

**HOUSE OF REPRESENTATIVES***Friday, July 11, 2014*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members: hon. Kamla Persad-Bissessar, Member of Parliament for Siparia and Prime Minister, is out of the country and has asked to be excused from today's sitting of the House; the Member of Parliament for Port of Spain North/St. Ann's West, Mrs. Patricia Mc Intosh, is out of the country and has asked to be excused from sittings of the House during the period July 11 to August 01, 2014.

Hon. Member for Barataria/San Juan, that is hon. Dr. Fuad Khan, he is also out of the country and has asked to be excused from sittings of the House during the period July 09 to 13, 2014. The hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West and Leader of the Opposition, is out of the country and has asked to be excused from sittings of the House during the period July 10 to 16, 2014, and Mr. Chandresh Sharma, Member of Parliament for Fyzabad, has asked to be excused from today's sitting of the House. We also—

**Miss Cox:** He gone Brazil too?

**Mr. Speaker:** Who is that? [*Laughter*] Yes, and the other Member who has asked to be excused from today's sitting, on account of her not being in the country, is the hon. Member for Port of Spain South, hon. Marlene Mc Donald. The leave which the Members seek is granted.

**CONGRATULATIONS  
(Member for Oropouche East)**

**Mr. Speaker:** Hon. Members, I want on your behalf to express our collective best wishes to the hon. Leader of Government Business in the House on the birth of his son [*Desk thumping*] and we wish him, his son and his wife the best in terms of the future. Thank you. [*Desk thumping*]

**CONDOLENCES  
(DR. CARL SINGH)**

**Mr. Speaker:** Hon. Members, I wish to inform this House of the sad passing of Dr. Carl Singh, former Member of Parliament. I now invite hon. Members on both sides to pay their respective tributes to Dr. Singh. Hon. Leader of the House and Minister of Housing and Urban Development.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. On July 08, 2014, we learnt of the sad news of the passing of the former Member of Parliament for the constituency of Tabaquite, Dr. Carl Singh. Dr. Singh served the Parliament and Trinidad and Tobago, and the people of Tabaquite, during the Fourth Parliament during the years 1991—1995.

Dr. Singh was also a very active member of the United National Congress. A very affable gentleman who brought his expertise in the medical area and in the social work area to bear on his parliamentary contributions. Dr. Singh worked tirelessly, at that time, in the Parliament and within our party and served the people of Tabaquite. He was also a Member of several committees of the House that went on to report on important matters of social policy and reform in the health sector.

Mr. Speaker, he was an extremely affable and kind gentleman. I had the pleasure—might I say, Mr. Speaker, I had the pleasure, along with yourself and others, to work with Dr. Carl Singh during that period 1991—1995, and he was a man with a great heart who, at all times, was passionate about the people of Tabaquite and service to that region of our country.

He left an indelible mark by way of his participation in our Parliament and in the United National Congress. He worked thereafter with the United National Congress when the UNC formed the Government in 1995 until 2001. We have extremely good memories of the gentleman, Dr. Carl Singh. We are extremely sad on his passing. He was also a gentleman who gave a lot, was involved in a lot of charity work and, at times, had no difficulty dipping in his own pocket to provide resources of one kind or another to groups in that constituency and to citizens in need.

Mr. Speaker, on behalf of the Government of Trinidad and Tobago, we would like to extend to his family and his loved ones, our deepest sympathies on his passing and to wish them great comfort at this very difficult time.

Mr. Speaker, I thank you.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker. As one of the few people who served in the Fourth Parliament with Dr. Singh who are here today—probably the only one—I remember him as a very quiet and dignified man, quite different to some of the other personalities that we had in the Parliament at that time.

Dr. Singh was always willing to contribute on virtually everything. When I looked at the matters on which he contributed, he spoke on health, of course, he was a medical doctor, but he did not hesitate to speak on other matters, from things as diverse as the Maxi Taxi Regulations, the Appropriation Bills, Firearms (Amdt.) Bill and so on. He tried his hand at everything. What I really admired about him, as I said, he was a very quiet, dignified man, took his job very seriously, did not really engage in any picong, and you got the sense that this was somebody that was committed to representation. I do wish there were more like that and I do hope in the next Parliament, we will have more persons of the demeanour of Dr. Singh.

On behalf of the People's National Movement and on my own behalf, I wish to express the deepest condolences to his family and may he rest in peace.

**Mr. Speaker:** Hon. Members, Dr. Carl Singh served as the elected representative for the constituency of Tabaquite during the Fourth Republican Parliament. During his time when he served, he was a Member on several parliamentary committees and raised many noteworthy matters in his significant contributions on legislation before the House, most notably on those Bills affecting matters of health, given his background as a medical practitioner. Dr. Singh passed away on July 08, 2014 leaving behind a great void to fill, such was the humanitarian that he was. He received several accolades for his lifelong commitment to improving the social standing, not only of the constituents of Tabaquite but for all citizens of Trinidad and Tobago.

Hon. Members, we must recognize the contribution of such a person as Dr. Singh, having been called to serve in this august Chamber to represent those who elected him to office as that of a true patriot and a distinguished and honourable son of our soil. I invite all Members to stand in a minute of silence as we express our respect to the late Dr. Carl Singh.

*The House of Representatives stood.*

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Accreditation Council of Trinidad and Tobago for fifteen and a half months ended September 30, 2005. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Central Bank of Trinidad and Tobago Quarterly Reports for the period December 31, 2011 to March 31, 2014. [*Hon. R. Indarsingh*]  
*Papers 1 and 2 to be referred to the Public Accounts Committee.*
3. Annual Report of the Environmental Management Authority for the year 2005. [*The Minister of State in the Ministry of the Environment and Water Resources (Hon. Ramona Ramdial)*]

**1.45 p.m.**

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, today the Government will be in a position to answer several questions on the Order Paper but would ask that three questions be deferred: question No. 148, question No. 165 and question No. 158.

**Mr. Imbert:** Again, all my questions? What is going on?

**Hon. Dr. R. Moonilal:** Question No. 158 is from the Member for Point Fortin, not you.

**Mr. Imbert:** But the other two are mine.

**Hon. Dr. R. Moonilal:** Well, we will answer question No. 149, that is in your name too. We would give you one.

**Mr. Imbert:** How many questions?

**Hon. Dr. R. Moonilal:** Question Nos. 148, 165 and 158. Mr. Speaker, there is also another matter. Question Nos. 163 and 164, it is our understanding that these questions were answered last week. Thank you.

**Mr. Speaker:** Yes, I just want to, through inadvertence, they reappeared, but it is a fact that both question Nos. 163 and 164 were answered at the last sitting of the House.

**Mr. Imbert:** Mr. Speaker, could I just ask, the questions that are being deferred, will they be answered before the Session prorogues?

**Mr. Speaker:** Hon. Leader of the House.

**Hon. Dr. R. Moonilal:** Mr. Speaker, we are asking for the questions to be deferred for one week. So, we may answer those questions before. But my colleague opposite knows what happens if we do not answer during the Session.

*The following questions stood on the Order Paper:*

**NIBTT/NIPDEC Purchase of Properties  
(Details of)**

- 148.** With respect to the property located at the corner of Cadiz Road and Queen's Park East currently occupied by the Apsara and Tamnah Thai Restaurants, could the hon. Minister of Finance and the Economy state:
- A. Whether the NIBTT or NIPDEC has purchased, or has agreed to purchase this property and for what purpose?
  - B. If the answer to part A is in the affirmative:
    - i. What was the agreed purchase price?
    - ii. Whether an independent valuation was obtained by either NIBTT or NIPDEC prior to the agreement to purchase;
    - iii. What was the amount of the valuation for the property and who conducted the valuation;
    - iv. What is the land area of the property and what is the floor area of the building on the property? [*Mr. C. Imbert*]

**Operation of Petrotrin-owned Barge  
(Details of)**

- 158.** Could the Minister of Energy and Energy Affairs indicate whether:
- a) The Petrotrin-owned barge, the 'Marabella', is operating illegally by virtue of being a single hull vessel and, if so, has any international treaty been violated?
  - b) Petrotrin intends to replace the aged 'Marabella' vessel? [*Mrs. P. Gopee-Scoon*]

**Central Bank Employees  
(Details of)**

- 165.** Could the hon Minister of Finance and the Economy state:
- a) the number of employees on payroll at the Central Bank of Trinidad and Tobago as at July 13, 2012;
  - b) the number of employees on payroll at the Central Bank as at May 31, 2014; and
  - c) how many new employees were hired by the Central Bank between July 13, 2012 and May 31, 2014? [*Mr. C. Imbert*]

*Questions, by leave, deferred.*

**Clearing of Watercourses  
(Details of)**

- 96.** **Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of the Environment and Water Resources to state when the following watercourses will be cleared of vegetation and debris, deepened, widened as well as reinforced with concrete channel walls:
- i. Lake Canal in La Brea;
  - ii. Brea River in Vance River;
  - iii. Lorensotte North River;
  - iv. Los Charos River;
  - v. Salazar Trace River; and
  - vi. Palo Seco/Erin River?

**The Minister of State in the Ministry of the Environment and Water Resources (Hon. Ramona Ramdial):** Thank you, Mr. Speaker. The answer to question No. 96:

- i. Lake Canal in La Brea—this is a pumping canal and the project of paving this channel is awaiting the release of adequate funding. Phase 1 is to commence July 2014.
- ii. Brea River in Vance River—this river was desilted in March 2012 by mechanical means and a maintenance crew is scheduled to begin further work on June 02, 2014.

- iii. Lorensotte North—this river was desilted by mechanical means in October, 2013. A maintenance crew is scheduled to commence further work in July 2014.
- iv. Los Charos River—gaining access to the river is problematic, but efforts remain ongoing to overcome. However, work was done by the maintenance crew in March 2012.
- v. Salazar Trace River—works completed and this is with respect to the desilting which has been completed.
- vi. Palo Seco - Erin River—this was desilted from Los Eros Road to the mouth in 2013. Further works continued and have been completed in May 2014.

**Mr. Jeffrey:** Supplementary. Hon. Minister, are you aware that the Salazar Trace River has not been desilted?

**Hon. R. Ramdial:** Mr. Speaker, according to the Drainage Division, under the Ministry of the Environment and Water Resources, the Salazar River works are completed and it has been desilted.

### Construction of Judicial Centres (Details of)

- 147. Mr. Terrence Deyalsingh** (*St. Joseph*) asked the hon. Minister of Justice:
- With regard to the four judicial centres being built or going to be built in Carlsen Field, Siparia, Trincity and Sangre Grande, could the Minister state:
- a) the name of the design architects;
  - b) the cost of their employ;
  - c) the estimated costs of the four centres; and
  - d) the approximate date of completion of each centre?

**The Minister of Justice (Sen. The Hon. Emmanuel George):** Thank you very much, Mr. Speaker. The answer to part (a) of the question is as follows: Specifically, as part of the mandate of the Ministry of Justice to reengineer the criminal justice system, the Government of Trinidad and Tobago agreed to the construction of four purpose-built Supreme Court of Judicature buildings along the East-West Corridor and in central and south Trinidad.

In collaboration with the Judiciary of the Republic of Trinidad and Tobago, the Ministry developed designs to address, inter alia, security concerns, in particular, the need for strict adherence to court circulation zones, which include unique and non-intersecting areas of circulation for the public, staff, judicial officers and prisoners and in-custody defendants.

The decision to construct new judicial centres was made as a result of, inter alia, the deteriorating infrastructure of existing court buildings, some of which were constructed over 100 years ago, and a substantial increase in the caseload of courts in various regions.

In June 2011, Cabinet approved a conceptual design to serve as a model for the judicial centres at Trincity and Penal/Siparia comprised of four courts each; Sangre Grande and Carlsen Field comprised of eight courts each. The conceptual design was intended to serve as a prototype for the judicial centres in order to address, at the earliest possible stage, all design issues, including location, size of the site, topography, technical, social and statutory requirements, normally associated with construction of edifices of a unique nature. The conceptual design was undertaken by the firm Pierce, Goodwin, Alexander and Linville.

The answer to part (b): The cost of the conceptual design was \$3,022,100. This sum was paid to the firm on September 27, 2011.

The answer to part (c): The estimated costs of the four centres are as follows:

1. The Trincity Family Court is estimated to cost \$ 218,216,000.
2. The Carlsen Field Judicial Centre is estimated to cost \$576,500,000.
3. The Siparia Judicial Centre is estimated to cost \$276,842,484.
4. The Sangre Grande Judicial Centre is estimated to cost \$655 million.

It should be noted that the above are estimates and that the final costs of these structures will only be determined when the negotiations are concluded with the awardees.

The answer to part (d) of the question: the construction phase of each judicial centre is expected to take between 18 and 36 months from the date of the award of the contract and depends, of course, on the size of the judicial centre and the infrastructural work required at the different sites. The actual



commencement of the construction of the judicial centres has been impacted by the following developments:

- In Trincity, residents objected to the construction of the judicial centre at two consultations held on May 20, 2012 and February 02, 2013. The major objections raised were increased traffic, flooding and the anticipated increase in the presence of criminal elements in the area.

Let me just interject, Mr. Speaker, that it is a requirement of the Environmental Management Authority that discussions and consultations take place between the Ministry desiring to construct these buildings and the residents of the communities in which they are to be constructed.

- With respect to the Siparia court, a decision was taken to allocate the parcel of land identified for the court to the Sports Company of Trinidad and Tobago for the development of a sporting facility. An alternative site for the judicial centre is to be identified.
- In respect of the Sangre Grande court, the process of acquisition of the parcel of land earmarked for the judicial centre in Sangre Grande has delayed implementation of the project and the negotiations have now been successfully concluded and the matter is before the Chief State Solicitor and the purchase price has been agreed.
- In respect of the Carlsen Field Judicial Centre, construction of the judicial centre in Carlsen Field has been delayed by the relocation of bona fide farmers and authorized lessees from the site.

In the above circumstances, one cannot suggest an approximate date of completion of each centre. I thank you, Mr. Speaker.

**Mr. Deyalsingh:** Supplemental, Mr. Speaker. Thank you very much. Is the hon. Minister aware that the employment of Pierce, Goodwin, et cetera, et cetera, may be in breach of the Central Tenders Board Act?

**Sen. The Hon. E. George:** I could not answer that question at all but if you want an explanation on that I would be only too happy to provide should you put it in another question.

**Mr. Deyalsingh:** Further supplemental, Mr. Speaker. Is the hon. Minister aware that it is recorded on the *Hansard* of this House that construction of these

four centres—begun by your predecessor in November 2011—the sites were arranged and construction was being done? They were being built. Those were the actual words in November 2011?

**Sen. The Hon. E. George:** I am not aware of that but if you would bring the information for me I would be only too happy to see it. But I am aware that pre-construction activity has been going on for a while, involved in the designs, as I indicated just now; the consultations that have to take place under the stipulations of the Environmental Management Authority, and so on. All these things have to take place before construction could actually take place and, of course, we have to procure a contractor.

**Miss Hospedales:** Supplemental.

**Mr. Deyalsingh:** Is the hon. Minister aware that in that same *Hansard* debate, it was said that the building of these judicial centres was necessary before the proclamation of the Indictable Offences Act?

**Sen. The Hon. E. George:** I am not aware.

**Mr. Speaker:** If you wish to respond, continue, hon. Minister of Justice.

**Sen. The Hon. E. George:** I said I am not aware of the statement that he is making at all.

**Mr. Speaker:** Before you, the Member for Arouca/Maloney.

**Miss Hospedales:** Mr. Speaker, I would like to ask the Minister if he is aware that there was a request for tender for the construction of a court in the Malabar area, and if he is aware, as well, that during the consultation with the Trincity residents there were residents from D'Abadie/O'Meara who indicated that the court should come to their area? Could you tell us whether or not the court has been moved from Trincity to Malabar?

