

# Resettlement Due Diligence Report

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April 2018

## BHU: South Asia Subregional Economic Cooperation Transport, Trade Facilitation and Logistics Project

Phuentsholing-Chamkuna Road

Prepared by Department of Roads for the Government of Bhutan and the Asian Development Bank.

## **CURRENCY EQUIVALENTS**

(As on 10 March 2017)

Currency Unit	-	Bhutanese Ngultrum
USD 1	=	Nu. 65.37
Nu. 1	=	USD 0.0153

## **ACRONYMS**

ADB	-	Asian Development Bank
ALDTP	-	Amochhu Land Development Township Project
DHI	-	Druk Holdings Investment
DOR	-	Department of Roads
LAP	-	Local Area Plan
LFPR	-	Labour Force Participation Rate
PAR	-	Poverty Analysis Report
PAVA	-	Property Assessment and Valuation Agency
PCR	-	PhuentsholingChamkuna Project
PIU	-	Project Implementation Unit
PMU	-	Project Management Unit
PPTA	-	Project Preparatory Technical Assistance
PSA	-	Poverty Social Analysis
PT	-	Phuentsholing Thromde
SIA	-	Social Impact Assessment
SPS	-	Safeguard Policy Statement
YDF	-	Youth Development Fund

## **GLOSSARY OF TERMS**

Dzongkhag	-	District
Thromde	-	Large urban area or a municipality
Thromde Tshogdu	-	Acity council

This resettlement due diligence report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

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## I. BACKGROUND

1. This is the resettlement due diligence report (RDDR) for the Phuentsholing-Chamkuna Road Project. The proposed road is aligned along the Eastern banks of the Amochhu river starting at Chamkuna connecting Samtse-Phuentsholing highway and ending at the proposed Phuentsholing Northern Bypass road near the Youth Development Fund (YDF) building. The project is financed by a USD 14.61 million loan and USD 5 million grant from the Asian Development Bank (ADB). It was approved in August 2016.<sup>1</sup>

2. The road alignment borders the Amochhu Land Development and Township Project (ALDTP) under the Druk Holding's Investment (DHI) and the Amochhu Local Area Plan (LAP) under Phuentsholing Thromde. The Amochhu LAP covers a total area of 99.15 acres. It will be utilised for the construction of commercial and residential areas, public utilities such as roads, open spaces or children's parks, neighbourhood centers and sewage treatment and storm-water drainage system. A letter dated 23/12/2016 (Annex 6) addressed to the Project Manager of the Amochhu LAP, request for the removal of all structures falling within the alignment of the road within the Amochhu LAP. The letter specifies the budget allocated for the construction of the LAP roads within the fiscal year 2016-2017.

## II. SCOPE OF REPORT

3. This Resettlement Due Diligence Report is based on the detailed design of the Phuentsholing-Chamkuna Road, finalized in August 2017. This report examines the involuntary resettlement issues in line with the ADB's Safeguard Policy Statement 2009 (SPS 2009).

4. The alignment of the Phuentsholing-Chamkuna Road is on the road right of way and no land acquisition is necessary. Hence the project has been categorized as C for involuntary resettlement and indigenous people. This DDR also outlines the processes and institutional responsibilities that will come into effect should there be any currently unforeseen resettlement impacts that materialized during implementation. The Project Implementation Unit (PIU) will be required to conduct a resettlement due diligence on any realignment or design change. Impacts should be documented and submitted to the Asian Development Bank prior to the start of construction.

## III. OBJECTIVE OF THE PROJECT

5. An efficient road network is critical for Bhutan in terms of social and economic integration, playing a crucial role in bringing communities out of their isolation and expanding their access to essential services and markets. The completion of the 3.3 km Phuentsholing-Chamkuna road will complete the last section of the Samtse-Phuentsholing highway, providing vital intra-country linkage of Samtse Dzongkhag with the rest of the country. In addition, villages and communities along this highway which have otherwise remained remote and isolated will now get improved access to Phuentsholing and beyond.

6. This road connectivity can be instrumental in improving the standards of living and the quality of life in these rural areas and also provide them with the opportunity to create conditions to promote rural industrialization. The crucial roles that roads and proper accessibility play on reducing poverty have also been highlighted in the Bhutan's 11th FYP. Realising this, the

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<sup>1</sup><https://www.adb.org/projects/47284-002/main#project-pds>

Government consistently prioritizes road and highway construction in each of the Five Year Plans (FYP).

7. The Amochhu LAP is located at the banks of the Amochhu river which causes severe problems each year. River training works which are planned to be carried by DHI for the ALDTP will eventually reduce the risks of flooding for the Amochhu LAP and Phuentsholing town. With the construction of the PCR, the PT will have additional buffer to resist flooding or overflow into the LAP. Furthermore, the PT has also maintained a buffer area inside the LAP along the Phuentsholing-Chamkuna Road Project which could be turned into a service or approach road from the highway to the Amochhu LAP.

8. Job opportunities will be created for both men and women during the construction phase of the road project. In Bhutan, although the construction sector is mostly dominated by male workers; women can still be encouraged to take up menial and lighter jobs such as clearing of road sides, sieving of soil and sand, etc. The project can absorb large numbers of Bhutanese, especially young Bhutanese, who will gain employment and also be able to develop employability skills.

#### **IV. ASSESSMENT OF IMPACTS**

##### **A. Land Acquisition**

9. Horizontal alignment design are being synchronized and prepared alongside the allocated space between the ALDTP in the West and the LAP boundary to the East. The alignment of the project road does not affect any private land in the Amochhu LAP or the ALDTP area. The LAP includes areas where the maximum private plots are located. This was to ensure that ample land was made available for the ALDTP project without complications or issues being raised from the private land owners. As per the Amochhu LAP design, the Phuentsholing Thromde has retained a 1.5 meter footpath between the highway and the LAP boundary. From this boundary, another 6.5 meters of buffer zone has been maintained, which according to the Phuentsholing Thromde, will be used for an approach or service road from the highway to the LAP.

