

# ཐིམ་ཕུ་རྫོང་ཁག་ཁྲིམ་སྡེ།

ཁྲིམ་སྡེ་ཚོགས་སྡེ་ ཞལ་འཛོམས་ཐེངས་ གཉིས་པའི་ གྲོས་ཚོད།

ས་གནས་ : ཐིམ་ཕུ་རྫོང་ རྒྱལ་རྒྱལ་སྡེ་སྡོད་ཁྲིམ་སྡེ་ ཞལ་འཛོམས་ཁང་ནང་།

རུས་ཚོད་ : འོ་པ་ཚུ་ཚོད་ ༩ ལས་ཕྱི་ལོ་ ༧:30 ཚུ་ན།

ཚོས་གྲངས་ : རང་ལུགས་གནམ་ལོ་ལུགས་མོ་ཡོས་ལོ་ རང་ལྷན་ ༢ པ་ལུགས་མཐའ་ ཚོས་ ༡༢ ལུ།



## THIMPHU DISTRICT MUNICIPALITY

### Minutes of 2<sup>nd</sup> Thromde Tshogde Meeting

Venue: Namgay Heritage Hotel, Thimthrom

Time: 9:00 am – 7:30 pm

Date: April 15, 2011.

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## The Programme of the 2<sup>nd</sup> Thromde Meeting.

**Date:** 15<sup>th</sup> April, 2011  
**Venue:** Namgay Heritage

<u>Timing:</u>	<u>Programme</u>
08:40	: Registration of members
09:00	:Arrival of Chairman
09:05	:Speech by chairman
09:10	: Adoption of the 1 <sup>st</sup> minutes of meeting by the executive secretary after review by the city committee members.
09:20	:Adoption of minutes by executive secretary
09:25	: Discussion on 3 <sup>rd</sup> session of thromde meeting begin
10:30	:Tea –Break
10:40	:Continuation of the session
01:00	: Lunch Break
01:30	:Continuation of the session
02:30	:Tea Break
02:50	:Continuation of the session
00:00	:Concluding speech of the 2 <sup>nd</sup> session by chairman

**Tashi Deleek**



## AGENDA

### THE 2<sup>nd</sup> THIMPHU THORMDE TSHOGDE

Venue: Conference Hall, Namgay Heritage, Thimphu City  
Time: 9:00 am  
Date: 15<sup>th</sup> April, 2011

SI	Agenda	Submitted by
1	1 <sup>st</sup> Thimphu Thromde Tshogde minutes Review & Endorsement.	Member Secretary
2	Adoption of Agenda for 2 <sup>nd</sup> Thimphu Thromde Tshogde.	Member Secretary
3	Land Taxation under various locations to be standardized.	Urban Planning Division
4	Karma L Dorji Access Road Controversy in Lungtenphu LAP.	Urban Planning Division
5	Right of way for BPC service from the set back.(Lungtenphu LAP).	Urban Planning Division
6	Aum Nima Zam land controversy under Babesa LAP.	Urban Planning Division
7	Mr.Nob Tshering's request to maintain green areas at Jungshina Local Area Plan.	Urban Planning Division
8	Change of Precinct UV1-UV2.	Urban Planning Division
9	Survey Clearance form Adjacent Land Owners.	Survey Engineer
10	Process of approval of access roads in area outside Local Area Plans	Survey Engineer
11	Suspending issue of site plans for Taba, Jungshina, Samtenling until the review is complete.	Urban Planning Division
12	Changzamtok Moratorium.	Urban Planning Division
13	The Land Transaction between Tshering Lham, Lungten Samdrup and Deki Pelden in Changbangdu LAP.	Urban Planning Division
14	Allowance for Thimphu Thromde Staff 20%, 25% and 30%	Member Secretary

24.

**Other Issues:**

Sl	Agenda	Submitted by
1	Old cases regularization of illegal construction	DCD
2	Charges for issuing occupancy certificate	-
3	Assessment of buildings	-
4	Pool Vehicle	-
5	Budget for extension kits	-
6	Lam Namkhai Nyingpo Rimpoche's illegal construction at Motithang	-
7	Appeal by Sangay Dema to exempt 5% property transfer Tax	LMS
8	Signing of Survey report by all the adjacent owners	-
9	Existence of unauthorized structure on plot under Transaction	-
10	Proposal to charge Land transaction processing fees	-
11	Proposed amendment/Addendum to DCR 2004	UPD
12	Land Issue of Mr.Naku	-
13	Penalties- Changzmtog	-
14	Land case of Aum Sangay Wangmo	-
15	Land lease for pet bottle crushing unit	EMD
16	Queries on construction of Warehouses at Babesa	Thuemi
17	Auction of Government Vehicles	AFD
18	Sewerline at Changdelo	EED
19	Water Supply connection to Gup Wangchen's area at Lubding	-
20	Water supply to the extended workshop at Olarongchu	EED
21	Office for Thomde Thuemes	Thuemi
22	Correspondences in Dzongkha	Thuemi



MINUTES OF THE 2<sup>nd</sup> THIMPHU THROMDE TSHOGDE

**Venue:** Namgay Heritage, Thimphu  
**Date:** 15<sup>th</sup> April 2011  
**Time:** 9.00 am – 7.30 pm

The following members were present during the meeting:

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

The following observers from TDM were present:

1. Gyeltshen Dukpa,	Chief Environment Officer, Env.D
2. Geley Norbu,	Chief Urban Planner, UPD
3. Kinzang,	World Bank Project Coordinator, ED
4. Kinley Penjore,	Project Manager, ADB Project
5. Krishna Kumar Thapa,	DCFO, AFD
6. Sonam Tashi,	Sr. GIS Planner, UPD
7. Ugen Dorji Tshechup,	Legal Officer
8. Pekar Rabgey,	Head, LMS
9. Pema Dorji,	Sr. Environment Officer, Env.D
10. Sailash Humagai,	Planner, UPD
11. Rinchen Wangdi,	Head I&M, DCD
12. Ashok Sunwar,	Planner, UPD
13. Tshering Penjor,	Survey Engineer, UPD
14. Ugyen Dorji,	Planner, UPD
15. Pushparaj,	Planner, UPD
16. Sonam Choden,	Planner, UPD
17. Naphel Drukpa,	Head, Water Supply Section
18. Sonam Wangchuk,	Asstt. Administrative Officer, AFD
19. Dorji Wangchuk ,	IT Associate
20. Dorji Zangmo,	IT Associate
21. Khandu,	Dzongkha Section

The Chairperson welcomed the members present to the 2<sup>nd</sup> Thromde Tshogde. He expressed his appreciation to the members and the staff for making it possible to conduct the meeting to resolve the issues in the interest of serving the public.

**1. Review and endorsement of the minutes of the 1<sup>st</sup> Thromde Tshogde.**

The members endorsed the minutes of the 1<sup>st</sup> Thromde Tshogde and the discussion on the agenda of the 2<sup>nd</sup> Thromde Tshogde proceeded.