**Mr. Speaker:** Hon. Minister of Justice, that is a new question, but if you wish to.

**Sen. The Hon. E. George:** There has been no decision taken as yet to remove the courts from any of the planned original locations. But the discussions, as I indicated, are continuing.

**Miss Hospedales:** Are you aware of the request for tender for the construction of a court in the Malabar area?

**Sen. The Hon. E. George:** I am aware that requests did go out.

**Mr. Deyalsingh:** Thank you, Mr. Speaker. Hon. Minister, could you tell us if the farmers of Carlsen Field have been relocated and, if so, when will construction start in the Carlsen Field area?

**Sen. The Hon. E. George:** I think that the Member should put that as another question and I would indeed supply the information for him. I do not have it at hand.

**Mr. Deyalsingh:** Further supplemental, Mr. Speaker?

**Mr. Speaker:** Yes, final.

**Mr. Deyalsingh:** Could the hon. Member say whether the lands in Sangre Grande have been properly acquired?

**Sen. The Hon. E. George:** I indicated that discussions are ongoing regarding that particular acquisition, and it is in the hands of the Chief State Solicitor.

**Mr. Deyalsingh:** Supplemental, Mr. Speaker?

**Mr. Speaker:** One final. That is the last one.

**Mr. Deyalsingh:** Thank you. Has an alternate site—you said the lands in Siparia were handed over to sport. Have you identified an alternate site for the Siparia court?

**Sen. The Hon. E. George:** Thank you very much, Mr. Speaker. I did indicate in my response that another piece of land is supposed to be identified as an alternative site for the court.

#### **Point Fortin Highway Project (Aggregate Used)**

**149. Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Energy and Energy Affairs:

- A. Has the Minister received any report(s) that aggregate used on the Point Fortin Highway Project has been mined or acquired from State or private lands without the necessary approvals from the Ministry of Energy and Energy Affairs?
- B. If the answer to part A is in the affirmative, when were these reports received and what has the Ministry done to address this problem?

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Thank you very much, Mr. Speaker. With regard to 149, the answer to part A reads:

The Minister has not received any report or reports that aggregate used on the Point Fortin Highway Project has been mined or acquired from state or private lands without the necessary approvals from the Ministry of Energy and Energy Affairs.

Given that answer to part A of the question, part B is not applicable.

**Prime Minister's Official Visit to China  
(Details of)**

**162. Miss Donna Cox** (*Laventille East/Morvant*) asked the hon. Prime Minister:

With respect to the Prime Minister's recent official visit to China, could the Prime Minister state:

- i. the names of any persons or agency/company, local or foreign who contributed towards the visit to China; and
- ii. the amount contributed by each person/agency/company and for what purpose?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, thank you very much. Question No 162 filed by the Member for Laventille East/Morvant. This question is a subset of a question No. 123, also filed by the Member for Laventille East/Morvant that was answered on May 23, 2014. It is a matter of public record. Thank you.

**Miss Cox:** Supplemental, Mr. Speaker. This information is not true.

**Hon. Member:** What?

**Miss Cox:** The information that he stated is not true. This is a different question filed. This is different.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I would read from the *Hansard* record. Question filed 123:

“Were contributions of any kind made by any person or agency/company, local or foreign towards this visit?”

Mr. Speaker, the answer then given:

“The accommodation, meals and ground transport were provided for the Prime Minister and other Ministers of Government;...were provided by the Government of the People’s Republic of China.”

Mr. Speaker, the Member may have to file a question in Beijing to find out the cost that the Chinese Government spent on accommodation and hospitality. Mr. Speaker, I have nothing else I could add to that.

**Miss Cox:** Supplemental, Mr. Speaker. This question asked for the names of any person or agency/company, local or foreign, who contributed towards the visit to China. This is a separate question.

**Hon. Dr. R. Moonilal:** Mr. Speaker, the Government of the People’s Republic of China.

**Mr. Speaker:** Any further questions, supplemental?

**Miss Cox:** Mr. Speaker, the amount contributed by each person, agency/company and for what purpose.

**Mr. Speaker:** Please allow the Member. Hon. Member.

**Hon. Dr. R. Moonilal:** Mr. Speaker, if the Member wishes, we may write the Government of the People’s Republic of China in Beijing and enquire as to whatever cost they undertook but that would be some breach of proper diplomacy and the Member may wish to advise herself that it is not proper to enquire of a foreign government their expenses on official state matters like these.

This is not a case where you use a private jet of a private company, Repsol, and so on, and you travel around the world and you enquire as to the cost of a private agency providing private services to a leader of a country. This is a case where a sovereign government undertakes to pay hospitality charges for a visiting delegation on an official visit. It is quite improper to enquire from that government as to the cost incurred.

**Miss Cox:** Mr. Speaker, I am asking this Government of Trinidad and Tobago the names of any person or agency/company, local or foreign, that contributed towards the visit to China. I want to be clear. Is the hon. Member saying that it is only the Government of China contributed towards this visit?

**Hon. Dr. R. Moonilal:** Mr. Speaker, on May 23, 2014, we indicated that the Government of China contributed to the visit of the delegation of the hon. Prime Minister. We have answered the question. If my friend opposite has some other answer she wishes to hear, I am afraid it cannot come from this side of the House.

Thank you.

**Mr. Speaker:** Final one before we go. Go ahead, hon. Member.

**Miss Cox:** I never asked the names of any persons or agency or company, so I do not know how he could have answered that question on that date because that question was not asked. Okay? And I just want it to be clear that the hon. Minister is saying that it is only the Government of China contributed towards that trip. Yes or no?

**Hon. Dr. R. Moonilal:** Mr. Speaker, I would really wish to read question No. 123 that was answered on May 23, 2014.

“With respect to the Prime Minister’s recent official visit to China, could the Prime Minister state:

- ii. were contributions of any kind made by any person or agency/company, local or foreign towards the visit;
- iii. if the answer...is in the affirmative,”—meaning yes—“what was the nature and quantum of each contribution...
- iv. the names of the persons who travelled”—on that visit—“the cost of their travel, accommodation and living expenses...”

et cetera, et cetera. Mr. Speaker, this is on May 23, 2014.

**Miss Cox:** I never asked for the agency or company.

**Hon. Dr. R. Moonilal:** But you said, were contributions made by any person or agency or company.

**Miss Cox:** I am now asking for the names.

**Hon. Dr. R. Moonilal:** I gave you the name, it is the Government of the Republic of China.

**Miss Cox:** Thank you.

### **Chaguaramas Peninsula (Details of Lease Consideration)**

- 136. Mr. Colm Imbert** (*Diego Martin North/East*) on behalf of Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of Planning and Sustainable Development:

- A. Have any lands been leased to/offered for lease/being considered to be leased to any person in the Chaguaramas peninsula for agricultural purposes?
- B. If so, can the Minister identify the location or locations, the acreages and the beneficiaries involved?
- C. If any lease has been entered into, what are the terms of such lease and when was Cabinet approval granted for any such lease?
- D. Are there any provisions for residents of Carenage, L'Anse Mitan and Pt. Cumana to access agricultural lands in the Chaguaramas area?

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** The answer to part A: the Chaguaramas Development Authority is charged with the responsibility to develop the north-west peninsula in the interest of the people of Trinidad and Tobago. The authority's principal function is to undertake the laying-out and development of the north-west peninsula in accordance with its development plan.

The Authority currently operates within the context of the Planning for Development—Chaguaramas Development Plan, No. T1.1 May 1974 but a new planning study for the peninsula has been commissioned and will be completed by the end of 2014, and this will be the new master plan for Chaguaramas to be executed by the CDA. To date the Authority has executed two leases for the use of lands for agricultural purposes within the peninsula and are in negotiations to finalize one more.

The answer to part B: these lands are located in Covigne Valley and Tucker Valley. Specifically, at Covigne Valley, the company involved is Neidel Enterprises Limited. By Deed of Lease dated June 01, 2007, the Chaguaramas Development Authority granted the lease to Neidel Enterprises Limited for the use of 21.366 hectares in Covigne Valley for the purpose of the cultivation of fruits and ornamental plants on a commercial basis. A compliance visit was undertaken on August 08, 2013 and it was confirmed that no activity or development had taken place on the property.

In accordance with the terms and conditions of the lease, this project should have been initiated by May 31, 2009, and completed by May 31, 2011. The lessees have since proposed a change of use to construct an eco-resort and this is now under discussion.

Two, Chaguaramas Farms Limited: by Deed of Lease dated March 13, 2014, the Chaguaramas Development Authority granted a lease to Chaguaramas Farms Ltd, for the use of 100 acres in Tucker Valley for agricultural purposes. Through an April 2014 site visit conducted by the Business Development Office of the CDA it is possible to verify that farming is indeed taking place and that there is evidence of harvesting and distribution of produce. The beneficiaries of this lease are the employees of Chaguaramas Farms Limited, who are gainfully employed, the CDA through the receipt of rent and consumers through the crops which are being cultivated and distributed in the market.

The tender was awarded to Caribbean Chemicals who has elected to execute the agricultural lease project through Chaguaramas Farms Ltd, but in executing the contract according to the decision of Cabinet, CDA has ensured that Caribbean Chemicals is the guarantor.

Current negotiations: Landscape Designs Limited.—by letter of offer dated June 14, 2000, the Chaguaramas Development Authority agreed to grant a lease to Landscape Designs Limited to establish and operate an arboretum, an ecological tree farm and plant nursery. A formal lease was never executed between the previous board and the tenant. The authority is currently in negotiations with the company, with a view to formalizing the lease arrangement between the two entities. Since that time, Landscape Designs Limited have been tenants at will, as no lease was ever finalized under the previous board. The present CDA is actively working with the owners of Landscape Designs to formalize their arrangements subject to the company's compliance with the terms and conditions of the proposed lease.

By Cabinet Instruction: Ministry of Food Production, Land and Marine Affairs—in addition, in December 2011, Cabinet agreed that the authority, the CDA, grant a lease to the then Ministry of Food Production, Land and Marine Affairs for:

- (i) the production of certified botanically true commercial seed for the local farming community and for research activity on non-traditional crops, and
- (ii) for the private investment for the operation and management of a commercial large enterprise which would produce crops that are of a strategic national importance and aligned to the food security thrust of the Ministry of Food Production, Land and Marine Affairs.

The lands earmarked for lease to the Ministry are located in Tucker Valley and comprise of approximately 100 acres.



Part C: the terms of the said lease for Neidel Enterprises are as follows:

- The lease is for a term of 30 years commencing on and including the first day of June 2007.
- Neidel Enterprises Limited shall pay a premium of \$150,000 and during the first five years of the term, the monthly rent of \$8,333.
- The rent is to be reviewed every five years. The tenant must pay an estate maintenance fee of \$9,999.60 during the first five years of the term and thereafter at a rate equivalent to not less than 10 per cent or more than 15 per cent of the yearly rental.

Chaguaramas Farms Limited: the terms of the said lease are as follows:

- The lease is for a term of 30 years commencing on and including the first day of December 2013.
- The rent to be paid is the annual sum of \$180,000 which is payable by equal monthly instalments of \$15,000. The rent is to be reviewed, for the first time, on the sixth year of the term and every five years thereafter.
- The tenant must pay as a service charge, an annual sum equal to 10 per cent of the annual rent for each calendar year for the services provided by the CDA in the maintenance of the peninsula.

**2.15 p.m.**

**Mr. Speaker:** Hon. Minister, it is 2.15 p.m. I do not know how long again you have to answer, because you have (d), and unless the Leader of Government Business would like to extend the time, I would have to ask you to circulate that document to the Leader of the Opposition, and to other Members.

**Hon. Dr. R. Moonilal:** Mr. Speaker, we could enquire how many minutes again the hon. Minister may need, and allow him to finish, if it is the wish.

**Mr. Speaker:** How many more minutes would you require, hon. Minister?

**Sen. The Hon. Dr. B. Tewarie:** About five or six minutes, Mr. Speaker.

**Mr. Speaker:** All right, continue, continue.

**Sen. The Hon. Dr. B. Tewarie:** Landscape Designs Limited, the terms of the said letter of offer are as follows: the lease is for a term of 30 years, commencing on and including the first day of July 2000, with an option to renew for a further 30 years. The lease is to be reviewed every five years. The monthly rent is the

sum of \$3,000. Remember, this was a lease from 2000 and, therefore, this lease is being reviewed by the CDA and is likely to be moving upwards.

The Ministry of Food Production: the 100 acres of land to the Ministry of Food Production are for a peppercorn rent of \$10 per annum.

Part (D.), a decision on part (D.) can only be made following the completion of the ongoing master plan which I mentioned in part (A.). In this regard, the Chaguaramas Development Authority has retained the services of Halcrow a CH2M HILL company, to prepare an integrated physical development master plan, including land use, project proposals and implementation strategies.

The master plan will provide the planning framework to promote and guide the development of the north-west peninsula, and the offshore islands in a sustainable manner, for the next 15 years. The study is currently in month five of a 12-month programme. So that no decision on agricultural leases are going to be made until the report and study are done, so that decisions can be made about what portions of lands are going to be allocated for agriculture.

At present, less than 1 per cent of the total approximate area of Chaguaramas which is 14,767 acres, which includes the mainland and the offshore islands, is being utilized for agriculture. [*Desk thumping*]

**Mr. Speaker:** Questions 160 and 161 would stand over to the next sitting of the House of Representatives.

#### EXPIRATION OF QUESTION TIME

*The following questions stood on the Order Paper in the name of Mr. NiLeung Hypolite (Laventille West):*

#### **Trou Macaque HDC Building (Refurbishment)**

**160.** With respect to the Trou Macaque HDC Building which was destroyed by fire in December 2011, could the hon. Minister of Housing and Urban Development state:

- a) When will the refurbishment commence;
- b) The name of the contractor selected to carry out the work;
- c) The estimated date of completion; and
- d) The estimated cost of the work?

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**Trou Macaque HDC Building  
(Fire Escape Steps)**

- 161.** Could the hon. Minister of Housing and Urban Development state:
- a) when will fire escape steps be installed at the three HDC buildings at Trou Macaque;
  - b) whether a contractor has been selected to do the work and, if so, who;
  - c) the estimated date for completion; and
  - d) the estimated cost of the work? [*Mr. N. Hypolite*]

*Questions time having expired, questions 160 and 161 were not dealt with.*

**Mr. Imbert:** Mr. Speaker, if I could crave indulgence of the House. Was part (D.) answered?

**Mr. Speaker:** Yes, he answered that.

**Mr. Imbert:** Part (D.)? Yeah, I did not hear an answer to that.

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE  
(APPOINTMENT TO)**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that Mr. Chandresh Sharma MP, be appointed to serve as a Member of the Public Accounts (Enterprises) Committee.

*Question put and agreed to.*

**PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013**

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** [*Desk thumping*] Mr. Speaker, I beg to move:

That a Bill relating to the planning and development of land and to repeal and replace the Town and Country Planning Act, Chap. 35:01, be now read a second time.

Mr. Speaker, hon. Members, this Bill was first read on September 23, 2013 in the other place. The second reading was on January 14, 2014 and following debate, the Bill was referred to a Senate Select Committee. So that nearly four months were left for public comment and for perusal of the Bill, before it actually went to a Senate Committee.

The report of the Select Committee was laid on May 13, 2014, and debate on the report began on June 17, 2014. So there was a period of just under a month between the laying of the report, and the actual beginning of the debate on the Bill.