##### **B. Non-land assets**

10. A small section of a boundary wall will be affected by the alignment of the proposed road. The wall which was built by a private contractor<sup>2</sup> is on Government land. The Phuentsholing Thromde has allowed him to build this wall only as a temporary measure to protect his leased property from the monsoon floods. However, there is only a verbal agreement between the two parties. The Consultancy team notified the Phuentsholing Thromde via email dated February 8 2017 subject titled **Apparent permanent Construction along PCR alignment** (correspondences between Thromde and the Consultancy team attached as Annex 7). The wall was about 2 meters high and only sections of the wall was constructed (the photograph below is dated February 2017 - circled in black is the incomplete sections of the wall). Accordingly the Thromde informed the contractor about the proposed road and he has verbally agreed to dismantle the wall as and when required.

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<sup>2</sup> The land has been leased out to the contractor, Mr. Sangay Tempa by the actual land owner. A letter signed by the land owner dated 21 August 2015 has been attached as Annex 1.



11. The photograph above and below shows the incomplete sections of the wall (February 2017)



12. However, when the team visited the site in May 2017, the wall had increased to 4 meters and extended all around the property. At the time of writing this report, the contractor was not reachable. The photograph below shows the temporary wall highlighted with the red arrow and the actual boundary of the private land highlighted with the yellow arrow.



*The red arrow shows the wall and the yellow arrow highlights the boundary of the private land*

### **C. Amochhu LAP**

13. Prior to 2016, there were unplanned development activities happening on the location of the Amochhu LAP. The Phuentsholing Thromde has allowed private land owners or lessees' to construct only temporary structures (Annexes 1 to 4) which have been based on a construction agreement signed between the Thromde and the individual or the party. The first section of the agreement states that 'since the Local Area Plans of that particular area is not prepared, the construction approval of temporary shed and fencing is accorded on temporary basis, hence the proponent shall dismantle the structure as and when the Thromde issues the notification letter on their expenses in future if there is change in the boundary due to LAP'. A copy of the construction agreement has been attached as Annex 5.

14. None of these structures are impacted by the road project as they are located on the Amochhu LAP. However, access to these structures may be impacted during construction works and dust emissions may be a problem.

15. As the Phuentsholing Thromde has started the development of the Amochhu LAP at the end of 2016 (access roads and drainage systems), occupants and land owners have been given notices to vacate the occupied areas and dismantle their structures. The notification letters dated 23/12/2016 informed the people of the ongoing development activities and also advised them to remove structures falling within these development areas. A copy of this letter has been attached as Annex 6. Once the Thromde establishes a new Thromde Tshogdu (city council), another set of reminders/notification will be sent to all occupants and private land owners of the LAP. The Thromde Tshogdu was established in May 2017 and the Phuentsholing Thromde plans to send out a second notification to all the private land owners and occupants by July 2017.

## **D. Land Fill**

16. Discussions have been carried out between the Department of Roads and the Phuentsholing Thromde regarding the low lying areas of the LAP aligned to the Phuentsholing-Chamkuna Road Project are subject to flooding. In a meeting held on 01/08/2017 between various stakeholders that the DOR would incorporate the filling of the LAP area. The volume of earth required to fill these low lying areas have been computed and the DOR has assured the Thromde that filling of the LAP area will be done similar to the construction of the road embankment. The Thromde was also informed during the same meeting that testing the bearing capacity of foundation will be required at the time of building construction. Currently, the areas identified for land fill are not developed or occupied as these areas are low and prone to rapid flooding.

17. A committee will be established within the Phuentsholing Thromde to facilitate communication between the owners, DOR, the CSC and the Contractor. The Committee will also be responsible for addressing the issues of land owners or occupants of the LAP who have structures on the low lying areas. In the case of any unresolved grievances, the individual(s) can forward his/her grievances to the Grievance Redress Committee.

## **V. LEGAL FRAMEWORK**

18. The ADB SPS 2009 is a consolidated policy outlining common objectives of ADB's safeguards, policy principles, and delivery process for the SPS and is applied to all ADB financed projects. It also outlines a set of specific safeguard requirements when addressing social and environmental impacts and risks. ADB's SPS consists of three operational policies on the Environment, Indigenous Peoples, and Involuntary Resettlement. Objectives of ADB's environmental and social safeguards are to: (i) avoid adverse impacts of projects on the environment and affected people, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible, and (iii) help borrowers/clients to strengthen their safeguard systems and develop the capacity to manage environmental and social risks<sup>3</sup>.

19. Resettlement is involuntary when individuals or communities are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of involuntary acquisition of land or involuntary restrictions on land use or access. According to the ADB SPS, all affected persons are entitled to compensation for affected land and non-land assets at replacement cost, as well as to livelihood restoration. Similarly, the Land Act of Bhutan 2007 states that if the Government must acquire private registered land, then compensation shall be provided to the landowner(s) in accordance with the provisions on the compensation for land acquisition provided under the Act. Compensation means either substitute land or cash payment or both provided to the landowner upon acquisition of his land (p. 79). The Land Act also states that compensation shall be provided for immovable property on the acquired land. Compensation are regulated in the Property Assessment and Valuation Agency (PAVA) document issued by the Ministry of Finance in 2009. However the Land Act states that "encroachment" is prohibited on any state owned and private registered land and that illegal settlements or squatters are not eligible for any kind of compensation.