Agenda No.	Decision Taken	Status
a. Election of Deputy Chairperson. b. Review of 95 <sup>th</sup> CCM. c. 2011-12 Budget Presentation	<p>The election of the Deputy Chairperson was deferred until all the Tshogpas are elected since not all Tsgogpas could be elected during the last Thromde elections.</p> <p>The review of the minutes of 95<sup>th</sup> City Committee Meeting was not done due to lack of time.</p>	
2011-12 Budget Presentation: ENVIRONMENT DIVISION Park above YDF complex:  Enforcement of Solid Waste Management Rules and Regulation:  Awareness Campaign:  Field visit by City Council Members:  Fire Hydrants:	<p>Although the work was planned to be taken up in the FY 2010-11, it could not be completed. It was decided that spill over budget should be kept in the FY 2011-12 budget proposal to complete the work.</p> <p>It was decided that a budget to recruit 15 temporary staff to enforce the rules should be incorporated in the FY 2011-12 budget proposal.</p> <p>Awareness campaign budget to be increased to Nu.1.00 million in the FY 2011-12 budget proposal.</p> <p>It was decided that the City Council members would visit all the areas within Thimphu Municipality to understand the ground realities and to suggest ways to implement the rules.</p> <p>It was recommended that the following should be studied to install the fire hydrants:</p> <ol style="list-style-type: none"> <li>Areas where fire hydrants are to be installed.</li> <li>Adequate availability of water.</li> <li>RBP fire department to be made aware of the availability of fire hydrants at different locations.</li> <li>Budget provision of Nu.2.00 million to be reviewed for adequacy.</li> </ol>	
ENGINEERING DIVISION Water Supply Section: Water supply to Changbangdu and Interim water supply	<p>It was decided that these activities should be indicated as spill over activity as the budget is kept in FY 2011-12. However, with regard to the water supply works in North &amp; South Thimphu the issue needs to be discussed with the</p>	

for North & South Thimphu.	Tshogpas for need assessment and allocation of budget accordingly.	
It was suggested to install water meters in extended areas.	<p>The following recommendations were made:</p> <ol style="list-style-type: none"> <li>Explore fund mobilization to provide water meters</li> <li>Water loss should be minimized</li> <li>Assess whether water meters installed are working properly or not</li> <li>Sensitize people to control wastage of water</li> </ol> <p>Presently, the water supplies in the extended areas are maintained by the community with supply of materials by TCC. The Tshogpas agreed in principle to install water meters if TCC shoulders the responsibility to maintain and manage the water schemes. However, since the existing water supply is a temporary scheme, it is not feasible to install water meters as there is no permanent water supply system in place. It was suggested that a consultative meeting be held with the public of the extended area to explore the possibility of installing water meters.</p>	
Electrical Section	The electrical section was directed to explore the use of alternative technology to minimize the expenses on street lighting system. The section was instructed to regulate the timing to put on and off the street lights to curb unnecessary expenses.	
Sewerage Section River Protection works (construction of wall)	It was decided that the proposed activity shall be carried out.	
Pay & USE Toilets	It was decided that TCC being a service provider, it should continue to build toilets and also pay for the utility bills for another 2-3 years.	
Construction & Maintenance Section Construction of footpath. Parking areas	<p>The construction of footpaths in the core area should be completed before moving into the extended areas.</p> <p>The actual fund requirement should be assessed for the development of parking areas.</p>	
Pedestrian overhead bridge	Budget provision should be proposed in the FY 2011-12 for construction of at least three pedestrian overhead bridges. However, Dratshang Lhentshog should be consulted.	
Purchase of vehicle	Not approved	
Urban Planning Division LAPs	Propose budget to hire consultancy services to prepare plans in the unplanned areas.	
Construction of roads	Proposal to take up formation cutting in the planned areas was approved. However, soling must be done to ease traffic movement.	

Street address system	Street address system to be completed in 2011-12. UPD to propose the required budget and the status to be presented in the next council meeting.	
Development Control Division	The budget proposed for the procurement of software & training should be clubbe3d together.	
Education Division	Prepare the budget based on the need to ease enrollment of children rather than following the guidelines to propose only 18% of the outlay.	
Asian Development Bank Project	The issue of obtaining 100% land pooling agreement in Babesa & Changbangdu local areas would be pursued by the city council led by the Thrompon so as to complete the project as scheduled. The Project to submit the list of the plot owners with the plot location map to the respective Tshogpas to pursue the matter.	
World Bank Project	The project to pursue with the World Bank to approve the award of work to the winning bidders so that valuable construction season is not wasted.	

## **2. Adoption of Agenda for 2<sup>nd</sup> Thromde Tshogde.**

Agenda for the 2<sup>nd</sup> Thromde Tshogde was agreed and endorsed for discussion with addition of miscellaneous issues. However, with effect from the 3<sup>rd</sup> Thromde Tshogde, agendas should be submitted to member secretary within given timeline. Further, the chairperson instructed that from the next meeting, the Thromde Tshogde secretariat should give 15 days' notice for submission of agendas. Each agenda item should be backed up with adequate details to facilitate proper and right discussion. The agenda and supporting write-up should be compiled in booklet form and must be circulated one week before the date of meeting.

## **3. Land Taxation under various locations to be standardized:**

Land tax proposals submitted to and approved by the 2<sup>nd</sup> Thromde Tshogde meeting held on April 15, 2011.

After a thorough discussion and deliberation the Tshogde decided and approved the following tax rates for lands within the city boundary:

*ef.*

Sl no	Areas	Existing Land tax rate (Nu/sq ft)		Proposed Land tax rates (Nu/sq ft)		Remarks
		Residential	Commercial	Residential	Commercial	
1.	<b>Core area:</b> areas around Norzin lam, Chang Lam, below Doybum lam, Sunday market, Chubachhu, Clock tower etc	<b>0.25</b> (Nu. 108.9/dec)	<b>0.50</b> (Nu. 217.8/dec)	<b>0.50</b> (Nu. 217.8/dec)	Status quo	For the purpose of land tax all the precincts (except the UV-1 precinct, Workshop area, E4 areas and Warehouse/service precinct) will be treated as RESIDENTIAL area. The UV-1, Workshop, Warehouse/service precinct & all sub-precincts of core area will be treated under the COMMERCIAL category. However the lands falling under the Dzong Green area will continue to pay taxes at rural rates. This shall be valid till the next revision which should be then based on the precincts and land values as per PAVA. With regard to building tax and other charges/fees the existing rates shall continue to be applied until they are revised and publically informed.
2.	<b>Peripheral area:</b> Changangkha, Lower Motithang, Kawangjangsa, Zilukha, Hejo, Langjophakha, RBP, JDWNRH, YHS, Changzamto, Changgedaphu etc	<b>0.125</b> (Nu. 54.45/dec)	<b>0.125</b> (Nu. 54.45/dec)	<b>0.25</b> (Nu. 108.9/dec)	<b>0.50</b> (Nu. 217.8/dec)	
3.	<b>Extended area:</b> Upper Motithang, Changbangdu, Changjiji, Lungtenphu, Simtokha, Babesa, Serbithang, Samtenling, Jongshina, Taba, Dechencholing etc	<b>0.055</b> (Nu. 0.24/dec)	<b>0.055</b> (Nu. 0.24/dec)	<b>0.25</b> (Nu. 108.9/dec)	<b>0.50</b> (Nu. 217.8/dec)	
4.	Green area (Dzong)	<b>0.0003</b> (Nu. 0.12/dec)	<b>0.0003</b> (Nu. 0.12/dec)	Status quo	Status quo	
5.	All E-4 areas defined under the Thimphu Structure Plan and the corresponding Local Area Plans			<b>0.125</b> (Nu. 54.45/dec)	<b>0.125</b> (Nu. 54.45/dec)	

Clarifications on the terminologies "Core area" and "Extended area" are as explained in the *annex-I*.

