri: Preparations/Arrangements made for special guests/celebrations

Dasho: Position Title, referring to high rank officials

Khorlo: Wheel, used in Bhutanese paintings/decorative purposes

Lagthrams: Land Ownership Certificate

Patra: Carvings made on wood

Thromde: City

Thrompon: mayor

Tshogde: Council

Thuemi: Zone representatives

MINUTES OF THE 24th THROMDE TSHOGDE**Venue:** Conference Hall-1, MoWHS**Time:** 11:30AM – 8:00PM**Date:** 1st May, 2015**Members Present**

1	Dasho Kinlay Dorji	Thrompon	Chairperson
2	Mr. Namgay Tshering	Babesa <i>Thuemi</i>	Dy. Chairperson
3	Mrs. Dorji Dema	Motithang <i>Thuemi</i>	Member
4	Mr. Kinley	Changbangdu-Olakha <i>Thuemi</i>	Member
5	Mr. Rinzin Dorji	Changangkha <i>Thuemi</i>	Member
6	Mr. Ugyen	Taba-Dechenchholing <i>Thuemi</i>	Member
7	Mr. Ugyen Penjor	Jungzhina-Kawangjangsa <i>Thuemi</i>	Member
8	Mr. Kuenga Yonten	Norzin <i>Thuemi</i>	Member
9	Mr. Minjur Dorji	Executive Secretary	Member Secretary

Invitees

1	Mr. Mahesh Pradhan	Chief Engineer
2	Mr. Hastabahadur Sangpang	Chief ADM Officer
3	Mr. Geley Norbu	Chief Urban Planner
4	Mr. Kinzang	WB Project Coordinator
5	Mr. Tshering Peljor	Head, Environment Division
6	Mr. Samten Dhendup	Head, SLMS
7	Mr. Ugyen Tshechu Dorji	Legal Officer
8	Mr. Palden Khandu	DCD
9	Mr. Karma Singye	Architect, UPD
10	Mr. Chenchho Needup	Surveyor
11	Mr. Tashi Penjor	Census Officer, Census Section
12	Mr. Karma Dorji	Planning Officer, PPS

Opening Remarks by the Chairperson

The chairperson as usual welcomed and thanked the members and other officials from Thromde office for their presence. He highlighted some of the important works Thromde has been carrying since last *Tshogde*. He reminded *Tshogde* of the MLCP project which is in full swing as PPP model, construction of low income housing which is under way and he also touched upon the vital *Chhadri* works going on within *Thromde* for the celebration of the 60th birth anniversary of His Majesty the fourth Druk Gyalpo. *Thromde* in collaboration with many other government agencies like MoAF, MoHCA and other relevant agencies is carrying out the *Chadri* works that will be completed by September or October this year. He informed *Tshogde* that the works are progressing positively. With this opening remarks by the chairperson, in the interest of time, having to table large number of agenda, *Tshogde* directly moved into agenda of the 24th *Tshogde*.

Agenda 1: Proposed Residential Building at Zilukha

The chairperson informed *Tshogde* that the case has been with *Thromde* for long time now. The site is located in Zilukha above Dechenphodrang Monastery which falls under E4 precinct which according to DCR, only two storey buildings are permissible with 20% coverage. The owner of the plot No 5/A, *Thram* No 478 appealed to *Thromde* that despite his plot falling under the E4 precinct, he should be allowed to construct more than 2 storied building with 40% coverage like any other plots nearby.

Discussion

The chairperson informed that most of the plots in the area although falling under E4 precinct have more than 2 storied structures. Most of the members pointed out that it would be better if the rules are applied uniformly. If some plot owners are allowed to construct more than 2 storied structures, even this case has to be considered. The Dechencholing *Thuemi* said that it has to be verified why some owners are allowed. The Member Secretary said that those structures already constructed should be verified to find out whether the clearances have been given by the Thromde office.

Decision

Supported by all *thuemis*, The *Tshogde* decided the change of precinct from E4 to UV2 SUB-CAT II and this recommendation will be sent to MoWHS along with all the details and

justifications required. Along with this plot, all other nearby plots will be taken care of and even those owners could follow up with the Ministry to expedite the process.

Action: SLMS.

Agenda 2: Appeal for Nu 85,878 for care taker's house in Jungzhina PS

This was put up by Thromde Education Office with regard to support for the construction of caretaker's house for Jungzhina PS. The money will be used to renovate one of the houses inside the school compound and will be allowed to use by the caretaker of the school. For this the total estimated cost of Nu 85, 878 is to be used from *Thromde* reserve fund. It was put up to *Tshogde* for endorsement.

Discussion

All members supported the cost to be used from *Thromde* reserve fund. Along with this, *Tshogde* also discussed the need to mobilize some maintenance amount through students as part of the annual school fee by increasing the fee. Compared to private schools, the fees in government schools are comparatively low. Due to annual budget constraints, schools within *Thromde* are facing difficulty in maintaining basic infrastructures within school. Some members supported the views while few of the members shared that there are some families who can't even afford to buy school uniforms and stationeries. Dechencholing *Thuemi* shared concerns with regard to cases where some families having more than two or three children studying in *Thromde* schools and having low income would face difficulty in meeting higher fee structure. For this the other members said that *Tshogde* should submit proposal to MoE for further directives.

Decision

Tshogde approved Nu 85,878 for Jungzhina PS to be used from *Thromde* reserve fund. Also the letter to be sent to MoE and MoF recommending the collection of school fess to be increased between Nu1000-5000 per student per annum to mainly help maintain some of the basic infrastructures within schools and seek the ministry's directives on this. The letter to be sent should contain all the views expressed by the members of the *Tshogde*. If this proposal does not come through, the ministry will be requested to look on the possibilities of increasing the budget to schools within *Thromde*.

Action: TEO, Thromde Education Office

Agenda 3: Support for Urban Planner Ugyen Dorji

Mr. Ugyen Dorji has been working in Thimphu *Thromde* since 2010 as an Urban Planner under Urban Planning Division of *Thromde*. He has recently applied for MBA course on his own with the hope of getting the study leave with pay. But to his dismay, the RCSC has approved his study without pay stating the irrelevancy of his course to his current profession. As a result of this, having contributed so much to *Thromde* for last half a decade, he submitted an appeal letter to *Thromde* for some financial support since he has to bear all the expenses himself. Moreover he will return to *Thromde* and render his support through experiences and skills that he has acquired. It was put up to *Tshogde* for further deliberation.

Discussion

Tshogde first sought the decision of Chief Urban Planner since he has been working under him. The Chief Urban Planner informed that, despite the fistful number of urban planners in *Thromde*, during his absence during OD exercises, under the guidance of Mr. Ugyen Dorji many old land cases have been resolved and the service delivery did not hamper in any ways under his leadership. Amidst tight schedule, Mr. Ugyen Dorji has taken an extra initiative of publishing a report titled "*TSP and LAPs since 2002 – An Update*" which can be a living document for Thimphu *Thromde* for many years to come. When asked if the book could be of any use to *Thromde*, the Chief Urban planner said the report will be of great benefit to *Thromde* in the years to come. Should *Thromde* have to publish by deploying consultants, it will be more expensive. For that extra initiative he has taken, the member secretary supported by other *thuemis* said that the support can be given as an honorarium for publishing the important report which would serve as a living document for *Thromde* for many years to come.