20. Under the Road Act of the Kingdom of Bhutan 2004, the Department of Roads has the authority to demolish 'unauthorised structures within the road right of way and road control area

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<sup>3</sup>ADB Safeguard Policy Statement, 2009, p. 14

and recover the cost of such demolition from the concerned owners of the unauthorised structures (p. 4)'. According to the Road Act, the road right of way (ROW) shall be 100 feet wide for national highways, district roads and feeder roads except within the designated municipal boundary. The horizontal distance between the center of carriageway and the boundary of the road right of way shall be 50 feet on both sides. The Act does not permit the construction of temporary, semi-permanent and permanent structures within the road right of way and road control area except for the purposes of road construction and maintenance.

21. The ADB SPS also states that the borrower/client will avoid or minimize the exacerbation of impacts caused by natural hazards, such as landslides or floods, that could result from land use changes due to project activities. Any risks and the potential impacts must be assessed and the borrower/client must then establish preventive measures and plans to address them in a manner commensurate with the identified risks and impacts. All these are to be carried out during the design, construction and operation of the project works.

22. If any of the public or communities are affected, they must be informed of significant potential hazards in a culturally appropriate manner. The borrower/client must also be prepared to respond to accidental and emergency situations. This preparation will include response planning document(s) that addresses the training, resources, responsibilities, communications, procedures, and other aspects required to respond effectively to emergencies associated with project hazards. Appropriate information about emergency preparedness and response activities, resources, and responsibilities will be disclosed to affected communities. Consideration will be given to potential exposure to both accidental and natural hazards, especially where the structural elements of the project are accessible to members of the affected community or where their failure could result in injury to the community.

23. Disaster in Bhutan have been classified into three levels - Gewog, Dzongkhag and National Levels (Bhutan's Disaster Management Act, 2013). The Act, respectively entrusts responsibilities and authority, be it administration or financial to Gewog, Dzongkhag and Central level. All the three levels have a disaster management committee which are responsible for preparing, reviewing and implementing the disaster management plans, including training, monitoring and evaluating measures taken for prevention, mitigation, preparedness, response and capacity building. Other responsibilities include educating and raising awareness on various hazard, risk and vulnerability and promoting and supporting capacity building.

24. The policy framework for the Project is based on the ADB's Safeguards Policy Statement (2009), ADB Operations Manual (OM), the Road Act and the Land Act of Bhutan 2007. Where differences exist between local law and ADB practices, the policy difference will be resolved in favour of ADB's SPS 2009.

## **VI. GRIEVANCE REDRESS MECHANISM**

25. A Grievance Redress Mechanism (GRM) needs to be established before the start of the road construction works. A GRM, acceptable to ADB, should be able to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The public should be made aware of a Grievance Redress Mechanism for this project. Contact details such as the numbers, contact persons and address shall be publicized through available media such as DOR website, leaflets or newspapers. All grievances shall be filed in writing or by phone to any members of the DOR as well as the environment or social safeguards specialist. Both the Project Implementation Unit (PIU) and Project Management Unit (PMU) shall designate persons as key focal persons for the GRM.

26. Resolution of complaints will be done within seven working (7) days. Investigation of grievances will involve site visits and consultations with relevant parties (e.g., affected persons, contractors, police, etc.) Grievances will be documented and personal details (name, address, date of complaint, etc.) will be included unless the person complaining requests for anonymity. Any unresolved grievances will be addressed by a Grievance Redress Committee (GRC). The GRC will consist of the Director, Department of Roads, Project Manager, Executive Secretary and Urban Planner from Phuentsoling Thromde, and a representative from the Phuentsholing Tsogpa (City Committee).

27. The GRC will convene as necessary when there are grievances to be addressed. The process will facilitate resolution through mediation. The GRC will suggest corrective measures at the field level and assign clear responsibilities for implementing its decision within 15 working days. The contractor(s) will have the observer status on the committee. If unsatisfied with the decision, the existence of the GRC shall not impede the complainant's access to the Government's judicial or administrative remedies.

## **VII. SOCIAL MONITORING**

28. The construction works for this 3.3 km road is expected to start before the end of 2017. Concurrently other development works will also be taking place on the Amochhu Land Development Township Project and the Amochhu LAP. This means that the entire project area will be heavily populated and polluted. So adequate measures need to be in place to minimise noise and dust pollution and ensure a safe environment for people involved in all the three projects (labourers, office staff, vendors, and travellers). The direct responsibility lies with the contractors and construction workers. However, monitoring will be carried out by the Project Implementation Unit (PIU) and the Construction Supervision Consultants (CSC).

29. At the construction project works, all workers will be protected by Bhutan's Labour and Employment Act (2007). The Act does not allow employment of people below 18 years and does not permit employers or employment agencies to discriminate against employees or job applicants or with regard to wages and working conditions. The Act secures all employees the right to equal pay for equal work. Occupational health and safety measures are promoted and enforced and employers are made liable for compensation to employees against death due to work accidents or occupational diseases, total permanent disablement and temporary partial disablement.

30. The Ministry of Labour and Human Resources (MoLHR) is the lead organisation to for the recruitment and monitoring of all labourers at construction sites. Monitoring of labour laws are carried out by designated labour Inspectors or labour relations officers in all districts. The functions of Labour inspectors include advising and informing employees and employers about their rights and obligations under the Labour and Employment Act of Bhutan. They are also given the authority to enter at any reasonable times any construction sites or workplace to inspect and investigate the conditions, structures, machines, apparatus devices, equipments and materials. Most of these visits are adhoc. The MoLHR together with the Ministry of Health (MoH) also conducts periodic training to all workers on construction sites and especially on first aid and basic treatment of occupational injuries.