**Decision:** The Tshogde approved the proposal for standardization of land taxation under various locations as tabulated above within the municipal boundary. Although the revision is very nominal, the revenue generation is expected to increase from the present amount of Nu4.50 million to Nu.34 million per annum. The increase in revenue will enable the Thromde to provide essential services to the residents. However, it was decided to include E4 as a separate category, where taxes will be 0.125/sft for both residential and commercial areas. Of importance to note here are the bases for rationalizing the land tax because of the following reasons:

1. That the MoWHS has instructed the Municipalities to collect the urban tax.

2. That the Phuentsholing Dzongkhag Thromde has already started implementing the revised urban tax in their extended areas.
3. That the land tax collected from the land owners in Thimphu are based on the rates approved in 1996 which is long overdue for revision.
4. That, although the peripheral and the extended areas of Thimphu had come under the Thimphu urban area in 1994 and 2000 respectively, no revision in tax has been made so far.
5. That the Thimphu Thromde needs to raise revenue to provide services that the residents expect/demand.
6. That the rationalization of land tax is not coming up with entirely new rates but to upgrade the rates for peripheral and extended areas to the existing urban rates.
7. That a new proposal of land tax system, which is different from the current level, will entail a detailed study and the proposal should be submitted to the Parliament in line with the recent ruling by the Supreme Court. (Action: AFD)

#### **4. Karma L Dorji Access Road Controversy in Lungtenphu LAP.**

The above land owner refuses to give access to the abutting plots from the existing road leading to his property which is found unacceptable to one neighbor. The UPD submitted the matter for information and decision of the Thromde Tshogde. The detail of the case was submitted by the UPD, which was also supported by the Babesa Thueme, who agreed to have tried to intervene and resolve the case during a site visit.

**Decision:** The chair has agreed to discuss and try to resolve the issue by convening a separate meeting with the concerned parties. However, if the same cannot be resolved with the intervention of Dasho Thrompon, the concerned parties could be asked to resolve the issue through court. (Action: UPD)

#### **5. Right of way for BPC service from the set back (Lungtenphu LAP).**

It was explained that although the LAPs has provisions for providing service ducts there are few stretches where such provisions were not made in the plan. It was also explained that making such provisions at this stage is too late since the LAPs were approved many years back and that most of the plots were handed over to the respective landowners. In view of this fact the UPD explained that there is no option but to use the setbacks of individual plots to run the power lines and other services.

**Decision:** The Tshogde approved that where provisions for service ducts/line are not available the Thromde shall give the right to take them from the setbacks of individual plots in line with the 'eminent domain' and 'easement rights' enshrined in the Land Act. The general public should be made aware of such requirements. (Action: UPD and the Project Management Unit, ADB and World Bank Projects)

#### **6. Aum Nima Zam land controversy under Babesa LAP.**

Aum Nima Zam is a plot owner under Babesa LAP. She holds a registered area of 51.60 decimals under thram no.1092 and plot no.240 as per the plan. The plot has been relocated from its original location. There is not a major shift of the plot and moreover, the present location of the plot has low gradient land profile. Still, the owner is not accepting the new location. As per her grievance she wants her plot to be readjusted in the presently earmarked G-2 precinct (UV-1). She has also, not signed the land pooling agreement. Therefore, the issue is put up to the Thromde Tshogde for discussion & decision.

**Decision:** UPD shall first ask Dorji Tshering to take over his substitute plot as per the LAP since the area targeted by Aum Nima Zam originally belonged to him. If Dorji Tshering takes over his plot, UPD may handover the plot to Aum Nima Zam in the G-2 precinct as requested. (Action: UPD and Babesa Thueme).

### **7. Mr. Nob Tshering's request to maintain green area at Jungshina LAP.**

The applicant's original plots have been relocated outside of green buffer in order to maintain the 30m buffer corridor from river Wangchhu. The above applicant has requested that he be allowed to retain and register the current buffer area which originally belonged to him in his Thram. Further, the applicant had submitted an undertaking to the Thromde that he would maintain the area as green only. However, as per the plan, his original area has been adjusted after the land pooling contribution of 29.50%. The Tshogde discussed that his request to retain the buffer in his Thram will entail that he will not contribute to land pooling and if his case was entertained it will open the flood gates since there are many similar cases in the City.

**Decision:** After thorough deliberation, the Tshogde decided that it should be taken up and dealt as per the Land Act 2007 and Land Pooling Rules and therefore his request cannot be considered. (**Action: UPD and LMS**).

### **8. Change of Precinct UV1-UV2.**

Issue: 21 plots located in UV1 Precinct less than 1000sqm. Total 48 plots in Jungshina UV 1 precinct. Options: Proposal for merging plots less than plot size to facilitate development (exercised on four plots) land owners requested if they shall be allowed to construct independently if consolidated. It was also explained that the Jungshina UV1 precinct already had several UV 2 plots (less than 1000 sqm) although the Thimphu Structure Plan do not allow such a mix. Further, it was explained that similar cases were also encountered in Dechencholing LAP which was approved but the Ministry in 2010. Thus, in order to avoid complications in the future the matter was put up to the Tshogde for deliberation and advice.

Change from UV1 – UV2

Problems: UV2 are mostly smaller residential plots less and less of commercial activities, while UV 1 plots require a minimum of 1000 sqm.

**Decision:** Approved by Thromde Tshogde to convert the undersized plots in UV1 Precinct to UV2 Precinct. The above decision is subjected to current existing small plots whose transaction is already affected or lying pending with Thromde for transaction. However, the Thromde should get an agreement/ undertaking from the landowners to that effect. Further, it was decided that other remaining plots in UV 1 precinct shall not be allowed for subdivision which would cause fragmentation to less than 1000 sqm. (**Action: UPD and LMS**).

### **9. Survey clearance from adjacent land owners.**

The mandatory need to get concurrence from adjoining plot owners for land transaction is causing delays in processing land transactions. It is not only difficult to trace plot owners but they are also not willing to attend site survey for adjacent plots. There is also no form for getting clearance from adjacent plot owners pertaining to survey and demarcation works as per Land Act 2007 and Land Rules and Regulations 2009. Therefore, a standard endorsement form needs to be prepared.

**Decision:** Although the office order issued by the NLCS states that it is compulsory to obtain neighbors signatures, difficulties are being faced in finding the owners. The Thromde Tshogde decided that signatures of the adjoining plot owners would not be required for survey & demarcation in the planned (LAP) areas. This is mainly because all plots in the LAPs have got readjusted/ shifted by the application of Land Pooling. The decision will be communicated to the NLCS. In the unplanned areas, neighbor's clearance would be required for carrying out survey and demarcation works. (**Action: UPD and LMS**).

### **10. Process of approval of access roads in areas outside the LAPs.**

Requests have been received for permission to construct access roads by the communities in the areas falling outside the LAPs. Approval process was sought from the Thromde Tshogde in the matter.



**Decision:** The Thromde Tshogde has decided to permit construction of roads in the areas falling outside the LAPs subject to the following conditions:

- a. Examine and approve proposals on case by case basis.
- b. Obtain clearance for access road take off points from concerned agencies under which the roads fall in accordance with existing rules and regulations of the DoR/MoWHS.
- c. Environmental clearance from the Thimphu Thromde.
- d. Environmental friendly road construction method to be adopted.
- e. Incumbent landowners must consult DoR at their own expenses.

**(Action: UPD, Env Div & Engg.Div).**

### **11. Suspending issue of site plans for Taba, Jungshina, Samteling until the review is complete.**

The UPD requested to temporarily suspend issuance of new site plans with immediate effect for one and half month for Taba, Jungshina and Samteling until the ongoing plan review is completed. The division also sought approval for the planning team of these areas to go for a retreat to Paro for one week.