In line with this, the Chairperson also shared with *Tshogde* the need to write to RCSC on the matter that even those technical people who wish to pursue MBA or MPA must be given full support, a leave with pay despite the irrelevancy of course to their current position. This is because, even those in technical field needs to know the ethics of business and management while serving in any organization. All other *thuemis* supported the view shared by the chairperson.



Decision

Tshogde decided to approve to and fro air fare of Mr Ugyen (to and from Australia), which comes to around Nu 90,000 as an honorarium for his extra initiative taken in publishing the report. *Tshogde* also decided to send a recommendation letter to RCSC stating the need to support those individual pursuing post graduate courses despite the irrelevancy of the course to their current positions.

Action: DCFO to disburse the sum of Nu 0.09M and UPD to draft a letter of recommendation

Agenda 4: Utility Vehicle for Building Inspectors-ODE Recommendation

This was recommended by OD exercise which was recently completed for Thromde. As per their recommendation, for efficient and timely monitoring by the building inspectors, the need for utility vehicle has been highlighted for the eight building inspectors. The existing one is to be used by south inspectors and the other to be used by those inspecting in the north. The MoF did not approve the budget during the budget meeting for the purchase of vehicle. Therefore, it was put up to *Tshogde* to deliberate on this.

Discussion

The Dechencholing *Thuemi* expressed the need to have vehicle looking at the current situation of having just one vehicle for eight inspectors. He also said that presently the works related to monitoring of building constructions get delayed due to one vehicle shared by all inspectors. The Chairperson threw lights on the possibility of outsourcing these services to some competent private consultancies to *Tshogde* to decide upon. He also said if this can be outsourced, the problems of having to share vehicle or delayed works could be solved and moreover it will reduce financial burden to *Thromde*. For this the Dechencholing and Olakha *thuemis* were of the view that if the inspection works are outsourced, only those who can pay can avail the services. They also said that even if it is outsourced, for the benefit of the low income group, it would be better if *Thromde* could continue with the current system of drawing approval and site inspections. Jungzhina *Thuemi* supported by Motithang *thuemi* also cautioned on the quality and the efficiency of the inspection works if it is outsourced, it was also pointed out that blame would come to *Thromde* if anything happens later as a result of no proper inspection. For this, the member secretary said that, if outsourced, there will be

comprehensive Terms of Reference drawn between Thromde office and the private firm to delineate clear roles and responsibilities.

The DCD head informed that it will be a bit early for *Thromde* to outsource the inspection works because people are not ready to take the accountability issues. Moreover, even for minor rectifications of the drawing, people will be charged by the private firms, which currently is provided by *Thromde* for free. He suggested that before outsourcing, *Thromde* will have to come up with proper system and only after knowing the competency of the private firms, would it be better to outsource. He also suggested that the construction works could be given to builders like any other countries which would be very efficient. The Dechencholing *Thuemi* also supported DCD on the view of having to pay for even for a minor rectification.

Decision

Tshogde decided that the matter of outsourcing the inspection services will be discussed with MoWHS and get the directives to move further and also will be discussed with some competent and willing private firms. The procurement of utility vehicle for the inspectors will be further deliberated in the upcoming Management meeting.

Action: DCD

Agenda 5: Muster roll- Upper age limit. ODE Recommendation

It was recommended by the ODE that the number of muster roll which is currently more than 330 to be reduced by 80 numbers. In line with this, the management has decided to relieve those workers who are above 65 of age. According to the Labor Act of Bhutan, minimum age limit is 18 but it does not define the upper age limit. Therefore, the recent management meeting has decided to put up to *Tshogde* to decide upon the decision made by Management on the upper age limit. According to the AFD, currently there are 11 workers who are above the age of 65.

Discussion

The member secretary informed *Tshogde* that with the recent tragedy of 73 years old worker's death due to collapsed wall while he was working along the roadside, people might even question *Thromde* why people at this age are allowed to work when his/her ability to work has declined. Therefore, the management has decided on the age of 65 as a retirement

age for the workers keeping in mind that even the maximum age a public servant is allowed to serve is 65 as per the constitution. Many *thuemis* supported that the 65 age limit is okay since there are many who are totally dependent on daily wage rate.

Decision

It was decided by *Tshogde* that the upper age limit for a muster roll workers will be 65 years complete. Those completing 65 years of age should retire by 1st January the following year. Those who have already completed 65 years of age at present will be as per the Management's decision that they will have to be relieved by July 1st 2015. It was also decided that henceforth, no muster roll laborers will be recruited by any division/section and if it is required, it has to be approved by the Thromde HRC only.

Action: AFD

Agenda 6: Land Allotment to JB Cloth Vendors

With the increasing number of people selling goods along the roadsides creating congestions, *Thromde* has been facing difficulty in accommodating all these vendors in a designated place. Therefore, the Environment Division has identified two spots to be allotted to those vendors. The option one and two as shown in the figure aside are near the



existing cloth market opposite to centenary farmer's market. The option 1 has an area of 42/4M² and option 2 has 17/8M² where about 38 vendors can be accommodated. This will bring in additional revenue for TT.

Discussion

The chairperson said that since it is the main source of income for those low income groups of people, it is unfair on our part to not to facilitate them to identify a location to sell. He mentioned that, it should not be allowed along the road. TT will have to designate them some proper areas where ever possible like many other vegetables vendors. The members directed

Handwritten signature

the Environment Division to verify whether all those people requesting a space to sell goods come from poor economic background and really deserve consideration. The Environment Division informed that the committee will have to be formed representing all vendors and Thromde will directly deal with this committee to screen the requests and verify.

The member secretary said that even if the current group of people is allotted space somewhere within Thromde, there will be another group of people selling along the roads and the problem might persist. Therefore, it would be better if this could be stopped completely. Supporting his view, the Babesa and Dechencholing *thuemis* also suggested that Thromde should verify and strictly follow the decisions made by previous *Tshogdes* with regard to who should be actually allotted space at existing cloth vendor market opposite centenary farmers market. Norzin *Thuemi* proposed that only those having census with *Thromde* to be given preference, which was objected by other members..

Decision

Clear terms and conditions have to be developed as decided in previous *Tshogde* and should be used to strictly verify the existing vendors at cloth market. Preferences will be given to those from poor economic background. Any available spaces near existing cloth market can be used to accommodate new vendors. After consultation with all the vendors, they should be informed to form a competent committee with minimum of three members and a maximum of five, which will remain contact point for the Thromde on any matter related to vendors in their area. No goods should be allowed to sell along roadsides and if found, they will be penalized and the goods will be confiscated. This has to be broadcast through media. *Tshogde* also directed Environment Division to erect chain link fencing near cloth market to prevent moving of people towards the river side to sell their goods.

Action: Environment Division

Agenda 7: Issues related to Septic tank Vs Sewerage Connection

Due to leakage of septic tanks, there are so many complaints by the surrounding neighbors. In some areas people are not allowed to connect to main sewer lines and as a result their tanks tend to overflow. Some even illegally dump their sewage in some others places while others have even connected to Thromde sewer lines illegally. In absence of clear rules, environment division has been receiving so many complaints on this matter since the sanitary inspectors

are under Environment Division. Therefore, the division requested *Tshogde* to spell out clear directives on above issue.