31. Awareness programs must be carried for the workers and people who live within the vicinity of the project areas. These will include gender and HIV/AIDS awareness programs where pamphlets must be freely distributed. These awareness programs must be conducted by qualified

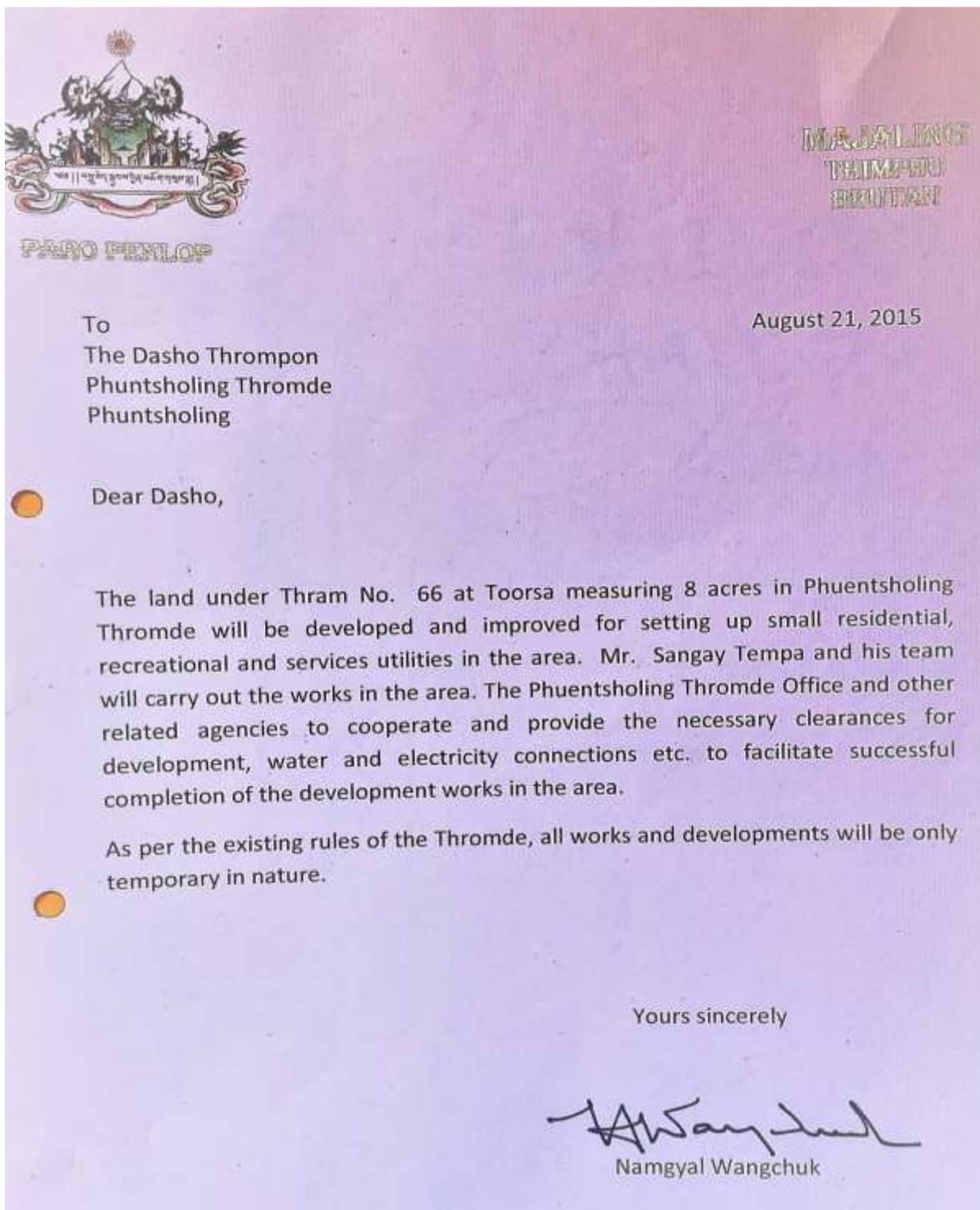
and trained personnel on a periodic basis during the entire construction period. Social monitoring reports will be compiled and updated on the ADB website.

32. Both primary and secondary data was collated for the study. A review of all project related documents was carried out which included all correspondences and notifications between relevant departments, agencies and project affected people. Regular meetings and discussions have been held with the Phuentsholing Thromde and the Department of Roads.

### **VIII. RECOMMENDATIONS**

33. Before construction works begin, the Phuentsholing Thromde needs to ensure that the work site is allocated to the construction works for the Phuentsholing-Chamkuna Road Project, including land fill of low areas in the existing Amochhu LAP. This means that all temporary structures should be removed, especially those structures that are within the proximity of the PCR. This will allow construction works for the PCR to commence with minimum hindrances.

34. The Phuentsholing Thromde will establish a committee which will facilitate communication between the land owners, DOR, the CSC and the Contractor. The Committee will also be responsible for addressing the issues of land owners or occupants of the LAP who have structures on the low lying areas. In the case of any unresolved grievances, the individual(s) can forward his/her grievances to the Grievance Redress Committee.

**ANNEX 1: REQUEST FOR THE TEMPORARY DEVELOPMENT OF PRIVATE LAND**

**ANNEX 2: REQUEST FOR DEVELOPMENT OF PRIVATE LAND**



**JATTU FURNITURE**  
P.O. BOX #198, THIMPHU : BHUTAN

December 25, 2014

The Thrompon  
City Corporation  
Phuentsholing Throm

Sub: Seeking approval for building temporary sheds for rental to repay the loans against the Plot # 1A at Toorsa, Amochu area.