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The debate on the Select Committee report went on for two full days, and the committee stage, in spite of the fact that the Bill had gone through 12 Select Committee sessions—[*Interruption*]

**Mr. Imbert:** Mr. Speaker, on a point of order. Are matters in the other place relevant in this House? I do not think so. No, no, we really do not—[*Crosstalk*]

**Mr. Speaker:** I want to sustain that point. There is no need for us to be briefed about what has taken place in the other place. You are now in this place, and we deal with the matter that is before us. Thank you.

**Sen. The Hon. Dr. B. Tewarie:** I will be guided by you, Mr. Speaker. I was just giving a history of how the Bill came here. [*Crosstalk*]

**Mr. Speaker:** You do not have to refer to the other place. [*Crosstalk*]

**Sen. The Hon. Dr. B. Tewarie:** So, the Bill has a long history before its evolution to this point. Indeed, this Planning and Facilitation of Development Bill is the culmination of a process of reform, dating back as far as 1988. There has been, what you might call, a continuous reform process since the NAR regime of 1988, but problems with the system having to do with planning, in relation to land and development, were already noted by reports in previous regimes that predated the NAR, that is to say, the People's National Movement regimes, notably in the Scoon Committee report and in at least one Auditor General's Report.

In 1988, under the NAR administration, a comprehensive reform of the present Town and Country Planning Act, Chap. 35:01, was the subject of technical assistance from the United Nations Centre for Human Settlements. This assistance was granted to the then Ministry of Planning and Mobilization to strengthen the legal framework and the administrative framework and this led to two reports, the Patrick McAuslan report, the legal report and the administrative framework report, the Francis Amos report for urban and regional planning, and even at that time, a Bill was produced, a draft.

In 1995, there was an IDB funded agricultural sector reform programme pursued by the then PNM administration. The Bill was further revised by a broad-based committee of public officials and stakeholders. The committee had the support of international drafting consultants. Much of the present form of the legislation was developed, including a planning commission and powers to devolve both plan making and development control to local government, and integrated planning and building approvals.

In 1996, under the UNC administration, Cabinet appointed the Interim National Physical Planning Commission, which further revised the draft legislation, and held extensive national consultation before producing the 1998 draft Bill. That Bill was passed in both Houses in 2000/2001, but it lapsed with a change of administration.

The Bill we have before us is an upgraded Bill which—the upgraded Bill, sorry, of 2000/2001—enhanced the role of the stakeholder planning commission, furthered the process of devolution of both development planning and development control to municipal government, established a coordination mechanism for regulating development, via a one-stop-shop mechanism, and developed a judicial appeals mechanism.

In 2001—2010, there was no direct planning legislative reform in the period 2001—2010. The then PNM administrations pursued local government reform in which elements of planning reform were included. These elements included the devolution of development planning, and a class of simple development to municipal government, and proposed the establishment of a development control authority with an office of enforcement.

The present People's Partnership Government, in presenting this Planning and Facilitation of Development Bill, 2013, established a multi-stakeholder national planning taskforce in 2011, to revise the PADL Bill of 2001, and we have now introduced this new Bill to Parliament. This gave rise to the Planning and Facilitation of Development Bill, the one before us. The Bill remains in essence, one that was passed in 2001 in both Houses separately, but has been significantly updated to take into account evolving trends since it was first debated in Parliament. It has also undergone a vigorous process of legal and functional fine-tuning, at a pre-legislation review committee, LRC, and the LRC process stage, and is supported and framed by a national spatial strategy, which has also been laid in this Parliament.

Between 2001 and 2010 then, nothing really happened in relation to the planning Bill, that is, during the period of administration which immediately preceded ours. But as I indicated earlier, the emphasis then was on local government and the implications of decentralization for devolution of planning authority in local government.

So that the last administration did make a contribution to regional planning by addressing the issue of devolution of development planning by identifying a class

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of simple development, and by recognizing the importance of a development authority with enforcement powers.

**2.30 p.m.**

In this Bill, this People's Partnership administration has sought to build on all the good things since 1988, which were worthy of retention and/or consideration. And this Bill aligns the process of integrated central planning, within the framework of a national spatial strategy, with regional strategies as well as community-based strategies, based on an integrated planning approach for the purpose of the achievement of sustainable development goals.

And we have made modifications to the regional planning initiatives of the last administration and, following modifications, adopted them as part of government policy through Cabinet decision. So that our entire approach to integrated planning for sustainable development has been one of selective continuity and meaningful change for the betterment of our country, for the convenience of our citizens, and with a commitment to good and effective governance and to planning reform.

So we are seeking to proceed with passage of this Planning and Facilitation of Development Bill so that we can bring order, system, structure, fairness and objectivity to the matter of land development and built development in the country. But we gave certain undertakings, this administration, the People's Partnership administration; in the manifesto of 2010, on page 52, we state, and I quote:

“We will introduce the Planning and Development of Land Bill...with appropriate adjustments that may be required, to govern land use planning and development so that development can take place in a coherent and sustainable manner...”

So even in the manifesto commitment, we acknowledge that a Bill had in fact been passed in Parliament, the PADL Bill, and lapsed and that we would begin from there to present a Bill to Parliament.

Then on page 16 of the manifesto, we said:

“Adoption of a much more decentralised model for regional development planning.”

and that is why you have this alignment here between the National Planning Authority and regional authorities.

And then on page 20:

“The planning and development of land will be pursued in a proactive manner and we will not wait until after ad hoc development has already taken place to superimpose proper planning.”

This was in the Local Government Manifesto of 2010.

And in the *Medium-Term Policy Framework*, on page 14, under “Supporting Enlightened Development Practices”, I quote from the Medium-Term Policy Framework:

“Physical planning shapes the country we live in and, therefore, the environment in which the economic and social transformation will take place. It is vital for the spatial articulation of socio-economic and environmental goals and for achieving sustainable outcomes. Successful implementation of plans and policies must be linked to a system of planning that is transparent, inclusive, and responsive while ensuring the sustainability of development...”

Now, in preparing this Bill, and while we were preparing the National Spatial Development Strategy, both of them concurrently and aligned to the work of the National Planning Task Force, which included members of Town and Country Planning of the Ministry of Planning and Sustainable Development, we also did a number of things that need to be taken into account in terms of development of the country.

We did, for instance, a human development atlas, which, basically, gave the documented state of the country, so to speak, the facts in terms of human development for every region of Trinidad and Tobago; 14 of them in Trinidad and two in Tobago.

We were also awaiting the census document which was produced in 2011. We did, as well, the *Medium-Term Policy Framework, 2011—2014*. We took into account the *Working for Sustainable Development in Trinidad and Tobago* report, which was presented to Rio+20. We did the revision of an adoption of the regional spatial plans. We initiated LED programmes through the Ministry of Local Government, having to do local economic development plans, which have to do with a local economic development thrust and initiatives within the local region.

We did four studies on the growth poles that we identified, four of the five. We did revision of policies in key centres of the country. We were embarked on a constitutional reform consultation, a local government reform consultation

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exercise. We developed an innovation policy and we identified the areas for diversification and the thrust that we needed to make in relation to the development of the country.

So that the Bill needs to be seen against the background of the National Spatial Strategy, which takes into account the various types of work that were done, looking holistically and looking specifically at local areas in the community as part of a development strategy for Trinidad and Tobago.

Now, the law which established the Town and Country Planning Division was passed in 1964 and the National Physical Development Plan was not ready until 20 years later, in 1984. So the Bill that was passed in 1964 was being administered for some years without a national physical plan as the plan only came into being some 20 years later after the Bill was passed. And it is important to understand that we have made significant progress in the methodology, in the way that we do the business of planning, in the way that we address the issues of development in our time.

Today, we are much more research-driven; we are much more deliberate; much more methodical, and much more committed to an integrated planning approach. For the sake of the historical record, Mr. Speaker, I want to say that the person who piloted the Town and Country Planning Bill in 1964, was none other than the hon. Prime Minister at that time himself, Dr. Eric Eustace Williams, and when he presented the Bill, he received immediate support from the Leader of the Opposition, Dr. Rudranath Capildeo, who made a very short response, basically saying that the time had come for this; that we should do it and that we should get on with our business. And that Bill was passed at that time with support from both sides of the House.

But it was a very different time, as you would expect, in 1964; a very different context and a very different vision. During his parliamentary presentation, the late Dr. The Hon. Eric Eustace Williams spoke about the Town and Country Planning Act in this way and I quote from his presentation:

With this measure, we expand the scope of planning in the country from economic planning with physical planning. The time has come to put a stop to the divorce between economic planning and physical planning.

At that time, the issue was integrating economic planning with physical planning, that was the thinking at the time. A British consultant had been brought down to prepare the legislation and do some consultation in the process.



The National Physical Development Plan, which came into being in 1984, 20 years after the Bill for planning was actually passed, the Town and Country Planning Act has never been revised since 1984, and the National Spatial Development Strategy is the first revision of that National Physical Development Plan, bringing the country into the contemporary period and the planning Bill is an accompanying piece for execution within the framework of that spatial strategy and policy.

But we have, therefore, laid before this House our National Spatial Development Strategy. This was laid around the same time that we laid the Planning and Facilitation of Development Bill for first reading and that National Spatial Development Strategy is driven by a vision and the role. The function of the Bill, which I hope that with the help of all Members we will pass in the House of Representatives today, is to facilitate the achievement of the vision for Trinidad and Tobago, 20 years hence, a vision based on integrated planning to achieve sustainable development objectives, balancing economic prosperity with environmental conservation, socio-cultural harmony and community development.

Let me share with you this vision for our country as articulated in the National Spatial Development Strategy because the Bill is really the administration and execution arm of the policy and the policy's strategy framework.

So our vision in the National Spatial Strategy is that 20 years from now, Trinidad and Tobago will be a nation where all people enjoy a high quality of life, within a safe, healthy, inclusive and sustainable physical environment and physical socio-economic and cultural environment.

We anticipate that the country will be a hub of innovation-driven economic prosperity focused on sustainable development and environmentally-sensitive design standards. We envisage that both urban and rural areas will provide good employment opportunities and city and town centres will cater equitably for the needs of both residents and visitors through the provision of retail and commerce, recreation and cultural facilities and education and health services in a peaceful, secure, accessible and healthy environment.

We also envisage food security and energy efficiency to be achieved through innovation, through diversification and targeted investment in the agriculture and fishery sectors, in the first instance, and the renewable energy sector in the second.

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An efficient, integrated and sustainable transport system will link homes, jobs and key services, while reducing dependence on private car use and making alternatives more viable and more attractive to use. Benefits of reduced congestion and pollution will be reflected in improved productivity, better health, reduced stress; all of these supporting a stronger economy and economic system.

The benefits of an enhanced quality of life based on sustainable development will be shared across the nation, urban and rural areas alike, so that disadvantage, injustice and poverty are eradicated.

**2.45 p.m.**

People will be actively involved in the planning of national and local environments and management of change will be based on transparent and consultative decision-making processes. This is our vision, the vision of the People's Partnership Government and the vision of our hon. Prime Minister, Mrs. Kamla Persad-Bissessar, not only for how the country will be, but for how we will operate as a country, and what will be the relationship between those who govern and those who create the conditions for those who govern to lead the country.

The idea is that we are moving into a phase of greater and deeper democracy, of more decentralization, of more devolution of authority and more inclusion for the purpose of building an economy based on principles of equity, and to create the conditions for more opportunity in the society. So we say in this vision that people will be actively involved in the planning of national and local environments, and that management of change will be based on transparent and consultative decision-making process. That is part of our vision for prosperity for all, for sustainable development of our country, for integrated planning with inclusion in mind, and with an eye to equity for peace and stability, and a better quality of life wherever our people live, work and play.

The second issue worthy of note about this Bill is the comprehensiveness of the coverage of this particular Bill. Members should take note of the alignment of the Bill with a clear National Spatial Strategy, and that is linked as well to regional strategies, and the idea is to build community strategies that are also linked to these.

So the second issue of note is the comprehensiveness of the coverage of this particular Bill. This Bill will not only manage the business of land use to facilitate orderly development in keeping with sustainable development principles, but it will also set the standard for the following matters: first of all, building codes—

regulations governing building codes will be made to standards applicable to the construction of buildings for structural and fire safety health, and general welfare of persons, both within or nearby the new buildings being constructed.

I also share with Members of this honourable House, Mr. Speaker, the information that we are now in the third year of a microzonation study, which my Ministry initiated some years ago, and we are already at the point where we are getting reports for the major city centres, such as Port of Spain and San Fernando. But at the end of this microzonation study, we will be in a position to assess risk factors involving earthquakes for critical areas of the physical landscape, so that the building codes will be aligned to these elements in it. As we get portions of the microzonation study, we strengthen the building code system in those sectors for which we have the information.

What we are doing here, therefore, is part of a well-thought-through integrated approach and strategy to bring development planning and development thinking in this country into the 21<sup>st</sup> Century, to embrace the most contemporary and enlightened thinking about development practices in any country, anywhere.

We have just received our report on what, why and how for the establishment of a national spatial infrastructural system, which will bring all the relevant information that is linked to planning and decision-making to one cyberspace location with managed access for multiple stakeholders.

So in addition to the things that I have mentioned to you, in addition to the spatial plans, both local, regional and community, and the Bill itself, which is the execution mechanism, you will have an information system accessible in cyberspace to support the decision-making process.

This Bill will also regulate land use through planning permission in a way that manages the sustainable development principles, which is, taking economic prosperity, on the one hand, and balancing it with environmental considerations and ecological considerations on the other, but also taking into account cultural and social harmony, and community development on the other. It will create the conditions for rights too, and for mechanisms of appeal, so that the citizen is not crushed in a mindless system or a blind system, or an insensitive system.

This Bill will facilitate the development of all spatial strategy within the context of sustainable development, for example, the protection of trees is part of the legislation. Some may laugh at this or smirk at it but it is a serious matter. In a small island nation state of seven relatively little islands—five of them off of Chaguaramas, Tobago, of course, and Trinidad, the largest one—trees are an

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important commodity. Trees are important. Trees are our source of oxygen and a source of beauty, and a symbol of life and creation.

This Bill creates the conditions for quality standards for building applications by ensuring that they are submitted by a registered professional. So we are bringing the professionals into the process and giving them a role, and creating the conditions for self-regulation at the professional level, but also for government determination of minimum standards. Simple applications such as home construction will not necessarily require this, and simple construction will be aligned to a simple but adequate building code, but the more complex application will require the involvement of professionals in the process.

What about offences and penalties? It is an offence in this Bill to assault, obstruct and/or to intimidate an officer operating under this Act. It is also an offence to supply false information and to fail to comply with the various orders under this Act. It is also an offence to bribe and to offer a bribe to an officer operating under this Act, and it is also an offence for an officer accepting a bribe, and these are subject to penalties. So we are trying to make the system as clean, as transparent, as open as we possibly can.

The difference that this Bill will make is that under the guidance of the National Spatial Strategy, to which regional plans will be aligned for harmonization, the decision-making strategies to facilitate orderly sustainable development practices, and the control of those matters just identified for which clear standards will be set, with all of these things in place we will then be able to link prosperity for all economic strategies.

So, the linkage of the economic strategies with planning and development, and with spatial strategy, is critical for moving forward with development. We will be able to manage in a thoughtful and judicious manner, legitimate environmental and ecological demands, and we will be able to support sociocultural harmony and social capital building by the way we design communities, by the way we build infrastructure, by the way we create green spaces and commons, by the way we facilitate commerce, business and industrial strength, and by the way we create the conditions for an equitable spread of benefits and opportunities which will indeed strengthen the platform for equity itself.

So part of the value of the spatial strategy is to spread prosperity geographically, and this is an important part of the development of the country. In order to support this—and I want you to see, hon. Members, and appreciate, Mr.