Discussion

The member secretary said the problem is very real. However, he said that the problem might persist since at least a year will be required to complete the sewerage treatment plant under ADB project in Babesa. He also said that the capacity of current treatment plant is limited but many have already connected to main line without prior approval from Thromde. The chief Urban Planner informed that those with septic tank should have soak pit in place and this should at least help till the treatment plant is ready. The chairperson informed that those buildings which have provision for connection could be connected as there is no other way than to put into the existing treatment plant. He also remarked that where there is no provision for sewer connection, they have to build soak pit. Thromde sanitary inspectors should monitor whether those building owners with frequent overflow of sewage from their septic tank have built soak pit or not. It should be made compulsory for all building to have one soak pit each. Appropriate fines and penalties have to be levied if they are not cooperative. Individual septic tank and soak pit facility should be used till the sewerage treatment plant is completed.

Decision

Connection could be allowed based on site inspection and where absolutely necessary. Sanitary inspectors should inspect if building owners have constructed septic tank and soak pit in place and insist them to have one if not till completion of sewerage treatment plant in the area.

Action: Environment Division

Agenda 8: Renovation of Buddha Statue in Centenary Park

The Environment Division put forth to *Tshogde* that the Buddha statue in Coronation Park will have to be renovated. The division also informed that it was His Majesty's order to renovate it. And he also presented to the *Tshogde* the total breakdown of the activities and the associated cost worked out by Zorigchusum. .

1. Painting and materials – Nu 158,000.00

2. Repairing of Buddha statue(eye, ear, dragon, *khoro*, flower petals, *patra*) – Nu 166,000.00
3. Frame bit – Nu 48,000.00
4. Repair and replacement of tiles – Nu 32,000.00
5. Repairing of marble – Nu 27,000.00

The total cost of renovation is Nu 431,000.00 and the work is proposed to be awarded to *Zorigchusum* and it has been put to Tshogde to endorse the award of contract.

Discussion

Some members raised the possibility of audit issues latter if the work is directly awarded to individuals at *Zorigchusum*. Member secretary clarified that said that the work will be awarded to the institution, the *Zorigchusum*, and not to any individual to avoid objections later. The chairperson also informed that, it is necessary to renovate but it has to be made sure that no changes are made to original statue since it is built by Thai as a symbol of friendship unless there is a written order from His Majesty to even change some parts of the statue. He also informed that the images have to be taken before and after the renovation of all the features of the statue that are to be renovated for future references and record.

Decision

The *Tshogde* endorsed the contract to be awarded to *Zorigchusum* for the renovation of the statue at a total cost of Nu 431,000.00. The budget should be met from capital budget available for the city beautifications and amenities. *Tshogde* also decided that, there should not be any changes to the statue. The repairing of eyes and ears should be removed and therefore the cost for that activity has to be reduced a bit. Revised cost should be approved by the tender committee. The images will have to be taken before and after the renovation of all the parts to be renovated.

Action: Environment Division

Agenda 9: 5% Property transfer tax for Tshering Lham

The case was discussed in detail in 23rd Thromde *Tshogde* and the decision was that, if Tshering Lham could process with court through NCWC the document stating that the children are legally adopted, the 5% property transfer tax will be waived off. But according the census section of Thromde, NCWC did not consider the proposal as the children are

already above the age of 18 and cannot be adopted as per the existing rule. By the time the case has been resolved, the appellant Tshering Lham passed away. Therefore the case is put up to *Tshogde* to further deliberation.

Discussion

The Norzin *Thuemi* requested *Tshogde* that if it can be waived off, it would be very grateful since the case is very genuine. Even the Babesa *Thuemi* stated that in this case, even if the children have not been adopted legally, the children have been living with Tshering Lham since childhood and is as good as being adopted. However, the member secretary informed *Tshogde* that as per the audit report earlier, *Thromde* is not allowed to waive off any kind of taxes. Also he remarked that *Tshogde* need to note the absence of legal papers on adoption.

Decision

The *Tshogde* decided that a clarification has to be sought from RRCO whether or not *Thromde* is allowed to waive off tax in such genuine cases or a committee could be formed to specially discuss such genuine cases.

Action: SLMS

Agenda 10: Standardization of Penalty/regularization fees

The DCD informed *Tshogde* that there are many kinds of fees and penalties and also there is no uniform fees and penalty structure to be followed. DCD presented various fee structures to *Tshogde*. The first one is the DCR rate which is usually high and is not payable. The second one is the nominal fee which is calculated as $(5000 + 30/\text{sqft}) \times 3$. The third structure was decided by the 19th *Tshogde*, for a Basement Conversion and Space conversion below parking slab, which is calculated as $(\text{Plinth area in sqm} \times 46.17) \times 5 + 10000$. So it was put up to *Tshogde* to decide upon one uniform fee structure which the division could follow henceforth.

Discussion

The Chairperson informed that since the DCR rate was very high and not payable, it has to be reconsidered and made nominal. The 19th *Tshogde* also decided based on this high DCR rate which is not at all payable. The decision of 19th *Tshogde* was that the fee for attic regularization is $(\text{Plinth area in sqm} \times 46.17) + 10000$ and for basement conversion it was

decided as (*Plinth area in sqm X46.17*) $X5+10000$). Many old cases have been settled based on nominal charges and instead of DCR rate. The chairperson also informed that the building inspectors have to be very vigilant and be able to stop such illegal constructions at an early stage. This will avoid Thromde levying any kind of penalties.

Decision

The *Tshogde* decided that the fees will be nominal and the decision of 19th *Tshogde* to be considered and followed. The fee structure of 19th *Tshogde* is for the conversion of basement into habitable space and a nominal fee is to be applied for other cases of regularization.

Action: DCD

Agenda 11: Precinct Change related Issues

The DCD presented to the *Tshogde* the various issues related to precinct change. The first issue was with regard to:

1. Construction of Cinema Hall in UV2 Precinct in 85 decimals net area at Lungtenphu by Gup Sonam Dukpa

Discussion

The site is located in Olakha and according to DCR, in UV2 such facilities are not allowed and only residential buildings are allowed. When asked about why 85 decimals plot has been categorized as UV2, the UPD and DCD cleared that during the initial planning, the plot was left within UV-2 and all the adjacent plots falls in UV2 precinct. Therefore, even if the size is greater than 25 decimals, it has to be categorized as UV2. If the plot is along the highway and it is 25 decimal and above, it will be categorized as UV1. The Bab *Thuemi* said that, since the plot is big there won't be any problem of parking spaces and moreover cinema hall will not have any disturbances like any other party hall, therefore it can be allowed. The chairperson said that the case was already discussed in previous *Tshogde* and the proposal was accepted in principle and the appellant need to submit the concept drawing to Thromde. For this the Jungzhina *Thuemi* supported by others said that, if the issue has been discussed already in previous *Tshogde*, it need not have to table in this *Tshogde* and would be better if *Tshogde* could stick to previous *Tshogde*'s decision.