Dear Sir,

This is to inform that the land at Toorsa under Plot # 1A has been bounded by wall and lying vacant for a very long period despite the investment made under loan.

Thus I would like to propose to build temporary structures like godown sheds and recreational services like swimming pool, snooker, table tennis, restaurant and children & family play area on the land. The copy of the layout plan is submitted for your perusal and request to approve the proposed project as it is in line with your office's plan for making recreational areas in the congested Phuentsholing city area.

In this regard I agree to abide by your terms & conditions and would undertake to dismantle at my own cost when the Amochu reclamation project is finalized. Thus it is appreciated if sir could kindly approve the temporary sheds & activity.

Your kind approval on the matter is highly solicited.

Thanking You.

Yours Faithful  
*[Signature]*  
Land Owner  
Plot # 1A, Toorsa, Phuentsholing  
17932434

Daily 1122  
Date 30/12/14  
File

Tel No. 254790 Fax: 254380

*Discussed with  
copy placed  
of  
Verbal  
visit & process for  
approval  
10/02/15*

དཔལ་ལྷན་འབྲུག་གཞུང་། ལུང་རྫོགས་གླིང་ ལྷོ་མ་ས་ལྗེ།

ROYAL GOVERNMENT OF BHUTAN  
PHUENTSHOLING THROMDE  
POST BOX NO.02, PELKHIL LHAM



PT/DCD-05/2014-2015/19160

Date: 11/02/2015

To  
Mr. Jattu Dukpa  
Plot no: 1A, registered owner  
Toorsa, Phuentsholing.

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ཏ/ཅ

Sub: Approval letter

Dear Sir,

This is with reference to your application for grant of permit for the **single storied temporary structure** on plot no: 1A located at Toorsa, Phuentsholing, Thromde Tshogde on its sitting on 22<sup>nd</sup> December 2014 decided on according approval for the above cited activities on temporary basis, since the final LAP is with the National land commission for approval, you may need to dismantle the establishment in future if your boundary changes due to Local Area Plan and also if it conflicts with the proposed land use. However, your approval has been granted on the following conditions:

1. The approval is accorded only for the **construction as specified below**:
2. All terms and conditions in the **Construction Agreement** signed and executed with Thromde shall be strictly adhered. Always follow the corrected drawings marked with red ink at the time of construction. That in case of any discrepancies, the matter shall be brought to the notice of PT for a joint verification and acceptable solution.
3. Traditional architectural features shall be incorporated with correct proportion at the time of construction.
4. Since the approval is for the temporary structure, you are asked to construct with the minimal cost
5. The plot has to be demarcated if not done earlier prior to commencement of works at site.
6. Workers safety and construction ethics shall be observed at all times.
7. The proponent shall **take necessary precautions** against accidents, damages or inconvenience to the public and workers or adjacent property directly or indirectly during the execution of the work.
8. The construction debris and excavated earth shall be disposed off to a proper location identified by our Building Inspectors.
9. Since this office is not involved in the execution of work, PT shall not be held responsible in case of failure of any structure(s).

Kindly collect all approved proposals from the Development Control Division upon non-refundable payment of Nu.1000/- (Nepal/One thousand ) only as a building plan processing fees.

Yours Sincerely,

(Dasho Thrompon)  
Phuentsholing Thromde

- 1) The Executive Secretary, PT for information
- 2) The Building Control and Monitoring Section, PT for necessary action.
- 3) The Survey Officer, Survey Section, PT for demarcation of the plot if not demarcated before.
- 4) The Plot file/land record:

Phone: Main Office EPABX# 00975-05-252168/252759/254645 Fax# 252882. Water Supply (O)# 252877. Sewerage (O) # 253306. Town Maintenance (O) # 253636. Website: www.pcc.bt

T.no. 1365.

**ANNEX 3: LETTER TO THROMDE SUBMITTING DRAWINGS FOR TEMPORARY DEVELOPMENT**



**ཨ། འཇིགས་དགོན་པ།**  
**TSEPHUG GONPA**  
Administrative Office  
Radi, Trashigang, Eastern Bhutan

Ref. No .....

Date. 28/Jan, 2015

The Structural Engineer  
Development Control Division, PT  
Phuentsholing Thromdoe  
Post Box No. 02, Pelkhil Lam

*Asked owner to meet Head  
DCD.*

Sub: **Submission of Drawing**

*12/1/15*

Sir

This has reference to your letter no PT/DCD-14/2014/13036 dated 31/12/2104 regarding submission of drawing to your good office.

I am pleased to attach a copy of my drawing for your kind accord and perusal. Furthermore, I would like to inform your good office that our structure shall be temporary made up of ekkra/ bakal so that we can dismantle at the completion of the stated venture.

Thanking you for your infinite support.

Sincerely yours

(Trashi Khenpo Chopel)  
Trashigang, Bhutan  
Mobile: 17921374

*403*  
No. 08/01/15  
Regd. 13/01/15

*Reviewed on  
06/02/15.*

*PGT-  
plot no :- 1289  
w. Kofa*

# ANNEX 4: APPROVAL TO CONSTRUCT TEMPORARY STRUCTURES ON THE AMOCHHU LAP

དཔལ་ལྷན་འབྲུག་གཞུང་། ལུང་རྫོགས་གླིང་ ཁྲོམ་ས་ལྗོངས།  
 ROYAL GOVERNMENT OF BHUTAN  
 PHUENTSHOLING THROMDE  
 POST BOX NO.02, PELKHILLIHAM



PT/DC/045/2014/2015/13006

Date: 13/01, 2015

To  
 Tseku, Kencho Chophe  
 Plot no. PGT-1289 Mr. Kola, registered owner  
 Toorsa, Phuentsholing