Speaker, how integrated and complementary a number of our actions are in relation to the development strategy for our country. Already we have completed four studies for four of the five growth poles in Trinidad. More discussion is required on the growth pole in Tobago with the House of Assembly, and we have initiated that process already, but four studies have been done and these studies have all yielded actionable strategies.

Recently, work by the East Port of Spain Development Company has been stepped up as infrastructure projects targeted at increasing the physical stock of assets and making lives better for residents and businesses have received attention. Over the past year, several projects have been completed and many are now ongoing, some soon to be completed, but I want to make mention of only three: a community-based water management project, a pit latrine eradication project and a WiFi project. I make mention of these to show how the way you approach development can make a big difference in any community.

So I go to these three projects in east Port of Spain: the wireless connectivity, for just \$250,000 this is what has been done—11 wireless hot spots have been installed at Beetham Government Primary School, Mango Rose Homework Centre, Beetham Community Impact Centre, Laventille Youth Facility, Despers', which is the Despers' Yard. Other installations are scheduled for Basilion Street Youth Facility, Sea Lots West Homework Centre and Sea Lots East Basketball Court. So for a minimal amount of money you can make a difference in the accessibility of cyberspace to large numbers of people who do not have that access, and here we are focused mostly on the children and the youth.

A sustainable community-based water project—this is what you can do for \$500,000. The project involves installation of rainwater harvesting systems consisting of guttering, connection to existing drains and construction of a water tank base. Five units were completed at Beecham Coco as part of a pilot programme, and 18 units are scheduled for Picton, eight of these are completed. An evaluation of the project is under way in preparation for replication in other communities, and this is one of the programmes that we wish to accelerate.

I want to say a little bit about the pit latrine eradication programme because I myself was quite shocked when I went up to east Port of Spain and saw that, in fact, this was a fact of life. And working with the Port of Spain Corporation, the City Council, in other words, a pit latrine eradication programme involving 40 pit latrines were replaced with wet cork containing WC septic tank and soakaway, shower, sink and all electrical, plumbing, tiling, painting and doors—100 per cent

completed—and we have taken a decision to proceed with the eradication of these over the next year.

**3.00 p.m.**

Recently, in that particular area we signed a loan agreement involving US \$120 million with the IDB for a flood alleviation programme in Port of Spain. This IDB-financed programme will mitigate flood events in the city, by supporting the improvement of catchment management through the implementation of drainage infrastructure, such as interceptors, drainage systems, detention ponds and pumping stations, and these are being executed by the Ministry of the Environment and Water Resources.

What about the North Coast of Trinidad, another growth pole? This is the second one in Trinidad, and the actionable strategies include, based on the study: regularization of the layout of existing landholdings and land tenure of present occupiers of the settlements; upgrading of roads and other infrastructure in agricultural areas; intensification of agricultural production and, where viable, expansion of activity onto other lands suitable for cultivation; promotion of agricultural research and experimentation and the introduction of agricultural training in the region; promotion of organic farming methods involving mixed farming; restricted soil tillage and the use of natural fertilizers and pesticides, rather than chemical products; establishment of agro-processing facilities as a means of adding value to the products and increasing business and employment opportunities; upgrading the fishing centres of Las Cuevas, Maracas and Blanchisseuse.

Activities proposed for the recreation and tourism sector include resort development, entertainment, shopping, beach-oriented recreation, swimming, water sports, yachting, fishing, hunting, camping, hiking and pleasure diving. One of the things about the North Coast area is that almost half of it is under forest cover, and basically enjoys one of the most beautiful rainforests in this part of the world. Management of the forest stock, through such measures as maintenance of existing vegetation; reforestation of disturbed areas with native species; replacement of old and diseased trees and thinning of dense areas where necessary. All of these things are very important for development, for the management of land, for the management of space, land space so to speak, and for linking community development and economic development to other important considerations, such as the environment and ecological realities.

All of these things that we have identified are actionable items for the North Coast, and it does not take into account decisions made by Town and Country Planning which have also, in fact, facilitated private sector investment in the tourism sector in that part of the country, but the whole approach there is the approach of sustainable development. In that entire North Coast area, you have only 3,000 persons living, and their skills are quite limited and, therefore, the way you approach development has to take these things into account.

I want to indicate that the first report on the city of Port of Spain was prepared by Mckinsey, with recommendations on how to proceed, and today we are working with city leaders in Port of Spain and the Port of Spain district, with the mayor's office in Port of Spain as well as other investors, to develop not only east Port of Spain but the city centre itself, indeed, a sustainable city of Port of Spain. So the first study was done by Mckinsey.

The second study on the North Coast was done by Ivan Laughlin & Associates on the physical side, and the Trade and Economic Development Unit of the University of the West Indies, led by Dr. Roger Hosein. So we had a physical assessment of the assets and liabilities and challenges, but we also had an economic assessment of what might be possible, given the strategy of preserving and conserving this part of the country, but understanding the need to have economic progress and prosperity, and to raise the standard of living of people there, and to build a tourism industry that was clean and that was aligned to the principles of ecological sensitivity and sustainable development, and that would be absorbable by and valuable to, not just the landscape, but the people who live there.

For central Trinidad, the strategies include executionable strategies. Again, a study was done there by the Arthur Lok Jack Graduate School of Business. What they recommended were actionable strategies in the areas such as development of parking facilities for Chaguanas, including park and ride arrangements and investigating the possibility, which we have agreed now to do, of city status for Chaguanas, using a cluster approach. Several clusters were identified in central Trinidad, these include retail and wholesale distribution, energy services, pottery and tourism, with a special approach to the central port, that is Point Lisas, involving logistics development.

These recommendations were made to further develop the competitive advantage of these clusters, and these include building supporting infrastructure, such as the usual roads and drainage, but also ICT infrastructure, increased police presence in the main commercial centres and a business incubator programme for

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pottery, as well as promoting pottery as a viable export product.

I want to say a little bit about the city of Chaguanas because recently the hon. Leader of the Opposition indicated that he was supporting city status for Chaguanas. But I want to say that not so long ago, a Motion was brought to the Chaguanas corporation to grant city status to that particular part of the country, and it is very much needed when you think of the flow of people into Chaguanas. There is an 11 per cent movement of people, based on the 2011 census, and probably increasing now. When you go to Chaguanas and you see the housing, both public and private sector, taking place in that area, when you see the commercial activity, et cetera, you begin to see that this is a bustling city. And just as we can have a sustainable city of Port of Spain, we can have a sustainable city of Chaguanas, and more than that, we can have smart cities, a smart city of Port of Spain and a smart city of Chaguanas. Therefore, we wanted to address the issue of city status for Chaguanas.

But when that matter came up before the corporation, it did not receive any support at all from the Opposition—

**Hon. Members:** Awww!

**Sen. The Hon. Dr. B. Tewarie:**—and it did not receive any support at all from the ILP representatives on the corporation. In fact, they objected to city status for Chaguanas. So I was quite surprised to see the hon. Leader of the Opposition talking about his support for city status for Chaguanas. I hope that if this matter should come up again in the council, we would see the corresponding change of mind and change of attitude and change of behaviour from the representatives at the corporation, following their leader, so to speak, so that we can, in fact, create the conditions and develop Chaguanas as a city. We have a committee working there, which is quite integrated, involving local government, central government, business leaders in the community, Ministry of Local Government, in order to make this possible.

The south-west peninsula—the study was recently completed, and done, again by the Arthur Lok Jack Graduate Business School. For San Fernando, some of the clusters identified were energy support services, finance; insurance and legal services, construction, printing and publishing and educational services. For Siparia, clusters included agro-based industry, fishing, meat processing and upstream energy.

For Penal/Debe, the clusters included agro-based industry, fishing, wood and wood-related products, construction, fabrication and energy. For Point Fortin,



clusters included upstream energy, fashion and garment and construction. In terms of tourism, also a major cluster that is common to all the subregions, so that it is possible to develop all of these in a certain way, in each of these regions, and within each of these subregions and clusters, recommendations were developed for further development.

So in all of these areas, the focus has always been on how to bring the people one by one into economic prosperity. What the study did was that it looked in each community for anchor industries. It looked in each community for developing clusters. It looked in each region for things that existed side by side, but did not seem to be connected and how they might be connected and facilitated to connect, and they looked at opportunities in terms of what was happening to the population.

It is the focus on individuals, people, one by one, that has always been driving our thinking about development strategy. You will see that as we develop, not only do we have a national spatial plan, a regional development plan and you have this Bill now, but you also have these strategies for the growth poles as well. These things have been based on studies, and they have been done with a micro understanding of the economy in the subregions, together with a macro understanding of the dual energy-dependent economy that we have and the need to unleash entrepreneurship to make business creation and diversification possible.

So that for each of these areas, let us say the south-west, they have identified anchor industries. They have identified the existing clusters. They have identified potential cluster-building possibilities. They have identified the small and medium enterprises and the potential for expansion of these industries, and they have identified the mix between Government and private sector intervention that might stimulate the most intense and quickest intensity of growth of these particular areas.

Let us say, when we talk about the south-west, for instance, you also have to take into account the big investments that are going there, in the form of, let us say, the Mitsubishi-Neal & Massy investment in that part of the country, and you have to take into account as well that we have done a port rationalization study that will have implications, not only for decisions on ports, but for actions on other infrastructure requirements. Let me tell you what I mean.

The Minister of Energy and Energy Affairs, for instance, has taken the initiative, almost completed now, to develop an energy port in Galeota, but once

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that is done and the traffic begins to be attracted by the existence of the port, what it would imply is immediate expansion and growth of onshore activity. So although we have initiated the Valencia Highway that we are building in that part of the country, it has also become necessary—and Cabinet has decided—to open up a road, not just going into Princes Town, but all the way to Mayaro, because when you look at Mayaro and the ways to get to and from there, you see a little road passing through Sangre Grande, into Manzanilla and up to Mayaro, and then you see a very bad road into Princes Town and then along the villages there, as you get to Rio Claro.

**3.15 p.m.**

Therefore, the port itself and the construction of one piece of infrastructure and the business that it generates, then creates the opportunities for the generation of new businesses and new opportunities, and that then generates the need for infrastructure development and growth. So you have now two major highways being added to the country to make a difference in terms of the transportation system. [*Desk thumping*]

Therefore, you need to see how we look at this business of integrated planning and spatial planning, that it is not unlinked. It, in fact, is directly linked to the business of economic interventions, of geographical interventions, of port interventions, of road construction, of infrastructure development as well. And it is not unlinked either to the very simple things that we do, like roads and drains in the communities that make the quality of life, together with community centres and schools and other things, better.

Now, it is within this framework for growth poles, that economic development zones have been identified. So, you have the spatial plan, you have the regional spatial plan, you have the community plans for development, you have the LED strategies, you have the growth pole strategies, but the Minister of Trade, Industry, Investment and Communications has also identified within these growth poles what are called economic development, economic zones. And it is within these economic zones—and remember we have LED strategies and projects led by local government entities as well, and the Ministry of Local Government through the various local government entities in the area—that things are happening.

So in the south-west peninsula, for instance, that is very active. You have the big investments like Mitsubishi, you have the thinking about what to do in terms of port development. You have the highway going there. You have as well the LED strategies involving the local government, the corporation, and also

community-based industries that are interested in the development. You also have, as part of the development there, strategies that involve State spending, as well as opening up for private sector investment.

**Hon. Member:** Coordinated and holistic.

**Sen. The Hon. Dr. B. Twarie:** And with this kind of perspective and world view comes the need for an integrated planning approach, with the people at centre as major beneficiaries, through education, through skills, through jobs, through entrepreneurial opportunities, business growth opportunities and people at the centre as our principal resource base, in terms of their—not just their human and intellectual capital, and their imaginative capital which is their one, which is our one national inexhaustible resource of creativity and innovation. Because the imagination of people, you cannot discern the value of that one by one. You never know what the potential is.

So, oil and gas are important, but the imaginative capital which resides in every single human being and every citizen of this country, is very important. And therefore, I want to say something about the perspective of this Government in terms of development, in contradiction so to speak, in policies which emanated in this country over the first 30 years, and in a sense has persisted over time, over 50 years.

When you think of the simple, elementary approach to economic development, three things are identified—land, labour and capital. And if you look at a situation where the State expands itself to the extent that it controls the dominant aspects of the economy, what it means is that the State, not private capital, is in control of capital in the country.

And when you look at the expansion of that state sector, and you look at the expansion of the public sector in general in various forms, you begin to see that jobs, labour are also controlled by the State. And when you look at the development of the country, you see that the land itself and the development of land—so you have labour, you have capital, all controlled by the State, by and large, the extreme example being in Tobago—and you then have the land which is another asset, and that land and the development of that land is suppressed in the system without any strategy for facilitation of the development process. And by suppressing the development of land, and by having capital in the hands of the State, and by having the State as the major employer, you begin to see how underdevelopment is, in fact, a factor of policy.

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Therefore, in the movement into this direction with this national spatial strategy, this approach to the development of land in our country, what we are doing is really trying to create the conditions, but in an orderly way. In a way that respects the nature and character of our country. And I want to say what our country looks like. It is only 2,000 square miles, about that, and this is the proportion in which the land is divided: you have water bodies and wetlands about 7 per cent of the country; you have the pitch lake occupying, for all the acres that it occupies, less than 1 per cent, less than half per cent, almost nothing in statistical terms, in terms of the size of occupation. You have ecologically sensitive sites that occupy about 31 per cent of the country, and therefore, it is very important that we manage these with care, that 31 per cent, almost one-third of the country.

The existing settlements that we have, by and large, ribbon development in the country, occupies about 9 per cent of the land space. The road reserves take up about 1 per cent. The rivers and streams and reserves related to this, take up about another 1 per cent. The forest cover is about 11 per cent. Agricultural lands are about 30 per cent. And the land stock available for development is just 10 per cent. Now, 10 per cent is about 200 square miles; that is not so small, it is not so large. It is about twice the size of Tobago. So that is the land space that we are talking about in terms of development, if we do not touch the rest.

And therefore, how you manage the development process, and how you use land as an asset for development purposes, in relation to labour and capital, this is a very, very important consideration. This is a thing that you have to deliberate carefully about in order to facilitate the process of development and wealth creation. Because the vision of this Government is that we can double the GDP of this country, that we can double the per capita income, but at what cost, the diversification? And how do you manage this process, given the strategies that we are deploying? And therefore, it is important to look at the land very carefully, to look at the options we have, and to manage this in a very important way.

And it is here that the unleashing of the talent of our people, their human imagination becomes important. It is here that entrepreneurship becomes important. It is here that diversification becomes important. It is here that new business creation becomes important, but it is here also that we need to develop these things, understanding that we need to manage other things, sociocultural considerations, and community development considerations, the environment and other related considerations, such as ecology.

Therefore, this Bill gives us an opportunity, not just to talk about that, but it gives us an opportunity, if we are serious, to manage the development of this country properly.

**Mr. Speaker:** Ten more minutes, hon. Minister.

**Sen. The Hon. Dr. B. Tewarie:** Thank you very much, Mr. Speaker. Therefore, I want to go directly to some of the issues in the Bill itself, simply to mention some of these as I go forward.

I have shared with you the bigger perspective in terms of planning and development, the integrated planning that is required, and I want to focus now on some of the things that relate to the Bill itself.

This Bill deals with what you might call the administrative functions. It outlines the roles and functions of the Minister. And under the Town and Country Planning Act, the Minister had a significant amount of—or has a significant amount of authority. The disposition of the Minister really determines how much power he will use or she will use, and how much restraint he or she will exercise, but the authority and the power are there.

In this particular Bill the situation is a little different. Power is not taken away from the Minister, but a lot of the power which now resides in the hands of the Minister is, what you might say depoliticized, so to speak, and established in a national planning authority.