2. E4 Precinct- Hotel/resort construction by Gup Sonam Dukpa in 3.77 acre below Tandin Ney

Discussion

Similarly in E4 precinct, according to DCR, construction of Hotel or resort is not allowed and only agro-based industries are allowed. Some members were of the view that, hotel or resort if allowed will be more than one building so it would not look good in E4. The chairperson said that, Thromde should verify the concept drawing about the hotel and this could be sent to MoWHS seeking further directives.

3. Request by BPC to construct 3 storey staff quarters at Sementokha in E4 precinct

Discussion

Since only two storeys with 20% coverage is allowed in E4 precinct, BPC appealed to Thromde to allow constructing more than 2 storey staff quarters. Many members were of the view that after the attic has been regularized, actually three storeys have to be allowed. The chairperson informed that recently a group of people with plots in E4 precinct have approached MoWHS on the issues related to E4 precinct regulations. Their proposal is to reduce minimum plot-size from 25 to 20 decimals, coverage to be increased to 30% from 20% and allow 3 storeys instead of 2 storeys on plots falling in E4 precinct. The chairperson informed the members that Zhabtog Lyonpo has instructed Thromde to submit a report on E4 plots. He remarked that Thromde will carry out slope analysis and see how many plots are located in areas with slopes less than 30 degree and how many with slope more than 30 degree. The chairperson also asked that the slop analysis work has to be expedited.

Decision

1. Given the bigger size of the plot, 85 decimal for the construction of cinema hall, *Tshogde* decided to support the proposal but first a concept drawing has to be submitted as decided by the previous *Tshogde* to take final decision on the proposal.
2. Regarding the proposal of construction of hotel/resort in E4 precinct, *Tshogde* decided to get a concept drawing first based on E4 precinct regulations and the same could then be recommended to the Ministry for further directions.

3. Regarding the BPC's proposal, *Tshogde* decided to inform BPC to either follow existing regulations of E4 or wait till a report is submitted by the Thromde office to Zhabtog Lyonpo for further directives. Thromde has to expedite the slope analysis works. For this the *Tshogde* also decided that Thromde office to invite rates from 3 consulting firms to carry out the assessment.

4. **Action:** DCD

Agenda 12: Basement converted to shop by Mrs Shazam

The basement has been converted into a shop after the occupancy certificate has been issued by Thromde. Since the basement is at the level of the road, the owner has appealed to Thromde to regularize her basement as shop. The site is in Changedaphu.

Discussion

When asked about whether the basement can be used as parking or not, the DCD informed that the basement can be used as parking although there are footpaths that cause hindrances for the entry of vehicle. The members were of the view that the parking spaces should not be compromised. For this the DCD said that even if the basement parking has been converted into shop, the owner has got another parking space outside if she is willing to develop it with the laying of slabs. The members said that the parking requirement has to be met.

Decision

The *Tshogde* decided that the case will be regularized with existing fees but the owner has to meet the parking requirement. The parking space available nearby has to be developed first by putting a slab over it before conversion can be granted.

Action: DCD

Agenda 13: Regularization of additional floor of Mr. Karma

The DCD inform *Tshogde* that this case of Mr. Karma located in Changzamtog is an old case. The G+2 approval has been given by TT in 2005. Not more than 3 storeys in Changzamtog area was allowed then according to planning regulations. As his building construction was going on, the new regulations that allowed construction up to four storeys in Changzamtog came into effect. The owner has added another floor with attic without prior approval. The owner was asked to pay a penalty of Nu 225,000. The owner has requested to consider

nominal fee. So it was put up to *Tshogde* if his structures could be regularized at nominal fee. According to DCD, the attic could be regularized based on nominal fees and it is payable.

Discussion

Some members said that the owner should have settled the payment long time back and that the owner is even liable for interest on initial amount let alone reconsider the amount. The chairperson informed that most of these cases are due to lack of proper monitoring in the field by building inspectors. Most of the cases are old ones and there is no option than to regularize them. Members felt that by regularizing above structure, which happened in 2007-08, they are taking risk of structural safety. Many pointed out that structural safety has to be looked into since the additional floors were added without approval. For this the member secretary said that an undertaking letter has to be submitted by the owner stating that Thromde is not liable for any mishaps as a result of these structures in future. He also said that 24th *Tshogde* will decide on the penalty that has been worked out already in 2007 or 2008 and was not paid until now.

Decision

The *Tshogde* decided to waive off 50% of the penalty that was already worked in 2007-08 and regularize the structures. *Tshogde* also decided to inform the owner and get the undertaking from him stating that Thromde will not be held responsible if anything happens to the structures that were already constructed

Action: DCD

Agenda 14: Requirement of lift facilities for residential buildings

It was during earlier government that a circular has been issued by MoWHS with regard to requirement of lift (elevator) facilities in residential buildings for four storeys and above. Accordingly, Thromde has implemented the circular but many building owners have just kept the provision for the lift and most of them have not installed it due do huge cost implications for them. So it was put up to *Tshogde* if the requirement of lift facilities can be done away in residential buildings.

Discussion

Some members said that it can be recommended to the ministry highlighting the issues with regard to installation of lift facilities in the residential buildings. Many members said the provision (an open space inside a building) has been kept in most of the building and it possesses risky for people living there. DCD also submitted that the lift can be installed later from outside the building if real need arises later.

Decision

The *Tshogde* decided that a letter will be sent to MoWHS for information that Thromde has tried to implement the circular but people are not willing to comply with it and has been causing more inconvenience with having just lift provision. Therefore, *Tshogde* has decided to keep it as optional for the builders to decide on the requirement of lift facilities in residential buildings.

Action: DCD**Agenda 15: Conversion of basement parking into conference hall- Dasho Dorji Norbu's case**

The building has two basements and the appellant has requested Thromde to regularize one of these basements as conference hall as he has enough parking spaces outside where 12-13 cars can be accommodated. Moreover since it is a hotel, most of the cars will be used only for pick and drop purposes.

Discussion

When asked about the approved drawing, the DCD said that according to the drawing, the basement has been approved as parking. Jungzhina *thuemi* said that as long as the parking requirement is met, there should not be a problem. Supporting his view, the Babesa *thuemi* said there are many other hotels which do not have the individual parking spaces. The car comes only to drop and pick up the guest and is not used for parking for long. So in that case, it can be considered and moreover the current case has enough parking spaces outside.

Decision

It was decided that the conversion will be approved and the structure will be regularized with existing basement conversion fee.

Action: DCD**Agenda 16: Illegal Construction by Mr. Rinzy Wangchuk in E4 precinct**

The DCD informed that the case dates back to 2013. The owner has built G+2 storey building with coverage exceeding 20% without prior approval from TT. The penalty has been worked out on DCR rate and comes to around 2.62M. The case is submitted to *Tshogde* to decide upon whether the nominal fees will be applied or wait for the precinct change.

Discussion

The chairperson suggested that one way could be to do some land adjustments from nearby plot and make the plot coverage as 20% by increasing the plot size. The SLMS said that the works are under process for this. The members felt that the 20% coverage should not be compromised.

Decision

The *Tshogde* decided that the land adjustments will be done to meet the 20% coverage. After the land adjustments have been made, the nominal fees for structures being constructed without prior approval from Thromde will be levied.