**Decision:** The Thromde Tshogde approved the proposal to suspend issue of new site plans for Taba, Jungshina and Samteling subject to the following conditions:

- a. The review of the plan must be completed in one month.
- b. The reviewed plan should be presented to the owners for discussion and concurrence.
- c. The entire exercise of review and public consultation should be completed within one and half month's period.
- d. Building construction approvals which are under process should be kept pending until such time. However, implementation of already approved and ongoing building constructions should be allowed. Further, the Tshogde approved the proposed one week retreat to Paro for the concerned plan review team. **(Action: UPD).**

### **12.Changzamtog Moratorium.**

Moratorium on issuance of new site plans for development and plot subdivision in Changzamtog.

Changzamtog came under the municipality in 1994 and owing to its close proximity to the urban core has developed rapidly. However, only an area of about 27 acres (middle Changzamtog) out of the 113 acres has a Local Area Plan (LAP). The rest of the 86 acres still does not have a LAP in place. This has resulted in a lot of unplanned developments taking place without proper infrastructures like roads, footpaths and drains in place.

Thus the TCC has prioritized the planning of these areas in the FY 2010/11 and has already awarded the work for preparation of a comprehensive plan for Changzamtog to Tashi Dawa Associates Pvt. Ltd. Further the TCC has also requested the NLSC to carry out the NCR for Changzamtog area on priority which would provide a very reliable base map in line with the prevailing legislation. This would immensely help the TCC to avoid future complication arising from issues related to land survey, plot boundaries and excess/deficit areas while preparing the plan.

Though much parts of Changzamtog area is already developed, re-planning of the area to provide for the much needed infrastructure will involve land re-appropriation and even land pooling where possible. Thus the UPD would like to submit for sanction of moratorium on the following:-

1. Issuance of new site plans for development
2. New building application
3. Plot subdivision. The TCC would continue to process for land conveyance if does not involve plot subdivision.

The UPD informed that the preparation of the Local Area Plan for Changzamtog has already been outsourced. Therefore, till such time that the preparation of LAP is complete, imposition of moratorium is proposed to facilitate smooth completion of the LAP.

**Decision:** The Tshogde instructed the UPD to consult with the public and seek their views during the upcoming public meeting scheduled to be held on April 17 at Changzamtog. Decision shall be taken based on the views of the public. (Action: UPD).

### **13. The land transaction between Tshering Lham, Lungten & Deki Pelden in Changbangdu LAP.**

Tshering Lham, Lungten Samdrup and Deki Pelden own a land measuring 23.32 decimals under the joint ownership at Changangdu LAP under Thram No.56/A-7 Plot No.353 as per the old Land Act. Now as per the new Land Act 2007 one can have individual ownership if one owns 10 decimals and above. As such, Mrs.Tshering Lham approached the Thromde office for separation of ownership since she owns 10.32 decimals from 23.32 decimals. The request could not be entertained on the ground that she does not have 13 decimals. Therefore, she approached the Hon'ble Shabtog Lyonpo for the same and Hon'ble Lyonpo clearly mentioned that the case is permissible as per the recent cabinet approval. Hon'ble Lyonpo's remark on the application is attached for reference in *annex-II*. As such, the case was put up to the Tshogde for endorsement.

**Decision:** The Tshogde endorsed the proposal submitted by the UPD which will be sent to the NLCS for endorsement.(Action: UPD and LMS)

### **14. Allowance for Thromde Staff 20%, 25% & 30%:**

The allowance proposal was submitted to Thimphu Thromde Tshogde following its approval in principle by the government during 10FYP MTR presentation. The members were briefed on the difficulties and hardship faced by Thromde staff while discharging their daily duties. The meeting discussed on the amount of allowance to be approved and the overall budgetary implications.

**Decision:** After extensive discussion, the Tshogde has unanimously agreed that the nature of work in municipal is very demanding and stressful. It was decided to approve an allowance of 20% of the basic salary beginning next financial year to others and 25% to division heads. It was also agreed to provide a monthly mobile voucher of Nu.500 to all division and some section heads.

**Other Miscellaneous Issues:****1. Old cases regularization of illegal construction.**

(A) Changzamtog area & other areas.

The Inspection & Monitoring Section, DCD presented a list of old cases pertaining to illegal and deviated constructions pending regularization or some action (*annex-III*). The matter was put up to the Thromde Tshogde for appraisal and accord of approval to resolve the issue.

**Decision:**

The Tshogde decided to regularize listed illegal constructions by considering 50% reduction from the present nominal penalty amount for all the defaulters. (**Action: I&MS, DCD**).

**2. Charges for issuing occupancy certificate.****PAST**

- Certificates not given due importance in the past.
- DCR & BBR requires building owner to obtain certificate before occupation.
- Building owner rarely came forward to obtain the certificate.
- Municipality had no control over the occupancy of the building.

**PRESENT**

- Occupancy Certificate mandatory to avail permanent electricity connection.
- Certificate issued at free of cost.

**PROPOSAL**

- Need to extend the importance of the certificate to other areas like financial institutions, Insurance companies etc.
- There is a need to learn from other municipalities around the world to make such proposal a success.
- Similar to electricity, water supply connection should also be withdrawn and
- Provide permanent connection only upon issuance of occupancy certificate.
- Tentative Cost of certificate: Anywhere between Nu. 150/- to 250/-.
- Colour printed certificate on hard paper to be issued to the property owners.
- Need to purchase colour printer & accessories.

**Decision:** The proposal to charge for issuing occupancy certificate is approved @Nu.150/year and the certificate should be renewed every year. (**Action: I&MS, DCD**). Occupancy certificate sample as per *annex-IV*.

**3. Assessment of buildings.**

- Over 210 buildings that have been completed needs to be assessed.
- Once the building assessments are done, it is sent to Revenue Cell for collection of taxes.
- The assessment have been kept pending due to:
  - Building Inspectors find it difficult to carry out the assessment as they need to visit site almost daily.
  - Since it involves calculations, a quiet and uninterrupted environment is necessary.

- Danger of files getting misplaced in absence of proper place to store them.
- The number of building requiring assessment is likely to increase in the coming months as there are many buildings nearing completion.
- Only alternative solution is to carry out the work through overtime.
- Similar initiatives have been undertaken by TCC in the past with productive end results.

#### PROPOSAL

- 9 Building Inspectors to carry out the assessment with the help of Section Head.
- 1 Support staff to help compile the completed work for proper recording.
- 1 (One) month Basic Pay to be paid to the staffs involved as overtime payment.

Entire pending work to be completed within a maximum period of 30 days.

**Decision:** The proposal for assessment of buildings is approved for implementation as proposed in view of the following:

- a. The present building data has not been updated for a long time.
- b. The assessment will help build a property database on the buildings thereby improving the management information system.
- c. Enhancement of revenue generation through collection of property taxes based on the updated database. (**Action: I&MS, DCD**).

#### 4. Pool Vehicle.

- Currently there are over 300 buildings under construction.
- The number of activities that the BI requires site visit are about 5.
- Only 1 vehicle for the entire 9 Building inspectors.
- If one building inspector goes to the site, others are forced to stay back in the office.
- Some of the owners have even shown frustration over this shortcoming.
- Some take lift from the owner but some of them had bitter experiences in the past.
- Considering the nature of work, there is a requirement of at least 3+1 light vehicles.
- The vehicles need not necessarily be Hilux. Indian made such as Alto will also serve the purpose.