This Bill, therefore, establishes the National Planning Authority. And you can find the clauses that are related to that, 6, 13, and 15 establishing it, and 7, 8, 11, 12, 13, 14 and 17 establishing the operations and responsibilities of the NPA. So, the NPA is a very important institution.

The second thing is that, more power is devolved to the local government authority for—to the municipal corporations, so to speak, to prepare sub-national development plans, and to determine simple applications. And we can find that in clause 16.

The idea is that we will start with simple applications first as we devolve authority, and prepare the local government with the capacity that is necessary to do it, and as things go forward, as evolution takes place, more and more authority will be devolved.

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The Act also recognizes the Tobago House of Assembly as a planning authority. It already is in fact that within the meaning of the THA Act, and concedes due authority in keeping with the requirements of the Constitution.

And under section 16, the Act allows the Minister to appoint a planning authority, other than the NPA, the municipal planning authorities or the THA, as a special jurisdiction. So that, not only will you have devolution at that level, a local government at the THA level which already exists, but you could now have it, for instance, in the East Port of Spain Development Company. You can have it in Chaguaramas as you, in fact, already do or there are new institutions that you can create, or institutions which exist that can have that authority.

Something that is important in this Bill that does not exist right now, is the requirement of consultation. If you are doing a development in a community under this Bill, you have to publish what you are doing and give notice, so that everyone can understand what is happening in their community.

**3.30 p.m.**

Secondly, the community has an opportunity to indicate whether or not they are in agreement or whether they object to certain things. And therefore it allows for a great deal of community engagement and community participation under this Bill, and therefore the empowerment is not only in terms of devolution of authority, is not only in terms of creating sub authorities that can do things within a jurisdictional area, but also to the community itself so that it can influence the process of development within its own community.

Within this system you have a very strong authority, in terms of the director of planning who is an important functionary in the process that deals with the whole business of development. You have a very strong functionary in charge of enforcement which is an important part of the Bill, and the enforcement requirements have been strengthened here. And you also have, in this particular Bill, you have provisions, of course, not only for planning and for enforcement, but also for a Chief Building Officer who will address the issue of buildings, their construction, the issue of standards, building codes, et cetera, to ensure that we have sound buildings in the country.

And right now, as we change policy, as we revise policy, we are looking at having a lot more freedom, in terms of the height of buildings, depending on the size of the place, and if you are going to do that, the issue of building codes and the structural engineering requirements for buildings are very important, and we

are going to do that, so these three are important. You also have the opportunity for a transparent judicial appeal process and you also have third-party rights in determining development application and public notification procedures as I mentioned. And I mentioned the business of building codes already, and I mentioned as well that the professionals are also going to be part of the process.

**Mr. Speaker:** You have two more minutes.

**Sen. The Hon. Dr. B. Tewarie:** Mr. Speaker, I have tried to give an overarching view of the Bill. I am sure Members have read the Bill, clause by clause and section by section to determine what is important and what is different in the Bill. And I have also outlined some of the main things in the Bill that really give us a Bill that can facilitate the process of development in this country and free up the imagination of people for the development process within the framework of sustainable development which I have described.

I hope hon. Members see it fit to speak on this Bill and to support this Bill, because this is a very enlightened piece of legislation for Trinidad and Tobago that will go a long way in ensuring orderly development in this country, and in facilitating the development process while enforcing the rules to make sure that we do not destroy this beautiful land that we love.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** You have to say, “I beg to move”.

**Sen. The Hon. Dr. B. Tewarie:** Mr. Speaker, I beg to move.

**Mr. Speaker:** Thank you.

*Question proposed.*

**Mr. Terrence Deyalsingh (St. Joseph):** Thank you, Mr. Speaker, for allowing me the opportunity to contribute on the Planning and Facilitation of Development Bill, 2013, as amended in the Senate.

Mr. Speaker, before I start, it is incumbent upon us on this side to join with you in congratulating our colleague, the Member for Oropouche East, on his new status as a father, [*Desk thumping*] and to tell him I am coming to the “barahi”, and I am bringing a bouquet of flowers, balisier flowers for “yuh”, right? So expect me for the “barahi”, with a bouquet of flowers. I congratulate you, and you know, Mr. Speaker, just like in weddings you must hear the joke, on behalf of my wife and I, when you become a father for the first time, you must hear the joke—

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“thank God de child resemble de mother”. You know, we must give him that. So, hon. Member for Oropouche East, heartiest congratulations from our side. We wish you and your family all the best and we wish your son a healthy infancy, and all the best to your wife.

Mr. Speaker, we have before us a second piece of legislation, very important, and it is incumbent upon us on this side to once again register our complaint that this debate either did not start in the Lower House or that a select committee was formed without representation from the Lower House. And I need to explain why, Mr. Speaker. This is a Bill that touches on land, flooding, irrigation, change of use of land. When a constituent has that type of problem, do you know who they run to? A Member of Parliament. I do not think they run to a Senator. I do not think they run to the Independent Senator; I do not think an Independent Senator has to answer their phone on a Sunday morning to find out where the garbage truck is on Christmas Day. I do not think a PNM Senator has to do that, and I do not think a UNC Senator has to do that.

I do not think any Senator has to hear residents come and complain about flooding, drainage, change of land from agricultural to commercial to residential. It is us, the Members of Parliament, who do that work. And whilst I was congratulating Sen. Tewarie for recognizing this as the superior House, the comment coming from the Member for Couva North was that, “power gone to yuh head”. I have said over and over, this is the superior House. Sen. Tewarie, you will know, in the Senate, I said that over and over, and if we do not respect ourselves, who will? Who will? We are already paid a pittance, and then I have to sit here and hear a Bill being piloted after having been discussed in the Senate. We have tenure of office here for five years—they do not—with all due respect to all 31 Senators.

**Hon. Member:** Speak on the Bill, “nah”.

**Mr. T. Deyalsingh:** Speak on the Bill?

**Hon. Member:** Yeah.

**Mr. T. Deyalsingh:** Do you know that Sen. Tewarie only spoke on the Bill for the last 10 minutes?

**Hon. Member:** No, eight minutes.

**Mr. T. Deyalsingh:** Eight minutes, when you reminded him, and that is the disrespect we get here. A Bill about planning is piloted and only for the last eight



minutes when he is reminded that his time is about to run out, and I quote his words: “With 10 minutes to go, I will simply mention some things in the Bill” [*Interruption*]. That is the disrespect again being paid to elected Members of Parliament, Member for Couva North. But I do thank the hon. Senator for a respectful presentation this time—very theoretical presentation, because he hardly spoke to the impact and meaning of the Bill, because he only spent eight fleeting minutes simply mentioning provisions.

And I want to remind everyone who looks on here about the importance of a bicameral Parliament. When we debated the procurement legislation last week, debate was stopped because, thankfully, the Members for Caroni East and Oropouche East recognized the mischief in giving the procurement officer all that untrammelled power. It was missed in the Upper House. I want to put on record, again, the value of this House, because the Cybercrime Bill has been stopped after we pointed out here in the Lower House the threat to the press. And the press belatedly picked it up the day after; and the *Guardian* wrote a whole article about what we said here about clauses 21 and 23. So this Lower House, as long as I am here, I will demand my respect. [*Desk thumping*]

Mr. Speaker, this Bill touches on some serious constitutional issues, section 4(a) and section 4(c) of the Constitution. And it touches on a very emotional issue in Trinidad and Tobago, land, because as my wife’s grandfather in Felicity used to say, “betaa, dey ain’t making no more”. I will always remember those words. “Betaa, dey ain’t making no more land.” And land has a specific special meaning, you know, it represents that family heritage—you pass it on; it represents wealth; it represents where you toil; it represents an investment.

And this particular Bill touches and concerns other pieces of legislation which the hon. Minister did not speak about. It touches and concerns the Land Acquisition Act, the Town and Country Act which we are seeking to repeal, the Land Tribunal Act, Public Health Ordinance, Environmental Management Act, and he spoke about the National Spatial Development Strategy, which is this document here. And this National Spatial Development Strategy is a four-volume document: you have the Executive Summary, the Method Statement and Integrated Sustainability Appraisal, Surveying the Scene and Case Strategy and Regional Guidance. And I will be mentioning some of those.

But, Mr. Speaker, what is unforgivable, is that the Minister just glossed over certain parts of the Bill, under General Administration and Development Plans. Because we on this side, I am putting the hon. Minister on notice, we on this side have serious reservations, like we did with the procurement Bill which you

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stopped, because you recognized that what the Member for Diego Martin North/East was saying was the truth, and congratulations to you, to the Members for Oropouche East and Caroni East for recognizing that. And similarly, we have serious problems with this National Planning Authority. And because you did not mention it does not mean that the problems do not exist.

You know, Mr. Speaker, facts do not cease to exist because they are ignored. Because you ignored the structure you are setting up, the fact of the matter is, as I will demonstrate, it is fraught with difficulty. And I ask the Members for Oropouche East, Caroni East and St. Augustine to pay attention, because they got it the last time.

Mr. Speaker, I go directly to the Bill, clause by clause. Clause 5, under General Responsibility of the Minister. Clause 6, establishment of a National Planning Authority. And what does this National Planning Authority do? And I want all the people on Facebook who will attack me afterwards to understand what I am saying. The functions are to facilitate good and sustainable development, advise the Minister, et cetera, administrative.

Clause 8, the NPA, which is the National Planning Authority, has responsibility to monitor the National Spatial Development Strategy which is this document here. So they have responsibility for making sure that what you publish here is actually carried out. But this is where it starts to get complicated, and I want hon. Members opposite to pay attention because the Minister just did not mention it. Facts do not cease to exist, Minister, simply because you chose to ignore them.

Clause 10, the NPA, under clause 10(1) may appoint ad hoc committees. For example, you could appoint a committee to look into the travesty, that is, Invaders Bay. So you may appoint any number of these ad hoc committees.

**3.45 p.m.**

Clause 11(a). You “shall” now, meaning, there is a higher burden to do it. Little less discretion. You—“shall appoint—a standing committee”—called—“the Development Control Committee’.” So I want people listening, Mr. Speaker, to understand we are establishing a National Planning Committee.

**Hon. Member:** Authority.

**Mr. T. Deyalsingh:** This National Planning Authority, sorry, may appoint ad hoc committees, but shall appoint a Development Control Committee. But look at this now. Under clause 14:

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“The National Planning Authority may,...delegate to the Director of Planning such of its functions as it sees fit.”

And other Members on this side will speak about the Director of Planning and so on.

So, the NPA may now delegate some of its functions. The NPA has already given some of its functions to the Development Control Committee, and clause 14, this person is responsible for development planning and development control. So it starts to get a little bit hazy. You have the NPA—the National Planning Authority—they may appoint ad hoc committees, but they shall appoint a Development Control Committee and then they may delegate as they see fit. The question is:—the picture starts to emerge—who is in charge? But let me go on because it does not stop there.

Clause 16: “Appointment of special and joint planning authorities”. So you are starting to see another layer of committees. Clause 16(2): you could now—

“...appoint two or more municipal planning authorities to be one joint planning authority for...discharge of such function...”

It starts to get complex, it starts to get complicated.

Clause 17: The “municipal planning authority”—established in clause 16(2)—“may”—now—“delegate under Part IV to a committee or to an officer of the authority.”

Who is in charge? The lunatics are running the asylum. Who is in charge? All this delegation, ad hoc committees, development control committees.

Clause 17(2):

“Two or more”—MPAs, that is—“municipal planning authorities may discharge any of their functions...by delegating those functions to a joint committee of their members or one of their officers.”

Mr. Speaker, just as how we pointed out in the procurement Bill, you are setting up a dictator by giving that procurement officer all the powers to stop every project in Trinidad and Tobago. Look at what we are doing now. We are setting up—we are doing the exact opposite. We are setting up now—I tried to sit down last night to draw an organizational structure for this thing. It defies explanation. It absolutely defies explanation. This is madness. Mr. Speaker, to summarize on this item alone, for your benefit and that of the public, we are setting up an NPA. I attempted to draw a kind of organizational chart here. So one, NPA, National

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Planning Authority, they could do three things:

1. They may appoint ad hoc committees, any number of ad hoc committees;
  2. They shall appoint a Development Control Committee; and
  3. They may delegate to the Director of Planning.
1. They may appoint special planning commission;
  2. They may appoint joint planning commissions; and
  3. They may appoint two or more municipal authorities to be one joint committee and these municipal planning authorities may delegate.

Who is in charge of what?

So we have at my last count, five committees: the NPA, Development Control Committee, three special planning committees, a joint planning committee and two or more municipal planning authorities. So we have five committees already established, in addition to any number of ad hoc committees, and what complicates the issue is that everyone can delegate. Member for St. Augustine, everyone can delegate. Right? Everyone here can delegate. But it gets worse. It gets worse. Let us see what it is we are trying to delegate.

If we go to the Bill, do you know who has the real power here? Do you know who has the real power? Not the National Planning Authority, you know. That Development Control Committee. That Development Control Committee, Mr. Speaker, has the real power. The National Planning Authority is either deliberately or accidentally insulated and everything rests on the development planning committee. Let me read what it is the National Planning Authority is responsible for. So you will start to get the idea that the NPA has no real power. Its role is to monitor:

- “(a) monitor and oversee...”—this—“National Spatial Development Strategy...;
- (b) prepare periodic evaluation and appraisal”—forms on this—“reports...;
- (c) make”—recommendations and—“reports;
- (d) submit...to the Minister...;
- (e) ensure a high degree of service and efficiency to communities and applicants in regulating development and shall establish time frames and monitoring mechanisms to ensure that this is done;...”.

So it is really advisory, it has to submit reports.

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Let us see what are the powers now of the Development Control Committee, which I spoke about, established under 11(1).

“(i) to coordinate and expedite the development approval process...”—but

“(ii)” —this is the serious part—“to grant final approval...”

So they are the granting power, they are the granting authority, the development control authority which, let us say, is a subcommittee of the National Planning Authority.

“...to grant final approval and render binding advice on behalf of the National Planning Authority and the agencies and”—the—“officers referred to...”

So the Development Control Committee is the real decision maker.

My question is: if this is what is intended, are the persons on the Development Control Committee going to fall under—and it is the same point I made with the procurement legislation. Would this second tier of people fall under the Integrity in Public Life Act; or is it just the NPA, the National Planning Authority? Because it seems to me that the National Planning Authority is insulated from legal action. They are answerable to just the Minister, but they have no real power and that is a serious concern we have on this side—serious concern.

You see, this Bill talks about delegation. Whilst you can delegate authority to get something done, hon. Minister, it is a truism in business studies you could delegate authority, but you cannot delegate responsibility, and the NPA is trying to delegate all its responsibility to the Development Control Committee and all these ad hoc committees. While they are masters of all they survey up there and they are answerable to no one, they are not responsible.

So we want to know with this Development Control Committee, the persons under section 5(1)(g) of the Integrity in Public Life Act, that is, they are a public body which can be examined, and if the NPA is found wanting—if they are found to be in fraud, can they be referred to the DPP under section 17 of the Integrity in Public Life Act? Is the NPA subject to the code of conduct of the Integrity in Public Life Act? Again, the facts do not cease to exist simply because they are ignored.

This is a serious problem. The system is convoluted, it twists, it turns and it might be found out to be in reality totally unworkable. So we will be recommending amendments to those clauses that deal with the National Planning

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Committee and the development control authority and I am hoping that those opposite are welcoming of such amendments.

Mr. Speaker, another serious problem we have with this piece of legislation—and I make no bones in saying this—is the role and functions of the Environmental Commission, because this Act envisages the Environmental Commission to be some sort of tribunal, Court of Appeal. We know that the Environmental Commission is a superior court of record set up under the Environmental Management Act, which falls under the auspices of the hon. Attorney General.