Sub: **Approval letter**

Dear Sir,  
 This is with reference to your application for grant of permit for the **single storied temporary structure and go down** on plot no. PGT-1289 located at Toorsa, Phuentsholing Thromde Tshogde on its sitting on 22<sup>nd</sup> December 2014 decided on according approval for the above cited activities on temporary basis, since the final LAP is with the National land commission for approval, you may need to dismantle the establishment in future if your boundary changes due to Local Area Plan and also if it conflicts with the proposed land use. However, your approval has been granted on the following conditions:

1. The approval is accorded only for the **construction as specified below:**
2. All terms and conditions in the **Construction Agreement** signed and executed with Thromde shall be strictly adhered. Always follow the corrected drawings marked with **red ink** at the time of construction. That in case of any discrepancies, the matter shall be brought to the notice of PT for a joint verification and acceptable solution.
3. Traditional architectural features shall be incorporated with correct proportion at the time of construction.
4. Since the approval is for the temporary structure, you are asked to construct with the minimal cost.
5. The plot has to be demarcated if not done earlier prior to commencement of works at site.
6. Workers safety and construction ethics shall be observed at all times.
7. The proponent shall **take necessary precautions** against accidents, damages or inconvenience to the public and workers or adjacent property directly or indirectly during the execution of the work.
8. The construction debris and excavated earth shall be disposed off to a proper location identified by our Building Inspectors.
9. Since this office is not involved in the execution of work, PT shall not be held responsible in case of failure of any structure(s).

Kindly collect your approved proposals from the Development Control Division upon non-refundable payment of Nu. 1000 (One thousand) only as a building plan processing fees.

(Dashi Thromde)  
 Phuentsholing Thromde

1. The Executive Secretary, PT for information.
2. The Building Control and Monitoring Section, PT for necessary action.
3. The Survey Officer, Survey Section, PT for demarcation of the plot if not demarcated before.
4. The Plot Neeland record.

office copy.

Phone: Main Office (P) (BX# 00975-05-252168/252759/254645) Fax# 252882, Water Supply (O) 252877, Sewerage (O) # 253306, Town Maintenance (O) # 253636. Website: www.pcc.bt

T.no. 1610.

## ANNEX 5: CONSTRUCTION AGREEMENT

FORM - H

### CONSTRUCTION AGREEMENT

This agreement made on month **February** day **11** year **2015** is executed between **Phuentsholing Thromde** (hereinafter called **PT** of the one part and **Mr.Jattu Dukpa** owner of plot no:1A located at **Toorsa, Phuentsholing**).

The following terms and conditions shall apply for proposed **single storied building plot no:1A** of **Mr.Jattu Dukpa** registered owner located at **Toorsa, Phuentsholing**.

1. Since the Local area plan for that particular area is with the National Land Commission for approval, the structure is accorded on purely temporary basis, hence the proponent shall dismantle the structure and the establishment as and when the Thromde issues the notification letter on their own expense in future if there is change in boundary due to LAP.
2. The building owner shall ensure that before commencing any work (leveling/clearing the site) on the proposed site, he/she shall obtain a work clearance from the Authorities concerned. In the event services such as Water supply line, Sewer line, TV cable lines, Telephone lines, Electricity lines and roads are damaged, the actions will be taken as per the Water & Sanitation Rules, Bhutan Building Rules, Code of Practice for Plumbing and other relevant Rules.
3. The owner shall ensure that a Civil Engineer/Architect is deployed for supervision of the construction work to avoid any sort of deviation from the approved plan.
4. Phuentsholing Thromde shall not be held responsible for any failure of the structure.
5. The building owner shall take necessary precautions against accidents, damages or inconvenience to the public and workers or adjacent property either directly or indirectly during the execution of the work. Further, the owner shall ensure that the construction materials are properly stacked and covered within the plot.
6. The building owner shall ensure that the building under construction has proper scaffolding, platforms, net and signboards cautioning the pedestrian and vehicular traffic.
7. All constructions, including roof projections and gutters, shall be within the registered area. The set back to be maintained as per approved building plan.
8. The Approved drawings shall be strictly followed at the time of execution.
9. During finalization of building layout, the owner shall obtain a Building Inspection report **Form I** from Phuentsholing Thromde **before commencing any construction**. Once it is checked and approved by PT, if found deviated later, then owner shall be held responsible.
10. The owner shall inform Phuentsholing Thromde before every concrete pour so that a building inspection report can be issued.
11. Should the owner wish to make any alteration to the approved drawings, they must seek prior approval from PT.
12. If the owner of the building continues construction despite written notice from the Phuentsholing Thromde for rectification of deviations from the approved plan, services like water supply and electricity shall be disconnected. Such services shall be restored only after rectification of the deviation to the satisfaction of the Phuentsholing Thromde. As a last resort the Phuentsholing Thromde shall serve notice for demolition vide clause no. 4.10 and 19 of BBR-2002.
13. The owner shall inform Phuentsholing Thromde (PT) as and when building construction work is fully completed so that the temporary services can be withdrawn.