Action: DCD**Agenda 17: Car-wash Proposal in Changangkha/Motithang area**

The precinct is UV2 MD where car-wash facilities are not allowed according to DCR. There is no UV1 precinct in this area. The appellant stated that there are no such facilities in this area and it will be a big service to the people in the area by having one such facility. The appellant has also included in his proposal that the water will be recycled and to prevent noise pollution, a sound proof machine will be used.

Discussion

The member secretary informed that the site has to be identified very carefully and also the source of water has to be looked into since the water cannot be met from drinking water supply. This was supported by Motithang *thuemi*. The chairperson said that Thromde should allow car-wash and tyre change services in different parts of Thromde so that people need not drive all the way to Olakha workshop for all types of services. Many members were of the view that it won't be fair to allow someone start such services in the area when it is currently



not allowed as per DCR. However, all members supported the idea of having car wash and type repair facilities in different parts of Thromde. The chairperson suggested that Thromde should identify a government plot to set up such service centers and invite proposals through open tender. This view was supported by all *thuemis*.

Decision

The *Tshogde* decided that the site for such facilities will be identified by *Thromde* and will be tendered out to those who are interested to carry out such business and the land will be given on lease (Nu 20/sq.ft). It will be given to those bidders who are willing to share the maximum monthly revenue with *Thromde*. The water is to be either recycled or be used from the stream.

Action: UPD

Agenda 18: Plot relocation from Jungzhina workshop to nearby LAP

The plot is located in workshop precinct and it belongs to Tshering Chenzom. The size of the plot after 35% pulling for workshop area is 13.6 decimal. She has even got new *thram* and even the *kappa* has been signed without any issue. Because of the expected delay to get approval to develop workshop area, the owner has appealed to *Thromde* to allow her to construct a residential building with the plan to start a bakery in the ground floor on her plot but *Thromde* did not allow as it falls in workshop precinct. Therefore the owner has appealed *Thromde* to relocate her plot away from workshop area where she can establish such business. Just below the workshop area, there is another empty plot and the owner is willing to shift her there. But the problem is, after applying 29.5% land pooling in LAP areas, her relocated plot size will have to be 14.8 decimal whereas the empty plot is only 14.1 decimal which is short by 0.7 decimal. However, Mrs. Tshering Chenzom has accepted the plot size of 14.1 decimal. Members pointed out that since the owner has already signed the *kappa* for her plot in workshop area and also received *lagthram*, it is not clear whether the NLCS will accept the proposal. Another problem is because there are 14 other plots in workshop area and if one is being relocated, it would set precedence. So it is put up to *Tshogde* for further directives.

Discussion

The *Jugzhina thuemi* said that, the owner run a bakery in Chubachu. Since the rent is very high here, the owner wanted to shift her house and run a bakery in her own house there in

Jungzhina. If the workshop is built, she can at least rent her house and earn something but the workshop area is not yet developed. It is for this reason the owner wanted her plot to be relocated. The chairperson said the workshop area will be developed but the problem is we do not have proper road access to workshop area. It is for that reason the development of work has been halted. He also said that, once the plot has been relocated, the empty plot near the workshop area could be used by *Thromde* for some useful purposes. The UPD also informed that one way to prevent other plot owners from appealing for relocation is to expedite the development works of that workshop area like completion of EIA and develop specific DCR for that workshop area. When asked by Jungzhina *thuemi* as to whether the standard rule for building will have to be followed or not for the workshop area, the members remarked that, it would be better not to standardize the building and let the owners build according to their plot sizes.

Decision

The *Tshogde* decided Mrs. Tshering Chenzom's plot can be relocated in LAP area and the plot size will be 14.1 decimal as it has been accepted by her. But henceforth no other plot relocation from workshop area will be entertained as there are no empty plots for relocation. Also *Thromde* should allow people develop workshop area without further delay to avoid similar problem with other plots.

Action: UPD

Agenda 19: Drinking water issues in Semtokha and Babesa LAPs-ADB Projects

The issues of inadequacy of drinking water supply for the residents of Babesa and Semtokha LAPs have been brought up by Babesa *thuemi*. Even the meter has been installed by many but the problem persisted. He also requested *Tshogde* that the water going to Olakha and Babesa has to be properly monitored to ensure equal amount of water is distributed to both the areas.

Discussion

The chairperson suggested that the distribution valve at Semtokha has to be sealed so that no one can temper water distribution. Some members said that the chamber should be locked and supply should be based on the population in each area. The member secretary informed *tshogde* that several attempts were made to find out main reason for shortage of water in the

area. He said that designed flow of 6.5mld is available both at treatment tank and Semtokha junction. Theoretically, 6.5mld should suffice entire population in the area for 24hrs. Currently, the plumbers are installing water meters in the area and also sealing water points in vacant plots. This is expected to address the problem.

Decision

The *Tshogde* decided that the 'Y' junction that diverts water to Olakha and Semtokha has to be adjusted after measuring flow rates in distribution tanks at Olakha and Semtokha. Once the amount of water passing in each pipe is equal, the valve will be locked and no one will be allowed to touch or readjust the valve. .

Action: Water Section, ENG Division

Agenda 20: Road width problems in Semtokha and Babesa LAPs

The issue was brought up Babesa *Thuemi* with regard to road width problems in Semtokha and Babesa LAPs. He informed that most of the roads in these areas are narrowed due to construction of pedestrian pathways on both sides of the road. In some of the road stretch, vehicles use footpath to pass over resulting in damage to footpaths and blockage of drains. He said that such problems can be addressed if one of the footpaths can be removed.

Discussion

The member secretary said that removing of pathways right away will not be possible because the project has incurred lots of expenditures for the construction. He said that people should have raised such issues before or while the project was under implementation. When asked if the condition is same for all areas within LAPs, the *Thuemi* said that in most of the areas, the problems persist and it is only at the junction point that the road is wider. Light vehicles have no problem but when heavy vehicles pass through, it destroys the footpaths. The chairperson also said that removing of the entire footpaths will not be possible but may be it could be taken at regular intervals to create passing bays. Many other *thuemis* supported the view.

Decision

The *Tshogde* decided that the entire footpaths will not be removed. Proper site inspection will be carried to assess and develop passing bays at appropriate intervals and critical junctions.

Action: Engineering Division



Agenda 21: Proposal by Youth Media Center (YMC)

The Youth Media Centre (YMC), a registered CSO, consisting of youths both employed and unemployed has put a proposal to Thromde to allow them to manage and run all public toilets within Thromde. They will be responsible for maintaining and running the public toilets and also establish small restaurants and cafeteria nearby in order to generate some revenue for the benefits of the youths. YMC will also develop more public toilets if spaces are available.

Discussion

The chairperson said that Thromde is required to provide clean and usable public toilets. As long as this requirement can be met, it would be advisable to give away the responsibility to interested individuals and groups. This was also supported by Norzin *Thuemi* and said that if YMC is ready to take full responsibilities and accountability, it would in fact benefit the residents. The member secretary was of the view that if Thromde can allow running a restaurant near each public toilet, there will be many others who would be interested to take up such activity. He submitted that one restaurant for a group of toilet could be looked into. The view was also supported by Dechencholing *Thuemi* and he suggested that if there are ten public toilets, at the maximum one or two restaurants could be allowed.