**Decision:** The meeting has asked DCD to put up in the next management meeting.  
(**Action: I&MS, DCD**).

**NOTE on Inspection:** The chairperson briefed the Thromde Tshogde Thuemes on the proposed zone-wise inspections in all the existing nine zones under Thimphu Dzongkhag Thromde which is scheduled to be implemented within one month's time. The objective of such an arrangement is to improve the delivery of essential services to the residents. The inspection team shall comprise of multi-disciplinary group with specialized background on buildings, solid waste, water, sewerage, sanitation, storm water drain, roads, streetlights, environment etc. The inspection teams would be stationed within their designated zone to ensure efficient delivery of services. Necessary trainings would be imparted to the inspectors to improve their professional capacity.

The Thuemes appreciated the initiative and supported the proposal which should be implemented as proposed within one month.

**5. Budget for extension kits.**

Basic extension kits for the field inspectors necessary.

Dress for the Building Inspectors.

Approximate Budget: Nu. 75,000/- per annum

**Decision:** Approved as proposed in principle. However, in the event of the implementation of the zone-wise inspection proposal, the budget requirement would be more than the above forecasted amount. (**Action: I&MS, DCD**).

**6. Lam Namkhai Nyingpo Rimpoche's illegal construction at Motithang.**

Subject : Transfer of ownership of land from Aum Tshewang Choki to Lam Namkhai Nyingpo

Issue : Unauthorized construction of garage & Store which existed since 1980s. Because of this, there is a mismatch of areas in the lagthram and the occupied area.

- ✓ Garage had encroached government land
- ✓ Store despite not having approval was renovated

It was informed that NLCS will not accept the land transaction forms if there are any structures encroached on Government land.

**Decision:**

1. To regularize the existing structure used as a prayer house/ temple as the area occupied without penalty is less than plot size of 371.60sqm.
2. Recommended to process with the NLCS to regularize occupied excess land area based on the prevailing PAVA rates. (**Action: I&MS, DCD**).

**7. Appeal by Sangay Dema to exempt 5% property transfer Tax.**

Mrs Sangay Dema and Passang jointly own 8.56 decimals land including 5 decimals Khimsa and 3.56 decimals Tshosa under Thram no.196, plot no. 104/y and 295 respectively at Taba. The ownership of the land together with the existing three storied structure was transferred from Joint ownership of Sangay Dema and Passang to individual ownership of Sangay Dema. The transaction was approved by the NLCS and Lagthram is currently with TCC which will be issued upon realization of the 5 % Property transfer fees.

However, Sangay Dema has appealed to Dasho Thrompon on 11/03/11 to exempt the transfer tax applicable over the property amounting to Nu.37,119.00 and Nu. 30 for Lag thram. Dasho Thrompon has instructed the land section to put up the issue in the Thromde Tshogde.

Based on the Local Government Act, 2009 section 63 under the financial powers and functions of the Thromde Tshogde, we do not have the authority to exempt tax. Therefore, the owner may be directed to the Department of revenue and customs under the Ministry of Finance. The ministry of finance has a committee to look into such problems and few cases have been considered in the past by the MoF.

**Decision:** The Thromde Tshogde is not empowered to waive off taxes. Therefore, the Tshogde decided that Mrs. Sangay Dema should be advised to approach the Department of Revenue & Customs, Ministry of Finance if she wishes to request for the exemption of 5% property transfer tax. (**Action: LMS**).

### **8. Signing of Survey report by all the adjacent owners**

In line with the circular issued by the NLCS vide. NLCS/URB(10)2010/8252, dated 24/12/2010, all land transaction/development site plan has to be endorsed by the concerned land owners and adjacent owners by signing the survey report /endorsement forms accepting the plot boundary; however in reality it is not possible to obtain the signature of the owners owing to following reasons:

- Absence of owners
- Most of the time difficult to trace the owners due to lack of Land owners personal updated details.
- Neighboring owners are generally not in good terms as a result not willing to sign even if there is no boundary dispute.
- Usually in locally planned areas, due to planning process plots get displaced to other places wherefore, there are doubts on whether or not to obtain clearance from the original location's land owner or just the surrounding owners.

As a result several cases of land transaction proposal are lying pending with the land section. This has become a major problem for the land section since the owners feel that it is unnecessary harassment for them. However TCC is helpless since we have to go by the rules and acts in place.

**(Refer to agenda No.9 for survey clearance from adjacent land owners)**

### **9. Existence of unauthorized structure on plot under Transaction.**

During ownership transfer of land and property, TCC ensures that the illegal structures are removed and other irregularities like encroachment on Govt land, construction on excess land if any are settled by the owners with TCC. This is important since it is a requirement for the owners to submit Occupancy certificate together with other relevant documents to process for ownership change proposals. This is the only check and balance with TCC to control unauthorized constructions. However, in recent times people approach Dasho Thrompon and Hon'ble Zhabtog Lyonpo for consideration. This makes our job more difficult to balance the rules on one hand and instructions from the authorities on the other hand.

**Decision:** The Tshogde endorsed that the existing rules in vogue should be followed during transaction of the property. **(Action: LMS).**

### **10. Proposal to charge Land transaction processing fees.**

Starting June 2008, the Land Management section has carried out 789 land/property transactions under Thimphu Thromde. Out of the total 789 cases, 212 cases have not paid the property transfer taxes since the cases were inheritance from parents to children, Husband to wife and vice versa which is exempted from tax as per revised taxation policy 1997. All this time TCC has been carrying out the land and property transactions which accounts to almost 30 % of the total as free service as detailed below.

Therefore, considering the amount of work involved both in terms manpower and time while processing these transactions, it is proposed to levy a nominal fees for all land transactions as follows:

- 1) To charge service charge/processing fees for all land transaction(Nu. 1000-Nu. 2000 per transaction)
- 2) To revise the sub-division and registration fees from NU.0.10. to 1.00 per square feet.

**Decision:** The Tshogde approved to levy service charge/processing fee as proposed by the land management section @Nu.1000.00 per transaction. However, with regard to the proposed revision of sub-division and registration fees from the existing Nu.0.10 to Nu.1.00 per square feet, the Tshogde instructed that the proposal be put up in the next Thromde Tshogde. **(Action: AFD and LMS)**

### **11. Proposed amendment/Addendum to DCR 2004**

In order to make things simple and implementable the UPD has proposed three sets of rules which will go as an addendum to the existing DCR. They are:

1. Narrow Plot Rules and Guidelines 2010
2. Setback Rules for Irregular Shaped Plots 2010
3. Miscellaneous Addendum to DCR 2004

**Note:** The above proposals are attached in *annex- V*.

**Decision:** It was decided that the proposal should be put up to the recently constituted DCR review committee for further deliberation and present to the next Thromde Tshogde. (**Action: UPD**).

### **12. Land Issue of Mr.Naku.**

As per court order no. Thim Throm /5(18790)-2010/32175 dated 5.5.2010, the Royal Court of Justice has issued an order to Thimphu Thromde to subdivide his land and transfer 27 decimals to Ms. Tshering Yangchen. However, Mr.Naku refused to accept the subdivision proposal made by thromde as his proposal was not qualifying Land Act 2007 & DCR 2004 requirements. Mr.Naku refused to attend the site even after issuance of two notifications by Thromde.

**Decision:** The Tshogde felt that 15 decimals could be attached to Naku's plot. However, provision of access road to Yangchen's plot should be made. Survey Engineer should give timeline to the concerned parties to come to the site and try to settle the issue. In the event parties refuse to accept subdivision plan as per DCR 2004, the plan made by Thromde shall be final & binding. Therefore, ground demarcation shall be done with or without the presence of the land owner who refuses to attend and site plans accordingly sent to NLCS. (**Action: UPD**)

### **13. Penalties- Changzmtog.**

Tampering of demarcation pillars by land owners: (**Not discussed. to be taken up separately**).