**FORM - H**

- 14. The building owner shall be responsible for disposal of construction materials including debris to a dumping site as advised by PT. The owner shall also be responsible for safeguarding the surrounding environment (noise and air pollution), damages caused to the public properties including roads, trees, drainage system, sewers etc. however, if Phuentsholing Thromde notices any of such things, the Thromde has every right to stop the construction and take necessary actions.
- 15. The building owner shall restore/restate the public or private properties interfered/damaged during the construction to the satisfaction of the implementing Authority/affected property owner. In the event, the interference is affecting both the parties, the restoration shall be carried out jointly as determined by the PT.
- 16. When the construction work is completed, the owner has to submit the supervising Engineer's Completion Certificate to Phuentsholing Thromde (Form J).
- 17. Based on the supervising engineer's Completion Certificate and application submitted by the owner for Occupancy Certificate, Phuentsholing Thromde will jointly inspect the building.
- 18. Occupation of any building without obtaining occupation certificate shall result into disconnection of services. Services shall be restored only after Occupation Certificate has been obtained and reconnection charges and any fines have been paid to the Phuentsholing Thromde.
- 19. Any construction of a building or structure without written permission from the Phuentsholing Thromde shall be demolished at the risk and cost of the defaulter.
- 20. Any construction of additional floors (horizontal or vertical extension) without the written permission of the Piling Thromde shall be demolished at owner's cost.
- 21. The building owner shall ensure that the building under construction is completed within five years from the date of commencement. In the event that the construction is stopped (for whatsoever the reason) for a period exceeding one year, the owner shall erect a pitch roof over the finished floor.
- 22. The approved building plan shall be valid for two years (2) from the date of approval i.e. 11/02/2015 to 11/02/2017.

  
 Signature & Designation of  
 Authorized Official: PM

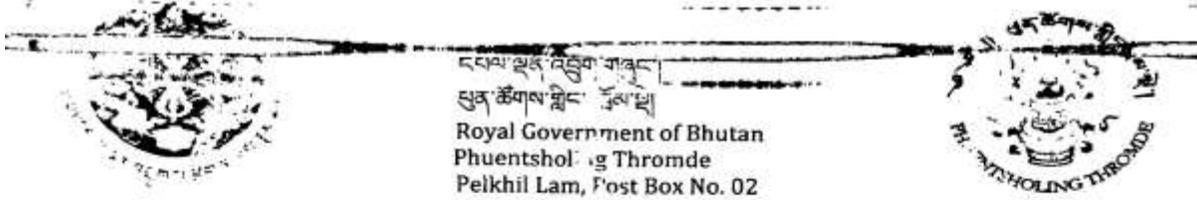
  
 Proprietor or  
 Signature name & Designation of Authorized Official  
 (in case of Government/Semi-Government Project)

**WITNESS (signature & address)**

  
 Signature Name & Designation  
 Phuentsholing Municipality  
 Phuentsholing

  
 Livingston Karmay  
 Phuentsholing

ANNEX 6: LETTER FOR REMOVAL OF STRUCTURES WITHIN LAP



PT/2016-2017/DRD-14/2798 Date: 23/12/2016

Mr. Nima Tshering (17601023)  
Ammochu LAP  
Dear Sir, PGT-2450, PGT-2452

**Subject: Removal of Structures falling on the Alignment of road under Ammochu LAP**

As you are fully aware that Ammochu LAP is finalized and ready for implementation, we have already budgeted for construction of road in the fiscal year 2016-2017 for which the detail design and estimate is completed.

In this connection, two numbers of temporary huts built on state land are affected by the proposed road as per Ammochu LAP.

Therefore, in order to enable Thromde to carry out the infrastructures development in the area on time, we would like to request you to remove all the structures falling in the road alignment before 31/01/2017, failing which Thromde shall dismantle the structures and bill the expenses to you.

Further, you requested to resolve the land issue in consultation with NLCS, Thimphu at the earliest.

**Enclosed: The detail site plan**

We solicit a kind cooperation please.

Yours Sincerely

**(Wangchuk Tharney)**  
**Executive Secretary**

**Copy to;**

- 1) The Thrompon, PT for kind information.
- 2) The Head/Zone In-charge, Building Section, DRD for immediate follow up.
- 3) The Head, Infrastructure Division, PT for follow up.
- 4) Land Record/Guard file.

*Uchil*  
23/12/2016

**ANNEX 7: CORRESPONDENCES BETWEEN THE CONSULTANT TEAM AND THE PHUENTSHOLING THROMDE REGARDING THE TEMPORARY WALL**

from: **Shanti R Katel** <katel202@gmail.com>

to: Hans <hansholm.petersen@gmail.com>

cc: Dorji Wangdi <dorjiwangdi@mowhs.gov.bt>,  
Devi Charan Dhimal <dcdhimal@pcc.bt>,  
jfield@field-geology.com,  
Chencho Wangdi <chencho89wang@gmail.com>,  
Sonam Tobgay <somtobk@gmail.com>

date: Wed, Feb 8, 2017 at 12:22 PM

subject: Appearant permanent Construction along PCR alignment.