The chairperson informed *Tshogde* that private sectors and YMC as CSO is different. It will be of immense benefit for the youths to involve in such kind of opportunities. He also informed that if the management of public toilets by YMC is up to Thromde's expectation even the parks and other recreational facilities could be given to them to develop and manage in future. It could be one of the cost cutting measures for Thromde. If the proposal is accepted and if we are to move on, a MoU has to be signed between Thromde and YMC and strict terms and conditions will have to be laid.

Decision

The Tshogde decided that the matter will be discussed in details with YMC including the lease rate and other terms and conditions.

Action: ENV Division

Agenda 22: Proposal to waive off land lease for Thimphu PS and Sunshine PS

The SLMS presented to the Tshogde the following scenario with regard to outstanding land lease with the two schools:

Lessee	Leased Area	Date of signing Lease Agreement	Lease rent per annum as per Lease Agreement		Lease rent per annum as per Land Lease Rules & Regulations 2009		Difference (Nu.)	Lease rent not paid since:	Total arrear payable till 2014 @ Nu. 20/- per sq.ft.	Remarks
			Rent	Total Payable	Rent	Total Payable				
Thimphu Primary School	20,037.6 sq. ft.	2010	Nu. 1/- per sq. ft.	Nu. 20,038.00	Nu. 20/- per sq.ft.	Nu. 400,752	380,714	2012	Nu. 1,661,068.00	No response from TPS
Sunshine School	9,495 sq. ft.	22/3/2011	Nu. 1/- per sq. ft.	Nu. 9,495.00	Nu. 20/- per sq.ft.	Nu. 189,900	180,405	Updated till date	Nu. 1,082,430.00	Proposed as mentioned below

The SLMS informed *Tshogde* that Thromde has failed to apply the 2009 lease rate although the lease agreements were signed in 2010 for Thimphu PS and 2011 for Sunshine PS, after new lease rates came into effect. Both are long term lease for initial period of 30 years.

Discussion

The decision to levy Nu 20/sq.ft according to Land Lease Rules and Regulations 2009 has been recently decided by the Thromde Land Committee and the proprietors have been notified accordingly on 7/04/2015 to Thimphu PS and on 9/4/2015 to Sunshine PS. According to member secretary, the proprietors have responded saying that the lease rate of Nu 20/sq.ft will be payable only after the receipt of the letter from Thromde. Till then, they will pay Nu 1/sq.ft as mentioned in the signed lease agreement.

Decision

The Tshogde decided to waive off the arrears rents and apply new rents as follows;

- If they have not paid lease rent for 2015, new rent of @ Nu 20/- as per rule shall be applied for 2015 as well. However, if they have already paid for 2015, new rent of Nu 20/- will be applied effective from year 2016.
- New lease agreement shall be executed applying Nu. 20/- per Sqft per annum.
- Moreover, if they have not paid or delayed rentals until now the applicable penalty will be levied based on the amount payable.

In addition, SLMS was also directed to send reminder letter to Kelki School regarding land lease case.

Action: SLMS

Agenda 23: Land dispute case of Dr Ugyen Tshewang (UT) and Tshering Dorji (TD)

The SLMS presented the detailed scenario of the land status with map to the Tshogde. As shown in the map, the plot of Dr. UT and Mr. TD are adjacent to each other with a trap land located above Dr Ugyen Tshewang's plot. Thromde has initially proposed to provide footpath between Ugyen Tshewang and Tshering Dorji's plot, an access trap land. This



will result in shifting of Tshering Dorji's plot towards front side. The proposal was not accepted by Tshering Dorji saying that the proposal will benefit only Ugyen Tshewang. Even NLCS has asked Thromde to maintain plot configurations as it is. In the meanwhile NLCS has issued *lagthram* to Tshering Dorji which was objected by Ugyen Tshewang saying that NLCS has issued *lagthram* despite him not signing *kappa* form. Uyen Tshewang has appealed to NLCS and Thromde to revisit earlier decisions. The appeal put up by Ugyen Tshewang was again discussed during bi-lateral meeting between NLCS and Thromde. The meeting decided that Thromde should carry out the touch up plan in the area without which the proposal will not be acceptable. Accordingly the site visit has been made by Dasho Thrompon, Executive Secretary and SLMS Head and following recommendations were made:

1. To keep Dr. UT's plot undisturbed as his construction was done as per existing site plan.
2. To shift Trap land in front of the Pvt land
3. Maintain 1m drainage and other utility provisions between Mr. TD & Dr. UT's plots
4. Adjust Mr. TD's plot to accommodate drainage space.

Discussion

The chairperson explained that the initial proposal was intended to give access to trap land to prevent people from using the area to dump their waste. Other members also supported the proposal to reconfigure trap land and other plots to accommodate drainage space between the plots of Dr. UG and Mr. UT. The members also discussed the requirement of 4m wide access road on the other side of Mr. TD's plot.

Decision

As the area being fully developed, chairperson expressed that the planning may not be required. In this view following decision was taken;

Tshogde decided that the trap land and private plot will be swapped and trap land will be brought to the front of private plot. The plot of Dr. UG will not be disturbed but the provision of about 1m for drainage and sewer line will be kept in between the two plots and the equivalent area of Mr. TD's plot will be adjusted from the vacant space in front.

The width of the access road on the other side of Mr TD's plot will be kept as it is in view of maintaining proper plot shape of TD's plot. The decision of Tshogde will be conveyed to the plot owners and if the owners are not ready to comply with *Tshogde's* decision, they shall have right to approach to Court. Above demarcations and pegging related to TD's plot and swapping of trap land will be carried out by Thromde at free of cost. However, Dr UT pegging should be done at his own cost. Although the site plan to Mr. TD was already issued, any kind of development will not be permitted until the case is resolved.

Action SLMS**Agenda 24: E4 land Issue- Aum Kardung's case**

The case was deliberated in previous *tshogde* under AOB and it was decided that the case to be presented to this *Tshogde* with more details. Accordingly the survey section has presented to the *Tshogde* the detail site scenario of the case. Actually the plot has been sold by Aum Kardung to Mrs. Choden and has even built the house on it. The nearby plot belongs to Mrs. Thinly Wangmo whose plot was being affected and accordingly a site visit lead by Dasho *Thrompon* was made during which Dasho advised to carry out some plot re-adjustments. The plot adjustments have been made with two options. But Mrs Thinley Wangmo denied both the options saying that the shape of her plot becomes irregular. Therefore, the only option is

to relocate the plot of Mrs. Thinley Wangmo since Mrs Choden has a building on her plot and cannot be relocated. Mrs Thinley Wangmo has accepted the plot relocation and was asked to find a plot of 25 decimal within E4 along with the area Thromde *Thuemi*. It was informed that the plot has been identified in Lubding. So it was put up to *Tshogde* to deliberate on this plot relocation.