Mr. Speaker, I visited the Environmental Commission’s website last night and that website is famous for its omissions. It is famous for what it does not do. I tried to find out what does this Environmental Commission do, and I really do not care under whose administration it was set up. You could beat anybody for that. There are a grand total of four decisions on that website between 2002 and 2009. The last annual report on the website is 2005, but they got a budget in 2013 of \$7 million. But do you know what is happening? The Commission cannot sit because this Executive has not filled the vacant positions. Yes, Member for St. Augustine, no commission, no full complement has been appointed by the Executive.

So we have an Environmental Commission, which even before you failed to fill the vacancies, was almost non-existent, but now they are dead. They cannot meet. But this Bill, Mr. Speaker, is predicated on robust institutions to support it, and this mess of the National Planning Authority, the Development Control Committee, the ad hoc committees, the municipal planning authorities, the ability to delegate, when added to the mix of an Environmental Commission, which has been derelict in its duty—another institution which has failed—I want the hon. Minister to tell us, when he is closing up, how he plans to solve this.

The Member for St. Augustine was a bit surprised when I said that the Environmental Commission has vacancies. I want to refer him to *Guardian* media, Wednesday, March 13, 2013, article by Yvonne Baboolal.

“A well-placed government source said the terms of the four sitting commissioners ended in December”—that is December 2012—“and January”—that is January 2013—“but no appointments have been made... The source could furnish no reason why the commission was short of two commissioners.”

It goes on to say:

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“The Commission”—

That is the Environmental Commission—and you see, this is why you have to speak to the Bill. The Minister did not speak to the Bill. All sorts of nice things that go down well with the public, but we are here to pass law.

**4.00 p.m.**

This is a Legislature, a Legislature where we pass law and this law we are attempting to pass, just like the procurement legislation, just like the cybercrime legislation which has stopped, is, again, an example of poorly drafted and poorly thought-out law but with good intention. [*Desk thumping*] Again, we support the intention. We recognize we need modern planning laws but what we are seeking to implement here is not the way to go.

The commission has no power to appoint commissioners, that is a matter for the Executive. So the Executive has not seen it fit when this article was written in March 2013, and this is then, maybe they have appointed them since then, but the question is: why were they not appointed when the vacancies became known? Why? Even though the Environmental Commission may say, in their defence, that some matters may be solved by alternate dispute resolution, the fact is, they have failed. They have failed.

Mr. Speaker, the Minister, again, did not speak to specific clauses in the Bill and I want to refer to some specific clauses, but to refer to that, to illustrate the point, and Mr. Speaker, to let you know, I am going to be referring very soon to clause 15(2)(d) which speaks to a flagrant breach to be reported to the director of planning. flagrant breach which is a very broad subjective term. And to do that, to pave the way, I want to refer to today’s editorial in the *Guardian*:

“OSH Act, govt buildings need fixing”

To show you that when we do not examine a Bill clause by clause, when the Government does not take the time to read their own Bill clause by clause, we may be setting up for future discomfort.

“OSH Act, govt buildings need fixing

This exposes significant flaws in the act...”

They are referring to the OSH Act, that is the *Guardian*.

“...which is open to...broad...interpretation. Section 15 of the act, which speaks of an employee’s right to refuse...work where there is ‘serious and imminent danger to himself or others or unusual circumstances...’...”

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Et cetera, et cetera. It goes on to talk about the flaws of the Act. Mr. Speaker, I said I was going to refer to clause 15(2)(d) which I now do. Clause 15(2)(d):

“referring of flagrant breaches of building regulations to the Chief Enforcement Officer;...”

Mr. Speaker, what is a flagrant breach of building regulations? Who determines what is flagrant or non-flagrant? A flagrant breach is a very subjective term open to wide interpretation, narrow interpretation. So if the Minister—*[Interruption]*

**Dr. Rambachan:** What is the clause you are reading from?

**Mr. T. Deyalsingh:** It is clause 15(2)(d). This Bill is filled with such absurdities as I will point out because we on this side read this Bill clause by clause. So that is the first absurdity I am pointing out.

Another absurdity, clause 29(2)(b). If you turn to clause 29(2)(b) and this is where the Government has failed to tell us: are we doing framework legislation or are we doing prescriptive legislation? It was the same problem we had last week with the procurement Bill. It seemed to go into this detail that it should not venture into.

“Notwithstanding subsection (1), the following operations or uses of land are, for the purposes of this Act, deemed not to be development of land...”

And if you go to (b) now, it says:

“the carrying out of works required for the maintenance or improvement of a road, within the boundaries of the road, by a highway authority, provided that the level of the road remains unchanged;”

What are we trying to say here?

“...provided that the level of the road remains unchanged;”

I mean, are we trying to prescribe to such a detail, a degree of nitty-gritty to make the thing actually unworkable in reality?

Mr. Speaker, you go to clause 31(4)(a) under the heading of “Development Orders”. Clause 31(4)(a):

“Without restricting the generality of subsection (2)...”

—which talks about permission required—

“...a Development Order that allows for any development may—



(a) in case of the erection, extension or alteration of any building, require the approval...”

So here it is, eh, we now require the approval:

“...of the National Planning Authority or a planning authority with respect to the design or external appearance of such building;”

What is the external appearance of a building? What is meant in this Act—so if I want to change the colour of a building, or change it from a concrete facade to an aluminium facade, if I want to change the colour, change the roofline, where the appearance of the building is changed, do I need to get permission from National Planning Authority? Is that what is intended? Please tell us. That is another absurdity.

Mr. Speaker, clause 33. I do not know who drafted this Bill, but this Bill is filled with these types of absurdities. The absurd detail which it tends to go into. Listen to this now: “Publicising of certain applications” [*Crosstalk*] Yeah, do not worry with me. That is why the Cybercrime Bill was stopped and that is why the procurement legislation was stopped. “Doh bother with us, doh bother with us.”

**Dr. Rambachan:** Concentrate on what you are saying, “nah”.

**Hon. Dr. Tewarie:** So self-absorbed.

**Mr. T. Deyalsingh:** Self-absorbed.

**Mr. Speaker:** Please, please allow the Member to speak—[*Inaudible*]

**Mr. T. Deyalsingh:** I remind this House that it is because of the Opposition’s intervention that the media is protected from that Cybercrime Bill. I remind this House, it is because of the Opposition’s intervention that the procurement legislation has been suspended. [*Desk thumping*] We are not self-absorbed, we actually read the legislation.

Mr. Speaker, clause 33(1):

“The Minister may, in a Development Order, provide in relation to specified categories of applications for permission to develop land—”

And it goes on in (b):

“that notice...”

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Now, I could be reading this wrong.

“that notice of the application shall be advertised in at least two daily newspapers in circulation in Trinidad and Tobago or...”

So, it is two daily newspapers, “or”. It did not say “and”, it says “or”.

“...on the land to which the application relates or both...”

Which is it? Is it that you have to advertise in two newspapers to give the general public an indication of what you are doing or is it that you have to do it on the land alone? Or is it that you have a choice? Two newspapers or “on the land”, which is what this says, or it must be two newspapers and the land. You know, these absurdities are to be found throughout the legislation. So could someone tell me, clause 33(1)(b):

“that notice of the application shall be advertised in at least two daily newspapers...”

So you have *Newsday*, *Guardian*, *Express*, so choose two, no problem.

“...or on the land...”

So, is it that I can choose to advertise on the land alone where only the people in the immediate vicinity or driving by will see it? Or, is it that it must be in two daily newspapers and on the land? This is what this Bill is filled with. That is why I said the Minister spent eight minutes talking about clauses when the Bill is absolutely unworkable. Unworkable. [*Desk thumping*]

**Mrs. McIntosh:** And saying “yuh” self-absorbed.

**Mr. T. Deyalsingh:** Yeah, and I am self-absorbed. I am self-absorbed.

**Mr. Indarsingh:** If that is the reality.

**Mr. T. Deyalsingh:** And the Member for Couva South is saying that is the reality. Wow. Wow.

**Mr. Indarsingh:** Do not attempt to twist my language—[*Inaudible*]

**Mr. T. Deyalsingh:** Mr. Speaker, it is well known that the country is being faced with industrial unrest even though this is a Government that comes from the bowel of labour, whether it is sugar or oil. And because we have buildings that fall under the Town and Country, which have been deemed unsafe, ordinary citizens now cannot access government services. The Government cannot provide

basic, necessary services to the average person in Trinidad and Tobago.

Mr. Speaker, imagine in 2014, it is front page news and people are rejoicing that they get their passport. My Lord! As Sparrow say, “we pass that stage”. Why should a citizen, in 2014, be rejoicing after having gone to the Immigration Office 10 times, wasted your whole day, days and nights, they are rejoicing, and it is front page news, that they get their passport.

*Newsday* editorial, Wednesday July 09, under the heading:

“Going too far

WE RETURN once more to the situation at the Immigration...”—office.

And it goes on:

“What is the State doing with the \$5 billion Government Campus plaza? Why have proper offices not been set up...? Is it a question of money?

We note with dismay, however, that the issue of worker conditions has been around for decades.”

Admittedly.

“Indeed, Duke himself on Monday reportedly said public officers have been working in...buildings over the...”—past—“20 years.”

But the fact is, the last administration recognized that and built the Government Campus, and I made the statement last week, it was over budget but it is there. In accounting terms, a sunk cost is already sunk. How do you now reconcile that with the anguish of citizens, loss of productivity, which the Minister speaks about so often, anguish to citizens? Do you know there are persons, coming to vacation in Trinidad hoping to get their passports renewed to go back up to the States to work, cannot get it renewed and losing their jobs? You cannot get a passport renewed because a building, under this Act, has been deemed unsafe. People are losing their jobs in the United States, Canada and England because they have come to Trinidad on a vacation, or on business, hoping to get their passport renewed which is a simple administrative thing, they cannot get it renewed and they are being fired. They are being fired.

Mr. Speaker, there is an organization called the “Fund For Peace” and they have set out certain characteristics of a failed State, and we know there were persons who used to love to go around the country saying that Trinidad and Tobago has the characteristics of a failed State, like Chicken Little: “The Sky Is Falling!” This is one of the characteristics of a failed State: an inability to provide

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public services. Where have we come in four years where you cannot get a passport renewed because of a building, the Companies Registry is shut down, NIB offices are closed, Ministry of Education working part-time, Licensing Office working part-time, but you want to keep the Government Campus there and not outfit it.

**4.15 p.m.**

Outfit the Government Campus, and let government workers work in an environment, so that we could deliver the goods and services to citizens. [*Desk thumping*] But you won an election on tall buildings. Okay, the country bought into tall buildings. You know those tall buildings now, are where every, single Minister wants to be housed and park up their cars? Every, single Minister wants to be in a tall building. [*Crosstalk*] Those tall buildings which you won the election on, could have housed the immigration, so that people do not have to go on the front page. [*Crosstalk*] Tall buildings could have housed the Companies Registry. They could have housed all these things, but no, but no, but no!

Mr. Speaker, let me tell you another tall building which seems to be stuck in the craw of the Government, and I am going to raise it. I am going to raise it, and that is One Alexandra Place. I will raise it. One Alexandra Place. It is in the public domain that that building, One Alexandra Place, does not have Town and Country approval, and that is why it cannot be outfitted.

It is in the public domain that one Faris Al-Rawi is involved in it, and yes, he acted as the lawyer for the landlord. It is the same Faris Al-Rawi, whose name was called in this House as not having a Masters in Law, by the acting Prime Minister, who is now the acting Prime Minister, and we had to produce evidence to say he does have a Masters in Law. It is the same Faris Al-Rawi, who is now acting for three Government Ministers in matters which I will not go into—not one, not two, but three. That landlord for One Alexandra Place—[*Interruption*]

**Dr. Moonilal:** Mr. Speaker, Standing Order 36(1).

**Mr. Speaker:** I think earlier on you accused the hon. Minister of Planning and Sustainable Development of spending 10 minutes focusing on the Bill. I have allowed you a lot of elasticity, but I really want you to connect. I do not understand the link between the passport office and this Planning and Facilitation of Development Bill, and all these areas—now you are going to One Alexandra Place. I do not understand that. So if you could refer to the particular clause in the Bill, and you can link One Alexandra Place, I will appreciate it, because I really want to sustain the point, Standing Order 36(1). You are being irrelevant and I

would like you to really pull your thoughts together and raise the matters that are before us. Please be guided accordingly, please.

**Mr. T. Deyalsingh:** Mr. Speaker, the Bill speaks to the Development Control Committee having the responsibility for changing the facade of a building, the appearance of a building. This Bill speaks to the provisions and the clearances you need to get to have a building certified by the Town and Country. I am just putting on record, that One Alexandra Place—forget who owns it—has full T&TEC approval, because this Act speaks about that. It has full WASA approval, full engineering approval. It has everything to be a building that could be rented by the Government, and if it is the building also has the requisite permission from Town and Country, the Bill we are trying—the Act we are trying to repeal, for its change of use, which all buildings in Port of Spain must have.

The building has a valuation from Raymond and Pierre because you must get valuations according to this Bill, Mr. Speaker. That building has a valuation from Raymond and Pierre at a rental value of \$12 per square foot, and \$3 service charge, which is \$15, but the State is renting it at \$10 per square foot, which is below the valuation and below market rates, but why can the building not be used, because this is what this Bill is about. It is about, using buildings that have approvals, and that particular building has all the approvals, but you know why it cannot be used? It cannot be used—a building with Town and Country Planning—[*Interruption*]

**Mr. Speaker:** Hon. Member. Hon. Members, the speaking time of the hon. Member for St. Joseph has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. C. Imbert*]

*Question put and agreed to.*

**Mr. T. Deyalsingh:** [*Desk thumping*] Thank you, Mr. Speaker. So we have a building with all the requisite planning approvals from Town and Country, fire, WASA, T&TEC, everybody. Why is the Government not using the building? Because you see, when you have change of use—and part of this Bill, Mr. Speaker, says that after five years, you cannot change the use of the building. [*Interruption*] Mr. Imbert will deal with that. He will deal with the time frame for continuing with your plans. He will talk about that. [*Crosstalk*] So you see, he did not read the Bill. He did not read the Bill. [*Crosstalk and laughter*]

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“Coudray: Stop \$71m contract.” Do you know why One Alexandra Place, with all the building approvals cannot be used? Because hon. Minister Marlene Coudray takes exception to a \$71 million contract to put in all the fixtures and furniture.

**Hon. Minister:** Fighting over a building?

**Mr. T. Deyalsingh:** Yeah, fighting over the thing. But, Mr. Speaker, she goes on to say:

“Both Tourism Minister Chandresh Sharma and Minister of Works Suruj Rambachan held the ministry portfolio...”

So two Government Ministers want to move into a building with all the approvals. Why not occupy the building? The reason is, they are fighting over a \$71 million contract awarded to one Andy Balgobin. Who is Andy Balgobin? Andy Balgobin got a \$71 million contract to furnish a building with all the Town and Country Planning approvals. And Mr. Speaker, if it is as put out in the public domain, that building is unfit, why did the Government not return the building and sue the landlords? Simple. Why renew the lease? Why renew the lease? Why renew the lease? We have the valuations. We have everything here, but that is the type of misrepresentation that goes on.

Mr. Speaker, the Nahous people have been renting to Governments buildings since 1972. They rented to the UNC, they rented to the NAR, they rented to the PNM, and this Government when in Opposition, always goes after that group of people as landlords. They have been renting buildings since 1972, and when you are in Opposition you always say, why are we renting so many buildings? So we built the campus, but you refused to finish the campus, and you refused to outfit it, and you refused to outfit One Alexandra Place, because Minister Coudray put a stop to it, because she was not happy with the award of a \$71 million contract to one Andy Balgobin, and says—and other Ministers say, ask the PS. Not good enough.