### **14. Land case of Aum Sangay Wangmo.**

Mrs. Sangay Wangmo is a land owner of Babesa holding Thram no.734 and plot no.22 and 22/A with a total registered area of 44.5779 decimals. As per the earlier plan, plot 22 and 22/A has been consolidated and allotted as two subdivisions i.e; below and above the proposed plan road. Aum Sangay Wangmo thinking that the plan will remain unchanged has sold some portion of her subdivision falling below the proposed road corridor to two owners. But as per the plan part of the original cadastral area belonging to Aum Karma Om, Thram 617 and plot 23 has been allotted to Aum Sangay Wangmo plot located above the proposed road. Aum Karma Om has been totally relocated to the sloppy terrain area as per the plan. TCC has demarcated the plot of Mrs. Karma Om as per the plan, but she did not accept the relocated plot. However, she put up her grievances and insisted to adjust her plot in her original location. As requested by Aum Karma Om, TCC has handed over her plot adjusting partially in her original location. The area was partially adjusted because of the difficulty in providing the access, proper plot shape and dimensions required. Aum Karma Om has taken over the plot and the TCC has issued her the development site plan too.

But Aum Sangay Om has been again affected as some of the better part of her original cadastral area has to be compromised in the proposed plan road and some better part has to be again allotted to Aum Karma Om due to rationalization of the plot boundary. TCC has also put up the land controversy between the two owners, in the 88<sup>th</sup>, 90<sup>th</sup> and 91<sup>st</sup> City Committee Meeting. However, the committee finally decided to allot both the owner in their original locations.

Aum Sangay Wangmo does not want to take over her plot as per the decision of the CCM as she has been affected. TCC has identified an alternate area for Aum Sangay Wangmo next to proposed DGPC head office as this was the only area that was acceptable to her. TCC has also put up the note sheet for approval to MoWHS but it was not approved. TCC is therefore finally submitting the case in the 2nd Thromdey Tshogdue Meeting for final directives and decision.

**Decision:** The land owner should be informed and organize a joint site visit by Thromde Thuemes and UPD led by Dasho Thrompon. The decision shall be taken at the site. (**Action: UPD**).

#### **15. Land lease for pet bottle crushing unit.**

It was proposed to allot land on free to M/s Greenerway to operate PET bottle crushing unit set up by TCC. This is to promote private entrepreneurs in such business. M/s Greenerway will collect and buy PET bottles from public at Nu11/kg, crush and dispose off. This will reduce waste quantity in the city.

**Decision:** The Thromde Tshogde has approved the proposal to support the initiatives taken by private entrepreneurs in the solid waste management. (**Action: Env. Div**)

#### **16. Queries on construction of Warehouses at Babesa.**

The Thuemes of South Thimphu submitted on behalf of plot owner from the service Industry precinct for increase of the number of building storey in the area.

**Decision:**

- The UPD should study the land use and provide explanation. The DCD should study the structural drawings of the applicant and report with recommendations.
- Conduct a public meeting with the local residents to seek their views.
- Carryout immediate review of the existing land use for the whole area.
- Coordinate a meeting with the public to see their views on charging to parking (for expansion of existing proposed bus terminal). (**Action: UPD and DCD**).

#### **17. Auction of Government Vehicles.**

A list of vehicle (**annexure VI**) is proposed. The vehicles are either off-road or very old that have outlived their life. The maintenance cost is very huge. It was proposed to replace them with smaller vehicles including some electrical cars.

**Decision:** The meeting has approved to auction off-road and old vehicles. It was also agreed that the final auction list will be discussed and finalized by the TCC management. (**Action: AFD**)

#### **18. Sewerline at Changdelo.**

The Olakha- Changbangdu thume proposed for a construction of sewerage network for Changdelo area.

**Decision:** To carryout feasibility study and prepare plan for provision of sewerage network for Changdelo area. (**Action: Eng. Division**).

#### **19. Water Supply connection to Gup Wangchen's area at Lubding.**

The Thume reported that only HDPE pipe would be required as there is enough water at the existing water source.

**Decision:** It was decided that a report would be submitted after carrying out the feasibility study. (**Action: Eng. Division**).



**20. Water supply to the extended workshop at Olarongchu.**

The house was informed that the existing water supply was designed for the present workshops only. Therefore, additional construction of workshops would require a new water supply scheme to meet the demand.

**Decision:** Since a meeting is already being scheduled to be held between the Thromde and the Olarongchu workshop owners, the issue is to be tabled for discussion during the above meeting. **(Action: UPD & Eng. Division).**

**21. Office for Thromde Thuemes.**

The Thume of Norzin constituency requested for provision of office space for the respective Thromde Thuemes to enable them to discharge their duties effectively.

**Decision:** The chairperson informed that the Thromde office has recently been shifted from Lungtenzampa to the NPPF building. The chair informed that currently some of the offices are still housed in the old office due to space constraint in the NPPF building. Once more space is made available in NPPF building, office space for Thromde Thuemes shall be given priority. **(Action: AFD).**

**22. Correspondences in Dzongkha.**

The Thume of Norzin constituency requested that all the correspondences be done in Dzongkha. The Thromde Tshogde should be conducted in Dzongkha and the minutes should also be in Dzongkha as well.

**Decision:** The proposal was unanimously endorsed and all the concerned, particularly the Thromde Tshogde secretariat was instructed to implement the decision to preserve and promote the National Language. **(Action: Dzongkha Section).**

The meeting ended with closing remarks from the Chairman by thanking Tshogde members for their active participation and contribution. The meeting ended at 7.30pm.

A handwritten signature in black ink, appearing to be 'Kunzang', written over a large, light-colored scribble or mark.

*Annex: I*

Areas within the Thimphu city had come under the municipal administration at three different times. Accordingly, terms such as "core area", "peripheral area", and "extended area" were used for the purpose of administration and management.

The core area included the areas which were under urban during the 1980s. The then NUDC used to manage the urban area which included areas below the Doybum lam in the west, Wangchhu in the east, Chubachhu in the North and RBP boundary in the South.

The peripheral areas are the areas which came under the municipality in 1994. It included areas such as Changangkha, Motithang, Kawangjangsa, Zilukha, Hejo, Langjophakha, RBP, JDWNRH, YHS and Changzamto.

The extended areas include those areas which came under the municipality in 2000. It included areas such as Changbangdu, Changji, Lungtenphu, Simtokha, Babesa, Serbithang, Samtenling, Jongshina, Taba and Dechencholing.

There is another set of definitions brought in by the Thimphu Structure Plan. As per the plan the entire municipality is divided into 16 urban villages defined by geographical features, and population density. Each urban village was composed of one of two Local Areas (LAPs).

For the purpose of 10<sup>th</sup> five year plan only two categories were used – core and extended. The core area, for this purpose, is composed of the both the earlier core and peripheral areas. The extended areas are the ones that came under the municipality in 2000.

Therefore it is important to note that, for the purpose of assessing programs for the 10<sup>th</sup> FYP the core and extended areas shall be defined as:

1. Core area = City core, Changangkha, Motithang, Changzamto, RBP, Dzong area, Kawangjangsa, Zilukha, Hejo, Langjophakha and YHS. (11 areas)
2. Extended area = Changbangdu, Lungtenphu, Changji, Simtokha, Babesa, Serbithang, RBA, Samtenling, Jongshina, Taba, Dechencholing, RBG and the Satellite town. (13 areas)

It is however felt that this system **should not** be used in the subsequent FYPs. Thus, from the next five year plans, it is strongly recommended to use "Urban Villages" instead of core, periphery or extended. This will ensure proper planning, budgeting, monitoring, and equitable and balanced development apart from offering other advantages such as systematic maintenance and segregation of land and property records, census records, tax collection, and database management and even for delimitation and election purposes.