Discussion

The chairperson said that the plot cannot be relocated in Lubding since the plot could fall in steep slope and it would therefore be better to adjust within Semtokha LAP. When asked about the benefits for Thromde due to proposed plot relocation of Mrs Tshering Wangmo, the Babesa *thuemi* explained that existing road in the areas can be widened and moreover the access roads to others plots and buildings can be provided. The member secretary informed *Tshogde* that as per existing rule, the plot should be relocated within the same LAP only, and therefore the plot identified in Lubding may not get approval of NLCS.

Decision

Relocation of any one of the plot was approved in principle. However, relocation in Lubding was not approved and directed to find plots in Semtokha LAP only. Further, it was also decided that the relocation proposal if inside Semtokha LAP, it can be approved by Thromde Land Committee members.

Action: Survey Section, SLMS

AOB

1. The case of RRM wall above Memorial Chorten

The building which is under construction above Memorial Chorten has an entrance made through the RRM wall which is a public property. Thromde has given the access road from above and the entrance through the wall will not be accepted. Finally they have agreed to close the entrance and they have agreed to reinstate the wall. But they have proposed to develop a pedestrian staircase of RRM which will look like a wall. Also the use of building basement shall be changed as proposed in their drawings. This was put up to *tshogde* for further deliberations.

Discussion

The chairperson informed that several notifications have been sent by the building inspectors to stop the works but in vain. Even Thromde has halted the labor permit extension but was later given by DCD of Thimphu Thromde. For this the Jungzhina *thuemi* questioned why the permit has been given because Thromde could have used that as a means to stop the works. He also highlighted that if it is a fault of Thromde officials, they should be held accountable. The other *thuemis* supported that if the labor permit was not given, Thromde could have stopped the work. The *thuemis* wanted the explanation why the labor extension has been given despite the fact that wall was already punctured by then and it was also known to DCD. Dechencholing *Thuemi* also supported the view of Jungzhina and other *thuemis* and wanted the accountability to be fixed. The chairperson also informed *Tshogde* that Thromde has even sent a note sheet which was signed by Dasho *Thrompon* and Executive Secretary clearly disapproving the proposal to puncture the wall. *Tshogde thuemis* even questioned why the decision in the note sheet has been not conveyed to the owner. On the building owners proposal to allow staircase through the wall, many members were of the view that it cannot be considered. The members said that Thromde has already given the access road from above and moreover the site falls near memorial Chorten, it cannot be approved. The decision was based on votes cast by the members. The chairperson informed that if *Tshogde*'s approves the proposal to allow the entrance staircase, it will be sent to ministry for approval.

Decision

The *Tshogde* decided that the RRM wall has to be reinstated and even the staircase of RRM will not be allowed because the wall is right near the Memorial Chorten and there will be many VIPs visiting the site. Moreover there is a pedestrian footpath right next to wall. The decision was taken based on votes. Out of seven *thuemis*, six *thuemis* voted against the proposal and hence decided not to allow staircase. The *tshogde* also decided that DCD to investigate the case and to find out why the note sheet has not been sent to owner and secondly the basis on which the labor permit has been extended despite the illegality issues already known to both building inspector DCD head. The action to be taken against any official will be discussed in the Management once report is received from concerned officials.

Action: Administration

2. Support for Autism Day- Nu 50,000, put up for endorsement

Thimphu Thromde has received a letter of request from Ability Bhutan Society (ABS), a public benefit organization under the patronage of Her Majesty *Gyaltsuen* requesting for a support for the world Autism Day which is observed every year on 2nd April to bring spot light and create awareness among general public about Autism Spectrum Disorder. For this the Thromde has pledged to become a one season membership and agreed to pay Nu 50,000 as a onetime contribution. Many members supported the contribution as it is for the benefits of those people who are suffering from such disorders.

Decision

Tshogde has endorsed the payment of Nu 50,000 from the reserve fund of Thromde to Ability Bhutan Society as a onetime contribution and as one-season membership.

Action: DCFO for payment.

3. Land issues reconfiguration and sub-division, adjustments

The *Thuemi* of Simtokha submitted that the Thromde should continue to allow making changes to plot boundaries of all landowners, as and when they request, even after the NCRP and issuing of new *thrams* by NLCS. He explained that due to ground realities it is sometimes very necessary to keep updating the LAPs. Other members of the Tshogde agreed to his submission. The Executive Secretary also said that in some cases, particularly when there are problems with drains and utility lines some changes in plot boundaries are inevitable.

Discussion

The Chief Urban Planner explained that such changes to plot boundaries have been happening ever since he joined the Thromde in 2009. However after the NCRP has been done it is advisable not to entertain individual requests, especially for those cases where the new *thrams* are already released by NLCS. This is because the NCRP was done jointly by the NLCS and Thromde in the presence of landowners and their neighbors who have already accepted their plot boundaries and had also signed on the survey report form and also in Kappa form. Moreover the legal documents were also countersigned by the officials of both the NLCS and the Thromde. He also explained that if this current trend of allowing individual cases are continued the Thromde lose sight of the bigger picture of guiding the proper growth of the capital city.

Further, the CUP explained that the Urban Planning Division has been working like land administrators for a long time which is a diversion from its core focus area of providing substantive inputs in conducting analysis, preparing plans, recommending policy and strategic interventions. It has been extensively engaged in addressing numerous individual cases related to land boundary re/adjustment, plot relocation, issuing site plans, providing mediation services etc. Therefore, the Division is not really involved in actual planning activities. Entertaining individual based cases has not only overburdened the understaffed/under qualified division but has also been working without much strategic focus of bigger picture.

Currently the UPD is staffed by four officers including the chief. Except for the Chief Urban Planner all the other staffs are Civil Engineers. One of them is a diploma holder. These staffs are overstretched and overburdened. Since they have to directly deal with land and property owners they are always at the receiving end and have to work under immense pressure. Often times the quality of work has to be compromised.

The ODE has also highlighted that the Thromde do not have a clear strategy to implement the TSP 2002-27. It also acknowledges that the “UPD is bogged down with day to day issues and disputes settlement” and that the division is “not able to carry out planning and designing works.” Thus the UPD proposed that it should focus on substantive and long term sustainability and categorize its activities under the following themes:

1. Resolving issues related to NCRP completed but Kappa not signed
2. Following up and resolving betterment charge related issues
3. Following up and resolving issues related to NCRP done but pending due to other issues related to land pooling
4. Following up and resolving issues in areas where NCRP is not done
5. Resolving excess/deficit land issues in core area, Changangkha, Motithang, Kawangjangsa
6. Developing strategies for Important pending projects;
 - i. Norzin Lam urban design and pedestalization
 - ii. Neighborhood Node design and implementation strategy
 - iii. Diplomatic Enclave issue resolution
 - iv. Bus Terminal at Semtokha and Jungshina
 - v. Urban Hub projects in Jungshina

- vi. Fuel Station shifting
- vii. Jungshina Workshop implementation strategy
- viii. Coordination with utility agencies