Mr. Speaker, I turn my attention now to this document called the National Spatial Development Strategy for Trinidad and Tobago. Because when you read this *National Spatial Development Strategy*—and the Minister spoke about renewable energy and so on. When you turn to page 11 of the Executive Summary, there is a nice little graphic. And when you turn to page 10 of that same document, under policy 23, Energy Efficiency—it requires planning authorities to apply the new energy hierarchy, that is, energy reduction, energy

efficiency, renewable energy, and so on. What caught my attention, Mr. Speaker, were some windmills off the east coast on this graphic.

Now, these windmills are normally used to depict wind farms, which are the turbines with the big windmills like what Don Quixote used to go after. So we have wind farms off the coast of Manzanilla and Mayaro. Question: is it—and if the Minister could tell me in his wrap up—is it that it is the Government's policy to now bring wind farms on to the landscape of Trinidad and Tobago? Simple yes or no, will do. If it is yes, fine, explain. Because you did not speak to the issue of wind farms, but it is here as a graphic off the east coast.

Now, we in Trinidad and Tobago have not had a very joyous history throughout all administrations, about the use of alternate fuels. When we recently had a Motion, I believe, to reduce the taxes on CNG, both Mr Imbert, the Member for Diego Martin North/East and myself—even though the PNM used to do it in the past, it has not worked. Reducing taxes on CNG has not resulted in uptake of the product. We argued that the time had come to look at something different, we both said that.

In the Finance Bill (No. 2), 2010, the then Finance Minister, the hon. Member for Tunapuna, Mr. Winston Dookeran, spoke about the tax credits of 25 per cent for CNG kits and cylinders. Mr. Dookeran, the Member for Tunapuna, also spoke about—*[Interruption]*

**Mr. Speaker:** Hon. Member—*[Interruption]*

**Mr. T. Deyalsingh:** Yes.

**Mr. Speaker:**—do not refer to Members by names, either by their ministerial portfolio or their constituency.

**Mr. T. Deyalsingh:** I apologize. The Member for Tunapuna also spoke about provisions for solar water heaters, solar photovoltaic cells to start the process. The Member for Tunapuna spoke about meeting with the Innovative Centre in Washington to develop the sector, the tax incentives, et cetera.

Hon. Sen. Tewarie at one time would have spoken about the greening of the priority bus route. What has come of all these tax incentives? You know what has become of them? Nothing, and this is the point the Member for Diego Martin North/East and myself were trying to make. Just because we did something 20 years ago, and it did not work, when we come here, are we going to do the same thing over and over and over?

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The Minister spoke about the Mitsubishi project. Minister, do you know that Mitsubishi project was promised to start in the second quarter of 2014? Second quarter of 2014 has come, second quarter of 2014 has gone. Not a blade of grass has been disturbed. [*Desk thumping*] No shovel has been decorated with a yellow bow. Nothing has been done. Now, you spoke about it, you opened the door about the Mitsubishi project with now Massy Wood Energy—it is no longer Neal & Massy—Massy Wood Energy, Mitsubishi. Could you regale us with an update about this project? This project was started, I believe, in the days of the Member for San Fernando West, I think—[*Interruption*]

**Hon. Member:** Regale, you said?

**Mr. T. Deyalsingh:**—regale us, regale us with the details, when is this Mitsubishi Massy Wood Energy project due to start? Or is this just like the judicial centres all over again? The hon. Minister of Energy and Energy Affairs in the Hyatt Regency ballroom in 2012, I believe, spoke glowingly about the project to start in the second—first, it was the last quarter of 2013, that did not happen. It was pushed back—second quarter of 2014. Second quarter 2014 has come, second quarter of 2014 has gone. Could you, hon. Minister, as you opened the door for this, tell us, please what is—[*Interruption*]

**Mrs. Mc Intosh:** Regale us.

**Mr. T. Deyalsingh:**—regale us, regale us, regale, inform, put up with, you know, tell us something. Give us a little crumb—Mr. Speaker, and I know, Mr. Speaker, we are coming up to that time where you will rise. So I take my seat.

**Mr. Speaker:** Yes, thank you. Hon. Members, it is a good time for us to suspend for tea. This sitting is now—

**Mr. T. Deyalsingh:** I am not finished.

**Mr. Speaker:**—Yes, I know you are not through. [*Laughter*] I know, I know, I know. So be assured that you shall resume when we resume at 5.00 p.m. This sitting is now suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker. I hope we have a quorum. [*Interruption*] We have a quorum. And there is no football today, so everybody should be here.



Mr. Speaker, may I enquire how much time I have left, please?

**Mr. Speaker:** Twenty minutes.

**Mr. T. Deyalsingh:** Sorry.

**Mr. Speaker:** Twenty minutes.

**Hon. Members:** Mr. Speaker, it is we who give him the quorum, you know.

**Mr. T. Deyalsingh:** Thank you. That is why we are called hon. Members. We are all hon. Members.

I do not intend to use my full 20 minutes left. So I ended just before tea, putting to the hon. Sen. Dr. Bhoendradatt Tewarie if he could tell us what is the Government's policy or if there is a policy statement to be made on the wind farms, the illustration which I saw on his document, off the coast of Mayaro/Manzanilla. Just tell us if, in fact, the Government is looking at wind farms.

The hon. Minister, in piloting, mentioned agriculture several times and his document, the National Spatial Development Strategy, policy directive No. 3, talks about:

“Agriculture has been ‘neglected’ for too long, but the rising costs of food imports and associated lack of food security are causes for concern. Agriculture needs boosting through coordinated programmes of planning and action, whilst ensuring harm to ecosystems is avoided.”

This speaks about agriculture. It speaks about coordination and I want to spend a few minutes talking about an initiative which falls squarely under this Bill—I want to make sure that I alert you that it falls squarely under the Bill—Part VI, land development and building codes and permits, and Part VII, “Listing of Professionals”, because I intend to deal with an issue today called Caroni Green.

But, Mr. Speaker, before we talk about Caroni Green, just like the issue I raised with One Alexandra Place, where I said it has all the agreements, I want to put on record, before I get into Caroni Green, what has been the history of Caroni Limited in Trinidad and Tobago and its subsequent closure.

I just want to mark the spot and I would not take very long. We know the issue of Caroni Limited is very emotional in Trinidad and Tobago. There is a lot of misinformation about it and, just as how I spoke earlier about the Environmental Commission, it matters not under whose administration the

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Environmental Commission was set up, we have a situation with Caroni Green.

But before I go there, Mr. Speaker, those lands that Caroni Green is now occupying were once Caroni, Caroni Limited, where former slaves and indentured labourers came to Trinidad to toil in the sun and, with time, as sugar lost its value and became the commodity in the European markets, the prices of sugar started to fall.

Just to put a slight historical basis on it, under the Commonwealth Sugar Agreement, which we then had preferential pricing, does the population know that over 75 per cent of the tonnage was sold under the Commonwealth Sugar Agreement below market rates and only 25 per cent was sold at market rates? The subsidy was in force. Those subsidies went on under Lomé I and Lomé II and, as early as the NAR administration, it was seen that something had to be done about Caroni Limited.

The then NAR Government, of which the now Member for Tunapuna was a member, said that—and I am sorry that he is not here—somebody has to have the political will to deal with Caroni Limited. The NAR did not deal with Caroni Limited. They did not have the political will to deal with Caroni Limited.

There was somebody who used to write in the *Guardian*, who went by the name of Anand Ramlogan, back then, when running as a member of the Congress of the People, actually blamed the UNC for the demise of Caroni Limited. He is quoted as saying they performed Aarti on all, on Caroni Limited, and that Mr. Panday, former Prime Minister, hon. Basdeo Panday, should be blamed for the closure of Caroni.

But what the population does not know, those lands occupied now by Caroni Green, going to the Waterloo Cremation site in the constituency of Couva North where my friend is the Member of Parliament, the great constituency of Couva North; the population has never been told that the demise of Caroni Limited was really when the former Prime Minister, Mr. Basdeo Panday, signed the Cotonou Agreement, which took away the preferential pricing on those markets which gave us preferential pricing.

The world was moving in agriculture to get rid of subsidies, whether it was bananas for the Windward Islands or sugar, and that is the truth. No one, the NAR by the words of the current Member of Parliament for Tunapuna of which the hon. Minister who is piloting today, they did not have the political will. As they stated then, somebody had to have the political will to deal with Caroni Limited. The NAR did not do it. Mr. Basdeo Panday has been blamed by one person back

then called Anand Ramlogan for the closure of Caroni Limited. He blamed the UNC when he was a member of the COP and said they performed Aarti on all over Caroni Limited.

But since then, following the Deyalsingh judgment in 2008, former High Court Judge Lennox Deyalsingh, subsequent governments and the then government did not fully adhere to the terms and conditions of that Deyalsingh judgment of 2008 and I stand here and I say that.

**Mr. Speaker:** Hon. Member, I do not want to interrupt you. Again, this has nothing to do with Caroni Limited or greening. I ask you if you could probably link whatever you are saying to the relevant clauses in this Bill. It would help me and everyone in this honourable House. Just link those things for me.

**Mr. T. Deyalsingh:** Mr. Speaker, this Bill has a lot to do with agriculture and acreage under agriculture, so I will move on to talk about Caroni Green, which is an initiative of this Government and which the National Spatial Development Plan speaks to in all of its four volumes and which this Bill, as I started off by saying, under Part IV, “Development Plans”, which includes agriculture, which the hon. Minister spoke about at length about agriculture, under Part V, the inspectors, the occupancy certificates and so on. So I am hoping that I have laid the ground for where I am going with Caroni Green because this involves land and this is a spatial development plan which is about land, especially land in the constituency of Couva North.

And that is the point I made when I first started, that this debate ignored the inputs of Members of Parliament and the Member for Couva North where Caroni Green initiative, which is using land, spatial development, agriculture, growth poles, which the hon. Minister himself spoke about. So, Mr. Speaker, Caroni Green, an initiative of the Government about agriculture was set up in March 2013 where the Government undertook to prepare the land, provide technical expertise and gave them guaranteed markets for produce.

And this is exactly what this is talking about, sustainability, food security. They claimed back then—and I want the hon. Minister in his wrap-up to maybe address it—that in July 2013, there was going to be 1,800 acres of land under cultivation at a cost of \$6.8 million with revenues of \$29 million.

So far so good! But Mr. Speaker, the hon. Minister spoke about transparency in this Bill; spoke about value for money in the procurement Bill and he himself, last week, said we cannot divorce the procurement legislation from what is to come, the planning Bill.

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Mr. Speaker, the Deyalsingh judgment of 2008 has not been fully effected by the past administration and this one, surprisingly, because an E&Y audit of May 2014, recent vintage, saw that only 360 acres of land—we are talking about spatial development—were under cultivation; not the 1,800 acres spoken about by the hon. Minister of Agriculture. So where is the spatial development for agriculture in this? But untold millions have been spent and untold millions have been lost and all contractual obligations have fallen apart. Not so, Member for Couva North?

If you take a drive, she does not know. She does not drive through her constituency. I took a drive through that because I had to go to a cremation there recently. Nothing is happening, Mr. Speaker. Everything has fallen down. It reminds me of an old term called “squandermania”. Remember that term, “squandermania”, Mr. Speaker?

What did the E&Y, Ernst & Young audit find about this spatial development project? It found that there was poor land preparation, millions wasted. They had to do expensive remedial work. There was duplication of costs while all the officers were driving Navaras and being paid handsome salaries. This is E&Y, Mr. Speaker, not me. The passing-off of non-existent overhead costs to farmers, which was inflated by 36 per cent and a grand total of \$218,000 spent on a marketing plan which amounted to nothing.

So, if we are going to develop that space, should the Government, founded in the bowels of agriculture and sugar, not have been a little more careful with taxpayers’ money? Should they not have been a little more careful with the facts as stated, originally stated 1,800 acres?—But when E&Y did their audit, only 360 acres. What? One fifth. Where is the spatial development plan in that?

If we are to develop those lands, we have to pay attention to what the General Secretary of the All Trinidad General Workers’ Trade Union has to say, one Mr. Nirvan Maharaj, I believe, because he has a vested interest in Caroni lands and how we use those lands.

Mr. Speaker, Caroni lands stretch from central to south to Trincity; all over the place. I used to live opposite a cane field in Caroni, so I know. And the President General of the All Trinidad General Workers’ Trade Union has questioned, under this Act, because I am going to refer you to the Bill, Part VII, 80, Register of Listed Professionals.

**5.15 p.m.**

He is questioning the qualifications of a person who was fired or should have been fired from Caroni Limited, appointed under this administration, as the head of the Caroni Green project. They spoke about threats. They spoke about personal assistants to Ministers with failed or non-existent track record in agriculture getting access to these lands.

Mr. Speaker, if it is we want to develop these lands, if we want this National Spatial Development project to work, then the nepotism that is going on in Caroni Green has to stop. The Navaras have to be returned, because we are using the European Union funds for this project and some of our own funds. There has to be some degree of accountability, and Cabinet, which will have oversight over this Bill, gave Caroni Green \$4 million to start the projects but it really cost \$11 million. There is a difference, Minister, of \$7 million. Where has that \$7 million gone? Cabinet said, originally, \$4 million, it went to \$11 million.

Mr. Speaker, what is really surprising about Caroni Green in developing the country is that one of the election planks that this Government came into power on was the plethora of state enterprises under the Manning administration. They killed Mr. Manning for state enterprises. They called it off-sheet balance-book accounting, corruption, and they said, “We will whittle down state enterprises”. Have they closed any state enterprises? But they have started up new ones, Caroni Green. The UNC has always been against state enterprises—always.

So if it is we are to develop those lands, the Government has to appoint persons with the proper qualifications, and we know that is a problem for them because the project is now idle, millions have been wasted. And if it is—and I hold no brief for the past administration—if it is we did not adhere to the terms of the Deyalsingh judgment in 2008, they promised to do it, and now they are being accused of the same thing in 2014, and those Caroni lands have to be developed.

So, Mr. Speaker, this Bill is a timely piece of legislation. As the Minister said in piloting, it is an old piece of legislation, 1964, it needs review. More than that, the old Town and Country Act is not working, but in responding first to the hon. Minister, I am recommending to him, just as we took a step back from the Cybercrime Bill, just as we took a step back on the procurement legislation, because we have pointed out serious issues that we need to step back from this, because we have demonstrated to the Government that the plethora of agencies and committees will have the effect of being totally non-functional. There are five

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committees. They are ad hoc committees, everybody can delegate, and it is unclear as to what this is doing.

So I am asking the Minister that we will be proposing significant amendments to that, which we can do next week Friday together with the procurement legislation. The Senate, I understand, is meeting two days a week to clear up the backlog of work so that nothing lapses.

We are here to partner with you to pass not perfect legislation, because no innovative piece of legislation is going to be perfect, but if it is we do in fact see serious flaws, what do we as a Parliament do? Do we just rubberstamp it? I say, no, because the purpose of a bicameral Parliament, Mr. Speaker, as you know, whether it starts here and goes to the other place, or starts in the other place and comes here, is for a second look. No Chamber should be an automatic rubberstamp, especially if serious flaws, serious deficiencies and serious issues have been pointed out.

So, Mr. Speaker, we support fully the intent of this Bill. We recognize the need to modernize legislation for the development of Trinidad and Tobago, but we also recognize that there is a serious problem with clauses 8, 9, 10 and 11, as far as these committees go. So, Mr. Speaker, I thank you for the opportunity to contribute.