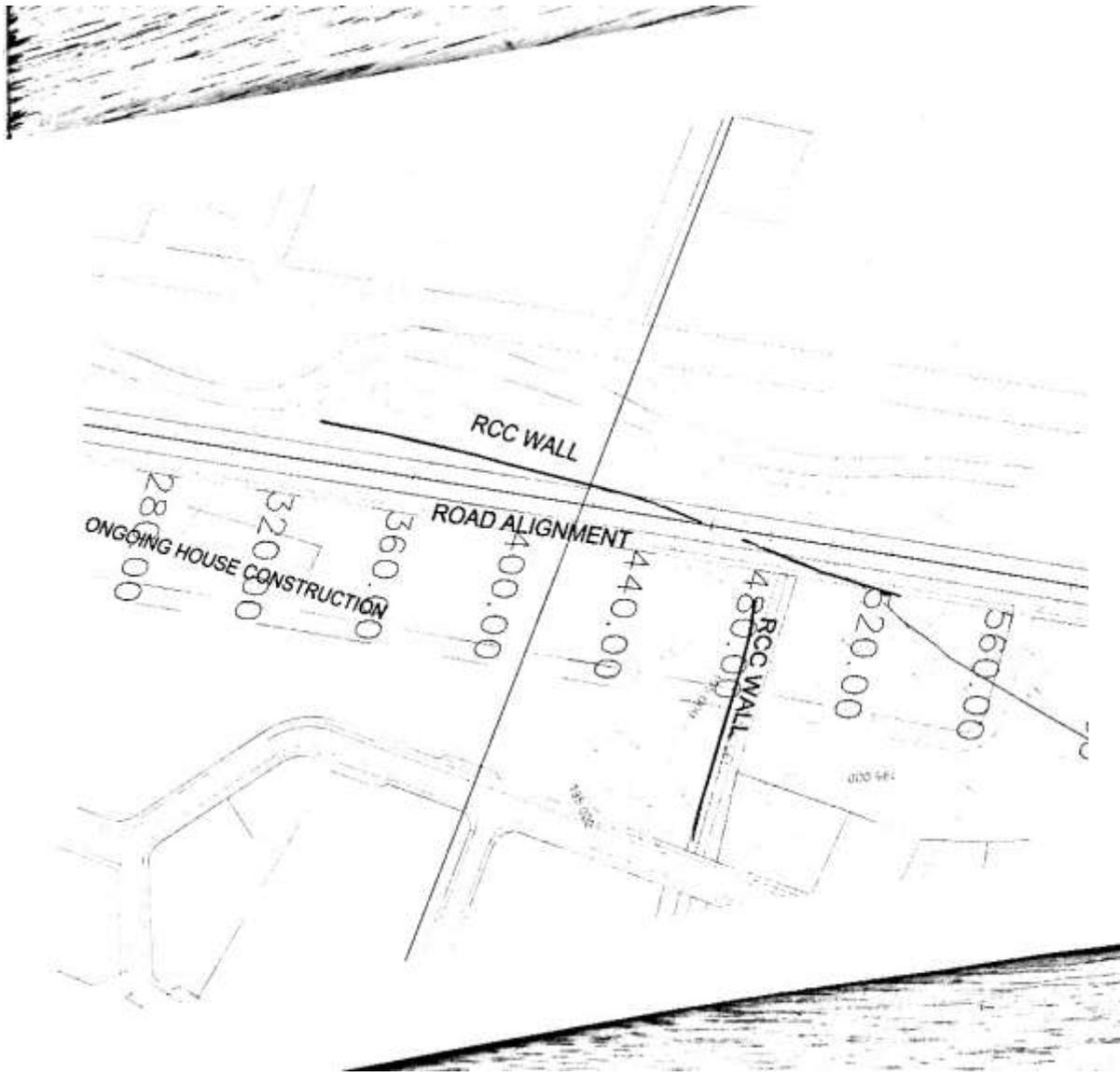
**Sir,**

**Yesterday we (along with JF and Chencho) visited site and walked along the finalised alignment to understand the alignment location. Roughly between Chainage Km0+320 to Km0+530 a RCC wall is being construction that infringes to PCR road alignment and looks like of permanent nature. When asked to the workers at wall construction, we were informed that the wall is boundary wall encompassing a resort project on lease from Thromde.**

**Please find a plan showing wall location and photographs in attachment for your reference.**

**In this regard, a joint discussion at the earliest with DoR, Thromde and PCR to talk on the issue and way forward, has become absolutely necessary.**

**sincerely,**



from: **Devi Charan Dhimal** <dcdhimal@pcc.bt>

to: Ugyen Ugyen <ugyen@pcc.bt>

cc: katel202@gmail.com

date: Wed, Feb 8, 2017 at 1:45 PM

subject: Fwd: Appearant permanent Construction along PCR alignment.

**Dear Mr. Ugyen,  
Pl. do discuss with relevant div. section and update the consultant.  
Mr. S.R. Katel....ps. do follow with Mr. Ugyen, Thromde Planner**

**With kind regards.**

from: **Ugyen Ugyen** <ugyen@pcc.bt>

to: katel202@gmail.com

date: Thu, Feb 9, 2017 at 9:32 AM

subject: Re: Appearant permanent Construction along PCR alignment.

**Dear Sir,  
Can I have your contact number. Need to discuss on the PCR alignment and wall construction happening immediately.**

**Thanks**

**Regards**

from: **Ugyen Ugyen** <ugyen@pcc.bt>  
to: katel202@gmail.com  
cc: Tshering Phuntsho <tsheringphuntsho@pcc.bt>,  
Tshewang Jeipo <tjeipo@pcc.bt>  
date: Thu, Feb 9, 2017 at 12:08 PM  
subject: Appearant permanent Construction along PCR  
alignment

**Dear Sir,**

**After the site visit and consultation with the owner of the project, the RCC wall constructed is just for the temporary protection of the river to the property. The wall can be dismantled if required by the PCR design and alignment shall remain as it is.**

**Further understanding with the owner will be followed up DRD of PT.**

**Regards**

from: **Shanti R Katel** <katel202@gmail.com>  
to: Ugyen Ugyen <ugyen@pcc.bt>  
cc: Hans <hansholm.petersen@gmail.com>,  
Dorji Wangdi <dorjiwangdi@mowhs.gov.bt>,  
tsheringphuntsho@pcc.bt,  
Devi Charan Dhimal <dcdhimal@pcc.bt>,  
Sonam Tobgay <somtobk@gmail.com>,  
jfield@field-geology.com

date: Thu, Feb 9, 2017 at 2:04 PM

subject: Re: Appearant permanent Construction along PCR  
alignment

**Dear Sir,**

**Thank you for your quick resolution to the sighted problem. The point will be noted during PCR design and alignment will remain as it is.**

**Best regards**