7. Liaison with Engineering Division to do formation cutting of roads in LAPs

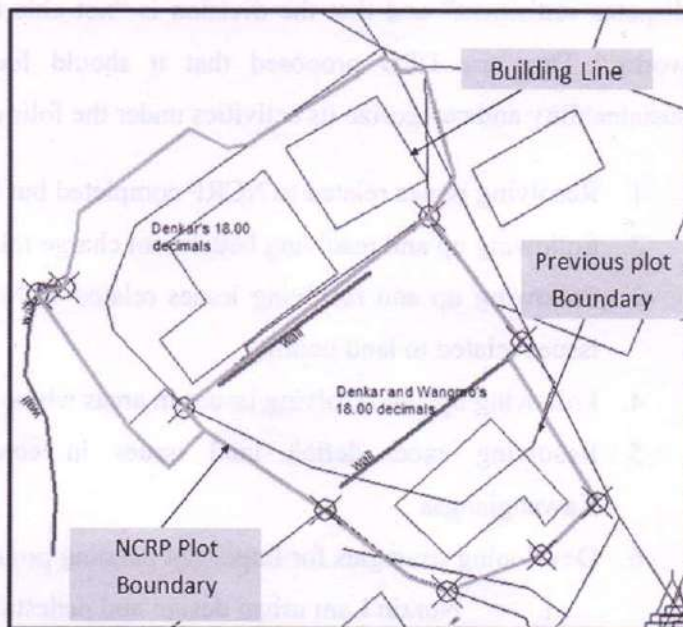
Decision

The Tshogde decided that the necessary changes that are required to be made in NCRP completed and LAP areas will have to be taken up and it will be done by SLMS and not by UPD. UPD should mainly focus on solving the pending issues like the *kappa* not being signed and other planning works. There is no problem between TT and NLCS because the issues that are not being able to solve are being put up to coordination meeting and are solved.

Action: SLMS

4. Betterment Charges for Aum Denka, Wangchhutaba, Babesa

There are two adjoining plots, one belonging to Aum Denkar (18 decimal gross) and one belonging to Aum Denkar and Wangmo jointly (18 decimal gross). The net area after 27.5% land pooling is 13.05 decimals each. After NCRP it was found that the garage of Aum Denkar falls outside the boundary plot. After maintaining the required setbacks and including the plot within the boundary, the net plot size became



18 decimals and 4.95 decimals had to be adjusted. In another plot belonging to Aum Denkar and Wangmo jointly, Thromde could not allow sub-division as it could not meet the minimum plot-size (4000sq.ft) required for sub-division. After NCRP, even in this joint ownership plot, part of their building was found to be outside the boundary plot. Therefore after maintaining necessary setbacks and including the building inside the boundary plot, the

net size became 18 decimals which again had to be adjusted with 4.95 decimal. Therefore, they are liable for the betterment charges as in the table below:

Sl. No.	Owner's Name	Thram No.	Plot No.	Registered area (decimals)	Net area in decimals	Surveyed area (decimals)	Adjusted area in (decimals)	Precinct	Amount @100353.53 /decimals
2.4	Denkar	931	270	18	13.05	18	4.95	UV-2 (MD)	4.95 X 100353.53 = Nu. 496749.974
2.5	Denkar and Wangmo	TT-658	271	18	13.05	18	4.95	UV-2 (MD)	4.95 X 100353.53 = Nu. 496749.974

Discussion

The UPD informed that even if the plot has not been adjusted for Aum Denka and include her garage; there will be unnecessary trap land which will not serve any purpose for Thromde than to be used by Aum Denkar herself without having to pay any charges. This was also supported by Chairperson that it would be better if we can at least let them pay betterment charges rather than keeping it as unusable trap land. The member secretary said that all those plots proposed for betterment charges could be discussed with NLCS. This was also supported by many other *thuemis* and suggested to expedite meeting with NLCS. The chairperson also suggested that if *Thromde* could be given the authority to solve such kind of issues without having to refer to NLCS, the procedure will be simpler and service delivery will be improved. Many *thuemis* pointed out that Thromde should follow up with NLCS to resolve all pending land cases at the earliest.

Decision

Tshogde decided that Thromde will go on with the collection of betterment charges as it has been mentioned in the NCRP report. TT will have to request NLCS that the power to solve all these kinds of issues to be vested with *Thromde* as there are many cases which are still pending and the works are being delayed for years.

Action: UPD

5. Compensation to the death of a City labourer- Amrit Bdr

The chairperson informed *Tshogde* about the recent tragedy of untimely demise of one of the City laborers while working along the road side drains due to collapsed wall of one the

private buildings in Changzamtog. Thromde has sent one investigation team and it was found out that the registered area is only 12 decimals, while occupied area including the parking and the wall that has collapsed is about 25 decimals. In that case, it was found out that the owner has been using the government land as parking space and the wall has been built to support the parking spaces above. While the city laborers were working along the road side drain below this parking wall, the wall collapsed and the mishap happened. It was also observed that the wall is dry stone masonry, making it relatively weaker in strength. A letter has been sent to the owner that he has to bear the compensation payment as per the Labor Act to the deceased family. So far, Thromde did not receive any response.

Discussion

The *thuemis* questioned why the owner was allowed to use the government plot without paying any fees or charges. To this the member secretary said, since NCRP has not been done in core areas, Thromde was not being able to levy any charges. Also the wall was constructed long time back and that it was built on government land is not known till date. NCRP is expected to provide clear boundary delineation following which government land will be restored back to state. Many members were of the view that the owner should be held responsible for the payment of compensation because in the first place he has been using the government plot and secondly the wall of his private parking area developed on the government land has been built without approval.

Decision

The *Tshogde* decided that the owner will have to pay the compensation as per Labor Act of Bhutan and TT to notify again the need to do it at the earliest to the family of the deceased.

Action: ENG, Division

6. Frequency of Thromde Tshogde as per ODE recommendations

The ODE has recommended Thromde that the *Tshogde* has to be convened once in four months due to its cost implications to Thromde.

Discussion

The chairperson informed *tshogde* members that if *Tshogde* is to be convened as per ODE recommendation it will have to be convened for two days since all discussions cannot be completed in one day. The members also expressed that the *Tshogde* is convened as per LG

Act and as per the need to address the pertinent issues. The members were also of the view that the works to be carried within one/two months will be delayed for more than four months which is unnecessary harassment for the people. The Dechencholing *thuemi* also expressed that Thimphu *Thromde* is quite large compared to other *Thromdes* and many pertinent issues that requires urgent attention from *Tshogde* keep on coming to *Thromde* office every day compared to other *Thromdes*. He also said that *Tshogde* (*city council*) used to be held even every month when city was under MoWHS. If it has to be conducted once in four months, it will delay service delivery for the people. This was also supported by other *thuemis*.

Decision

The *Tshogde* decided that a letter will be sent to RCSC Chairman stating the need to convene *Tshogde* once in every two months. This is mainly done in order to provide timely services to the people. *Tshogde* is the highest decision making body in *Thromde* and is the only place that discusses and decide upon many pertinent issues that are not being able to solve at the individual level.

Action: Management

Conclusion

The 24th *Thromde Tshogde* concluded successfully with the endorsements of many pertinent issues. Some 30 issues have been deliberated and decisions made. The Chairperson thanked all the members for their active participation and for having successfully completed the 24th *Thromde Tshogde*. The *Tshogde* was adjourned at 8:00 PM.

Tentative Date for 25th Tshogde: 3rd July 2015

Minute keeper: Karma Dorji, Planning Officer

*****THE END*****