## Annex- III

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{A} CHANGZAMTOK AREA**

1	Karma	Vertical & Horizontal Extension	225,220/-	Approval given for G+2 Area : 41.25 m <sup>2</sup> +1 75.75 m <sup>2</sup> (217 m <sup>2</sup> ) Initial Amount : Nu. 1,748,258/- Nominal Rate : {5000 + 30/sft) X 3
2	Karma Galey	Semi-Permanent Str.	55,204/-	Constructed after he vacated from Govt. land in Motithang. Area : 41.50 m <sup>2</sup> Initial Penalty : Nu. 239,855/- Revised Penalty approved on 13/8/08 Nominal Penalty
3	Aum Pem Zangmo	Toilets on building setback & rooms below stairs	692,088/-	Approved for reg <sup>n</sup> on 23/6/09. Area : 95 m <sup>2</sup> Penalty worked out based on DCR.

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{B} JUNGSHINA /PAMTSO/KAWAJANGSA AREA**

1	Sangay Thinley	Toilet & Kitchen	82,498/-	Initial Penalty : Nu. 156,000/- Revised Penalty approved on 13/3/08
2	Zekom	2 Storied Mud House	321,092/-	Approval given for renovation. Constructed new after demolishing. Area : 41.50 m <sup>2</sup> Initial Penalty : Nu. 2,321,313/- Revised Penalty approved on 13/3/08
3	Choden	Vertical Extension	1,504,067/-	Approval given for changing roofing. Approached Lyonpo with the request that he will pay penalty as per attic regularization. Penalty - Attic Rule 1: Nu. 80,860/- Penalty - Attic Rule 2: Nu. 7,924/- Area : 171.74 m <sup>2</sup>

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{B} JUNGSHINA /PAMTSO/KAWAJANGSA AREA**

1	Aum Dechen	1 Storey Semi-Permanent Str.	2,157,279/-	Approached for renovating her bago. Area : 335.49 m <sup>2</sup> Penalty worked out based on DCR.
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2	Peday	2 Storey	1,534,501/-	Approval given for renovation. Demolished and constructed new. Penalty worked out as per DCR Area : 255.28 m <sup>2</sup>
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**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{C} OLAKHA/LUNGTENPHU AREA**

1	Chimi Dorji	2 double storied RCC Bldg	525,212/-	Proposal rejected as there was no guidelines for construction on TV. Owner argues that he went ahead with construction as he was not given any guidance from TCC. Initial Penalty: Nu. 6,564,359/- Revised Penalty apprd on:24/11/08 Agrees to pay Nu. 100,00/-
2	Namgay & Ugyen	2 double storied RCC Bldg	316,260/-	Initial approval given for renovation Submitted drawings for construction but not approved due to unavailability of proper guidelines for TV. Revised Penalty apprd on:24/11/08 Initial Penalty: Nu. 3,285,007/-
3	Tshering Yangzom	Single Storied on Building setback		Found out only during thram transfer. Approached TCC for at lease 50% waiver of fine. Penalty worked out based on DCR.

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{D} CHANG CHANGKHA/MOTITHANG AREA**

1	Thinley Pem	Horizontal Extension	479,674/-	Went ahead with construction despite issuing notices. Deviated Area : 57.96 m <sup>2</sup> Approved for regn: 19/1/2011 Agrees to pay Nu. 50,000/-
2	Leki Wangmo	Single Storey	137,316/-	Area : 25.07 m <sup>2</sup> Penalty worked out as per DCR

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{E} BABESA AREA**

1	Tashi Choden	Single Storey	278,768/-	Constructed with Buckle & bricks First notice issued on 6/7/09
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				Owner appealed to Hon'ble Lyonpo to retain the structure to establish small scale industry. She was asked to submit drawings & site plan. Area : 49.60 m <sup>2</sup> Penalty worked out based on DCR.
2	Sangay Wangdi	Single Storey	752,980.61/-	Former ES instructed DCD to look for the possibility to regularize the structure. Regularization was kept on hold in absence of boundary pillar. BI took the initiative to carry out the survey to find out if the illegal structure falls within her plot. Penalty worked out base on DCR. Area : 81.40 m <sup>2</sup>
3	Nedup Tshomo	Double Storey	1,125,096/-	Kept pending since the owner was always out of reach. No plot demarcation The plot was demarcated very recently. Area: 148.19 m <sup>2</sup> Penalty worked out as per DCR.

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{E} BABESA AREA**

4	Tandin Dema	Balcony enclosure	61,748/-	Two sides of balcony enclosed and staircase from outside. Approved for regularization on 8/8/2010 Despite repeated instruction she did not report to the office. Penalty worked out as per DCR.
5	Karima Wangdi	2 Storey	534,320/-	Owner requested for regularization Kept pending due to absence of plot demarcation pillar. Area : 69.72 m <sup>2</sup> Penalty as per DCR.

**1} OLD CASES ON REGULARIZATION OF ILLEGAL CONSTRUCTIONS CONTD.****{F} CORE AREA**

1	Tshewang Rinzin	Single storied on Building Setback	77,400/-	<ul style="list-style-type: none"> <li>▪ Pending since 5/9/08 as per the instruction of Lyonpo.</li> <li>▪ Penalty worked out as per DCR.</li> </ul>
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*Annex – IV (Occupancy Certificate Sample)*

**ANNEX 3**

**OCCUPANCY CERTIFICATE**  
(Vide Rule 4.8 )

To,

.....  
.....  
.....

Sir/Madam,

With reference to the application dated ....., regarding the addition/ alteration/construction of building on plot/Thram No. .... in street/ Lam....., .....in .....town has been inspected on date ..... and found that the building is fit / not fit for occupation.

Instruction / Remarks (if any):

Thrompen/Chairman  
City/Municipal Corporation  
Dated:



*[Handwritten signature]*



ཐིམ་ཕུ་རྫོང་གི་ལས་འགན་ཁུངས་  
 རྒྱུ་རྐྱེན་གྱི་ལས་འགན་ཁུངས་  
 Ministry of Works & Human Settlements  
 THIMPHU CITY CORPORATION  
 Post Box No - 215, 440013333000, ཐིམ་ཕུ་:  
 Shuln.



Certificate No. \_\_\_\_\_

Date \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY**

THIS IS TO CERTIFY THAT THE BUILDING DESCRIBED HEREIN HAS BEEN INSPECTED AND CONFIRMS SUBSTANTIALLY TO THE APPROVED DRAWINGS & TO THE REQUIREMENTS OF ALL APPLICABLE CODES, LAWS, RULES AND REGULATIONS THAT WERE IN PLACE AT THE TIME OF THE ISSUE OF THE PERMIT.

Name of Owner: ལྷོ་ལོ་ལོ་ལོ་	Plot No.: H/C 22/4	Location: Near NPPF Colony
Building Type: RCC Structure	Ukrag No.: Nil	Designated Precinct: LV 2 (MD)
Flat Type: Residential	Registered Area: 5000 sq	Plot Coverage: 45%
Number of Floors: B-G-2-Armic	No. of Units	Residential: 10 Units
		Commercial: Nil
Date of final inspection: 12/01/2011	Floor Area	Residential: 3485 sq
		Commercial: Nil
Remarks (if any): Nil		

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS A NEW AMENDED CERTIFICATE IS OBTAINED.

-----  
 Head  
 Inspection & Monitoring Section

-----  
 Chief  
 Development Control Division

-----  
 Executive Secretary  
 Thimphu City Corporation

\* Thimphu Building Rules 2002, Development Control Regulations 2004, Thimphu Building Code & Code Book - 2000

**Note: Use the updated letter head.**

*Annex - V*

### **Narrow Plot Rules and Guidelines 2011**

(Addendum to the DCR 2004)

#### **1.0 About the rules and guidelines**

The narrow plot rules and guidelines shall apply only to those narrow plots meeting all the criteria listed below:

- 1.1 plots with one side dimension less than 13 m
- 1.2 plots with areas less than 15 decimals (i.e. 607 sq.m)

#### **2.0 Setbacks in narrow plots**

If the plot/s fulfills the requirements listed in 1.0 the setbacks to be applied are as follows:

- 2.1 The front setback shall not be less than 3 meters
- 2.2 The two side setbacks shall not be less than 1.5/2 meters each.
- 2.3 The rear setback shall not be less than 3 meters in sewer areas (areas where sewerage lines are available) and 5 meters where sewerage facilities are not available.

#### **3.0 Ground coverage**

Irrespective of whether the plot/s meets the requirements set in 1.0 and 2.0 the percentage of ground coverage allowed shall not exceed the requirements spelled out in the Development Control Regulations 2004 (DCR), the Local Area Plan/s (LAP), or any amendments approved from time to time.

#### **4.0 Building Heights**

The allowable building height shall be a maximum of TWO floors in non-pooled areas and THREE floors in pooled areas. However, this height restriction shall apply to plots with area less than 371.6 sq. m.

Note: Pooled areas means where planning is done through land pooling scheme and non-pooled areas means where land pooling was not applied.

#### **5.0 Other requirements**

Other requirements which are not spelled out in this rules and guidelines shall be as per the provisions of the DCR 2004 or the specific regulations of the LAPs, wherever applicable.

### **Setback Rules for Irregular Shaped Plots 2011**

(Addendum to the DCR 2004)

#### **1.0 About the rules and guidelines**

The 'setback rules for irregular shaped plots' shall apply only to those plots which are:

- 1.1 irregular in shape and
- 1.2 not rectangular or square in shape

## 2.0 Setbacks

- 2.1 It is acceptable even if the setback requirements spelled out in DCR 2004 is not met on one side of the plot
- 2.2 The setback concession in 2.1 shall strictly apply to only one side of the plot
- 2.3 The setback on one side of the plot specified in 2.2 shall not be less than 1.5/2 meters
- 2.4 The setbacks on the other three sides shall however be as per the DCR 2004

## 3.0 Ground coverage

Irrespective of whether the plot/s meets the requirements set in 1.0 and 2.0 the percentage of ground coverage allowed shall not exceed the requirements spelled out in the Development Control Regulations 2004 (DCR) or the Local Area Plan/s (LAP), whichever is applicable.

## 4.0 Other requirements

Other requirements which are not spelled out in this rules and guidelines shall be as per the provisions of the DCR 2004 or the specific regulations of the LAPs, wherever applicable.

### Miscellaneous Addendum to DCR 2004 (Miscellaneous Addendum 2010)

#### i. Concession to allowable plot coverage

- a. The proposed plot coverage shall not exceed 1% of allowable coverage specified in DCR 2004. For example, if the allowable plot coverage is 40%, it is acceptable to have 41% coverage. However, no flexibility shall be allowed beyond this tolerance level.
- b. Concession to plot coverage shall however apply to plot sizes below 2500 sq m only

#### ii. Concession on minimum lot size requirements

- a. For the purpose of development and conveyance, concessions to the size of minimum plot sizes in all precincts shall be 10%. For example, in UV-1 and E-4 precincts although the minimum lot size required is 1000 sq m, it shall be acceptable to have 900 sq m. Similarly in UV-2 precinct, although the minimum plot size required is 371.6 sq m, it is acceptable to have 334.44 sq m.

#### iii. Setback for plots abutting the Expressway

- a. All plots directly abutting the Expressway, whichever precinct/s they may fall, shall have a minimum front setback of 4.5 meters

#### iv. Land value for Endowment Precincts

- a. For the purpose of applying the land values and development, all Endowment Precincts (EN) shall be treated as UV-2 (MD) precincts

**v. Incentive for development on stilts**

- a. For developments done on stilts/columns which are at least 2.5. m clear distance from the ground upto 10% of the site may be added to the allowable ground coverage. However, the development should not conflict with any rules, limitations or regulation (like setbacks) of the DCR 2004

**vi. Allowable building height in plots less than 371.6 sq. m.**

- a. The allowable building height in plots less than 371.6 sq. m. and which fall **outside** the Land Pooling scheme shall be TWO floors
- b. The allowable building height in plots less than 371.6 sq. m. and which fall **within** the Land Pooling scheme shall be THREE floors
- c.

**vii. Change of Land use (Precinct) for Lubding area, Lungtenphu**

- a. Land use (Precinct) of the Lubding area in Lungtenphu shall hereafter be changed from UV2 LD to E4
- b. All development regulations shall hereafter be as per the precinct sanctions of E4 spelled out in DCR 2004

**viii. Night lighting in dense dark areas**

- a. All developments which may cause the creation of narrow and dark alleys should provide security night lighting
- b. The DCD shall study this prior to according building approval

**ix. Channels for building drawing scrutiny and approval**

- a. Green channel
- b. Normal channel
- c. Minor proposals
- d. Government buildings???

27.

## Annex - VI

Lot No	Registration No	Type of Property	Model	Quantity	Condition
Lots under first auction					
1	BG-1-0505	Kubota tractor	1998	1 No	Off road
2	BG-1-0217	Ford Tractor	1994	1 No	Running
3	BG-1-0379	Bajaj Scooter	1997	1 No	Off road
4	BG-1-0208	RX100 Bike	1994	1 No	Off road
5	BG-1-0210	Bolero	2003	1 No	running
6	BG-1-0211	Bolero	2003	1 No	running
7	BG-1-0513	Hilux	1994	1 No	running
8	BG-1-0678	Hilux	1994	1 No	running
9	BG-1-0658	Hilux	1994	1 No	running
10	BG-1-0679	Hilux	1994	1 No	running
11	BG-1-0331	Hilux	1994	1 No	running
12	BG-1-0281	Tipper Truck	1998	1 No	running

Lot No	Registration No	Type of Property	Model	Quantity	Condition
Lots under second auction					
13	BG-1-0414	Road sweeping machine	2004	1 No	Running
14		Scooters & Bikes			
a	BG-1-0212	Bajaj Scooter	1994	1 No	Off road
b	BG-1-0216	Bajaj Scooter	1994	1 No	Running
c	BG-1-0341	Bajaj Scooter	1994	1 No	Off road
d	BG-1-0401	Bajaj Scooter	1994	1 No	Off road
e	BG-1-0077	Hero Honda Bike	1999	1 No	Off road
f	BG-1-0539	Yamaha Bike	2000	1 No	Running
15		Old tyres of different sizes/types		123 No	Unserviceable
16		Mobile Cabinet (box trailer)		1 no(300kg approx)	
Lots under third auction					
17. a	BG-1-0174	Dumper Placer	1994		Off road/ scrap
17. b	BG-1-0122	Kubota Tractor	1994		Off road/ scrap

Minutes of Meeting: Naphel Drukpa.