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Mr. Speaker, thank you very much for inviting me to join in this debate. I think it is important, before I make the substantive part of my contribution, to indicate that, as a Government, the People's Partnership Government has been keeping faith with the people in terms of the promises we made in our People's Partnership manifesto of 2010. [*Desk thumping*]

Mr. Speaker, whether it be in the context of the long-awaited procurement legislation or now in terms of the Planning and Facilitation of Development Bill, 2013, the reality is that this Government is walking its talk. In the manifesto of 2010, page 52, we stated there as follows, and I quote:

“We will introduce the Planning and Development of Land Bill”—previously passed in both Houses of Parliament with bipartisan support in 2001—“with appropriate adjustments as may be required, to govern land use planning and development so that development can take place in a coherent and sustainable manner...”

In other words, this Government has a very deep respect for the manner in which land is used and land is developed in the interest of the future and future

generations. In other words, this is a Government that understands the importance of land as a resource; a resource that contributes to the well-being and welfare, and economic and other forms of prosperity of the nation in the future, and this is why the emphasis that development can take place in a coherent and sustainable manner. On page 16 of that very manifesto of 2010, I quote again:

“Adoption of a much more decentralised model for regional development planning”

I am going to talk about that in the context of the People’s Partnership thrust in terms of the empowerment, and further empowerment, of local government authorities, and to show you that this Bill is also being brought into the domain of assisting in the empowerment of local government.

I will make the point again this afternoon, that while we talk about the further empowerment of local government and, by extension, the democratization of decision-making to a broader range of citizens, you have the Leader of the Opposition talking about killing local government, placing it in a little pocket somewhere in finance, and destroying the hopes and aspirations of the people of this country who want a chance to participate in the developmental process.

On page 20 of the local government manifesto of the People’s Partnership of 2010:

“The planning and development of land will be pursued in a proactive manner, and we will not wait until after ad hoc development has already taken place to superimpose proper planning.”

In other words, we are proactive. We understand what has happened in the country. We understand the nature of unplanned development. We have seen the consequences, and we continue to see it on a daily basis of the results of unplanned development. Therefore, even as far back as 2010 we were indicating, and we have now begun to make it a reality that planning and development of land will be pursued in a proactive manner, and we will not wait until after ad hoc development has already taken place to superimpose proper planning.

Mr. Speaker, in the *Medium-Term Policy Framework 2011/2014*, produced by the hon. Minister, Dr. Tewarie, and his Ministry, page 14, Supporting Enlightened Development Practices, I quote:

“Physical planning shapes the country we live in and, therefore, the environment in which the economic and social transformation will take place. It is vital for the spatial articulation of socio-economic and environmental

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goals and for achieving sustainable outcomes. Successful implementation of plans and policies must be linked to a system of planning that is transparent, inclusive, and responsive while ensuring the sustainability of development.”

In his contribution this afternoon, I commend the hon. Minister for the manner in which he spoke about our vision [*Desk thumping*] for sustainable development, and linked sustainable development to several aspects of the Government’s entire thrust in terms of his policies.

Mr. Speaker, I do not know why the emphasis is always placed on Caroni Limited by the Member for St. Joseph, he kept saying that no one had the political will to deal with Caroni Limited. The only political will I saw to deal with Caroni Limited is the political will of the PNM that destroyed the lives of 10,000 people and, by extension, 50,000 persons in that area of central Trinidad, an effect that is still being felt even today. Left them without deeds for their lands, something that we are now beginning to deal with on a mass basis, and which the Member for La Horquetta/Talparo, I am sure, is going to speak about in his capacity as Minister with responsibility for lands, and tell us what they have done in response to your very statement that you made this afternoon.

Mr. Speaker, this Bill which we are discussing has tremendous implications for this country, as I said, firstly, for orderly development of land as a resource; you use land badly today, you will affect the way you will be able to use that land in the future. You do not have a proper spatial development plan, you are likely to use lands in a way that is not prescribed or not best in terms of what it should be used for. Those are the kinds of things that are included in the whole concept of sustainable development—how you choose to use your land so that it contributes maximum to your economic and social transformation, and to the lives of citizens in the future.

Mr. Speaker, the Bill has tremendous implications, therefore, for orderly development and use of land as a resource. Having read the Bill, it is clear to me that the Bill has implications for the protection of the public against unscrupulous developers. In this country too many people have been ripped off by unscrupulous developers. There are people today, even as we speak on this Bill and debate this Bill, who are cutting up their acreages of land without Town and Country Planning, without putting in water, without putting in lights, without putting in roads and selling those lands to people, and because people want land they are going and buying those lands not realizing that they are going to have problems in the future to get even their plans approved to build a home on those lands.



You look on the newspapers and you will see in the classified columns people advertising lands for sale and they put there “no approvals”, and yet they are selling those lands as residential lands, and these are to be found amongst some of the best agricultural lands in the country.

Mr. Speaker, I wonder, for example, if we had proper processes whether we would have used some of the best cocoa lands in south Trinidad to become housing estates, when that particular cocoa used to be the cocoa sought by Cadbury’s and they will send down buyers here to buy from those particular estates in south Trinidad, and we destroyed that in the name of housing.

So you have to look back at some of the mistakes we have made as a society to understand what we are seeking to protect here, today, in terms of economic heritage and future sustainability.

**5.30 p.m.**

Mr. Speaker, this Bill therefore, in some of the clauses, in my view, will protect the public against unscrupulous developers, against unauthorized developers. Even so, the Bill in itself tries to deal with some of those problems in the past, and there is a particular clause in the Bill that refers to unauthorized development, and where you see the Bill trying to reach out to create the conditions that will help to alleviate some of the problems that have occurred.

Mr. Speaker, the Bill also, in my view, does something which is part and parcel of the philosophy of this Government, which is to encourage participation in the process of economic development. Throughout this Bill, you will see that there are opportunities given to the community to participate in the development process. One of the clauses in this Bill indicates that if development is taking place, a notice has to be placed on the land saying that this land is about to be developed. I really like those kinds of things, because sometimes things happen in communities that would affect the entire community and the community does not know—and I refer to simple things.

Sometimes a developer begins to develop land, alters the course of a river, clogs up or covers drains or even covers up a river—as is happening right now in places in Soledad Road in Claxton Bay and other areas—and then claims that that was not a natural watercourse. Mr. Speaker, thank God for GPS technology that you can go back to it and say, “That was a natural watercourse”, and so on. But that will link me to the whole idea of enforcement, which is another area of this

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Bill that I find very encouraging, where there is very serious enforcement in terms of the legislation.

So the right to participate in development decisions in their communities is something I see inherent in the way this Bill is structured, and it is a plus for the Minister in terms of what he has done here, as well as the right to know, citizens' right to know what is happening in their communities.

Mr. Speaker, the other thing that I am encouraged by in this Bill is the introduction of codes and building standards, in terms of the way land will be developed and in the construction of buildings, according to these standards, which is something that is missing in the country, and we have to correct that. If we want to protect citizens and we are serious about the safety of citizens in this country, and we do not want to see something like what has recently happened in Mumbai in India, where a building just collapsed with the rain, or we do not want to see people continue to build on the edge of the river, and when they are washed into the river they come and make claims on the Government and so on. If we want to be sure that those things do not happen, and if we are a serious society and if we have a vision to be a First World society, then we must also behave as First World people do. We must have a paradigm, a shift in terms of our behaviours and our adherences to codes and standards for buildings and land development, as well as a healthy respect for the law.

Mr. Speaker, it is really interesting to see what happened in the Diego Martin area two years ago. People just cleared the hillside, and they continued to do so until the Minister stepped in and gave directions as to how high you could go in terms of clearing the land, and what have you. But, you see, those are after-the-fact matters. Now we are being proactive with this Bill, and this is why this Bill is so important and must be, in fact, encouraged.

Mr. Speaker, this Bill for me is a moment of transformation, a transformational Bill and one that is a new paradigm in terms of development in Trinidad and Tobago. Therefore, I am very happy to join the debate, because as I said it has the potential to transform the process by which orderly development of land takes place.

Mr. Speaker, I am going to say it again: this country has suffered and continues to suffer from too many unplanned developments, coupled with abject disregard and disrespect for the laws with respect to the development of land. In this regard, this is a good time to appeal to public officers, especially at the level of the local government authorities who even now, under the Municipal

Corporations Act, do not seem to want to do what they have to do: give the notices, carry out the effects of people failing to comply with the notices. This is why I am encouraged by this Bill in terms of the strength that it will now give to enforcement. Mr. Speaker, a law is only as strong as enforcement, and I think that I am very much in favour of the strength of the enforcement sections of this particular Bill.

In the area of land development we are awfully guilty when it comes to breaking the law, doing what we want and yet blaming the Government of the day for the negative consequences which are an inevitable part of unplanned development. So the Government gets the blame, but we are all to blame because, in the first instance, we know what is right, the problem is to bring ourselves to do that which is right. There is hardly anyone in this country who does not know what is right, you know. This is why we say ignorance of the law is not a defence. Most people know what is right, the challenge is always to bring yourself to do that which is right, and that is where character and respect and everything else comes into play.

Mr. Speaker, enforcement, therefore, is something that is important, and I commend the Minister for the sections he has here on enforcement.

While I was in local government, even as a Minister, but more so as a mayor, my history with local government goes back to 1983 when I first became Chairman of the St. Patrick County Council. I used to see those letters coming over and over and over from people, where they complained over and over about somebody blocking a channel or somebody building and they came too near their boundaries, or their cesspit water running into their compounds and so on.

Mr. Speaker, those are the kinds of issues that people are interested in. Does this Bill address those kinds of issues? This Bill addresses them; it addresses all those issues, because the Bill also deals with some of the antiquated health laws that need to be revised and what have you. So it is an all-encompassing Bill, in that regard, which deals with the matters of the day, and I am sure it is going to find extremely good favour with the population.

In this regard, I note the important role which the Chief Building Officer would have to play in the matter of applications for building or engineering operations and the implementation of all approved plans for building or engineering operations. It is important. People come and pass a plan, but whether they carry out what is in the plan in terms of building is another matter. Sometimes there is a vast difference between what is on the plan that they get

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passed and what they build, and finally what is signed. So it is to me important that the Chief Building Officer, on page 8 here, is in charge.

He has a role to play in matters of:

“...applications for building or engineering operations and the implementation of all approved plans for building or engineering operations...”

And “engineering operations” is defined in the law here where it says:

“‘engineering operations’ includes cutting, filling, grading or paving land, cutting drains or drainage or irrigation channels, the formation or laying out of streets or other means of access to highways, the reclamation of land, and any other activity as may be prescribed;”

In the Bill itself, the Chief Building Officer’s functions are described:

“The Chief Building Officer shall exercise oversight over all applications for building or engineering operations and...shall be responsible for the following:

- (a) ensuring compliance with all building regulations;
- (b) monitoring all building and construction procedures to ensure compliance with approved...”—plans.

Mr. Speaker, when you put down a foundation, a Chief Building Officer shall go and ensure that that foundation has been put down according to the plans. Whether that happens in the way it should happen today is questionable, and that is where the strength of your building is. The strength of your building is in the foundation.

Sometimes people wonder why a bridge cost as much as it does. We just finished building the D’Abadie Bridge on the Eastern Main Road; it cost \$19.8 million. Incidentally, it was started in January and finished on June 29. Everybody was saying that bridge will take 12 to 15 months. It was done in six months; it was done within budget. [*Desk thumping*] The St. Helena Bridge as well, three months ahead of time. It cost \$19.8 million, but the majority of that money is in the foundation. It was not built to last 10 years; it was built to last 100 years, and similar for a house.

So if you have a house being built according to an approved plan, but the Chief Building Officer does not check the foundation, after the whole building is

up, you have to come back and dig up the foundation to find that out. So it is in the interest of the owner of the property to have the Chief Building Officer also do that, so that he does not go a couple months after and see the building leaning or you see the building sinking.

The Bill continues:

- “(b) monitoring all building and construction procedures to ensure compliance with approved designs;
- (c) establishing inspection procedures for building and engineering operations;
- (d) referring of flagrant breaches of building regulations to the Chief Enforcement Officer;”

So there is a Chief Enforcement Officer, and that is why I am saying that this is a strong Bill, because you have to have enforcement. This is a country, if you do not have consequences for deviant behaviour, you are going to have a repetition of the deviant behaviour. You are not going to have any shift in the behaviour and, therefore, we need to admit that we need this Chief Enforcement Officer.

Mr. Speaker, you know what happens in this country right now? A fella would build a building and he knows he has broken the law. He has violated the boundaries and what have you. So he builds it, and somebody goes and makes a report, “This is an illegal building. It is too close to my boundary.” So the fella whose boundary it is too close to, is a poor fella, he cannot go to court, he cannot file any action, so he depends on the regional corporation. The guy who builds the building knows, “Listen, they are not going to do anything about it for three, four years”. There is another rule of thumb playing around that says, “Well, if after four years they eh touch yuh building, dey cyar break it down again”, so he does that. In Chaguanas, I can tell you, there are several buildings built like that right now, where they built it and after four years they have begun to do the finishing touches on the building, nobody could touch them. Why? Because of lack of enforcement. Because you have done that, you have violated the current Town and Country rule which tells you what percentage of the land you can use for building space.

When Town and Country gives you the permission to build a building on a piece of land, they will also tell you—if, for example, it is town houses you are building, let us say it is 10,000 square feet of land and they give you five town houses on it, they will also tell you, you have to have parking spaces for 10 cars

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or you have to have what. These guys, they do not go and get the approvals and they build it, and then what happens? The parking is on the street, the traffic jams take place and so on. So you have to have orderly developments, and this Bill is beginning to tackle all these problems in terms of how we develop and how orderly we develop in the society.

So flagrant breaches, which the hon. Member, my friend from St. Joseph referred to—and you are very good at the dictionary. If you had looked at “flagrant” you would see what it really means. It is extreme breaches and continuous breaches of the regulations.

**5.45 p.m.**

And “the Chief Building Officer shall...submit...biannual and other reports to the National Planning Authority on the performance of”—its—“functions in a form specified by the National Planning Authority.”

So, the National Planning Authority which you referred to, and you are talking about layers and layers, they have specific functions, and therefore, they are going to receive the reports from the Chief Building Officer to see whether he has done his job in the way that the job ought to be done, and they are going to review that. And it is not that he is sending it at the end of the year, it is biannual.

You know, Mr. Speaker, a lot of the mistakes that we make here in Trinidad and Tobago, in terms of performance management, and I say performance management against performance appraisal, eh. You know, performance management is where you manage a person in order to achieve excellence. Performance appraisal is after the fact, where you measure what has already been done.

What the National Planning Authority is doing here is engaging in performance management, managing a system in order to make sure the process works right in the interest of the country and the citizens, rather than simply to report afterwards. So this is why people know these are the goals of my job. These goals will then be translated into standards of performance, and the standards of performance will be based upon what are the regulations, what are the building codes, what are the standards and so on. And that is where the measurement will come about. So even the National Planning Authority does not give away its authority to the chief building officer. If you read this carefully, the National Planning Authority retains its authority and can go in there and also do its own independent checks and what have you. But it is a very important

institution in terms of the several bodies that have been created in the legislation.

Mr. Speaker, in the Bill, clause 15, section (3), the chief enforcement officer is also an important person, and he:

“...shall enforce the building regulations and shall take action on matters referred to him by the Chief Building...”—inspector—“...under subsection (2)(d).

where he refers “...flagrant breaches of building regulations...”—so, the—  
“Chief Enforcement Officer...”—

has a very important role to also play in this regard.

Mr. Speaker, the second aspect of this Bill or another aspect of this Bill that pleases me, and by which the population will benefit, is the delegated power being given to the municipal corporation. Mr. Speaker, I love this Bill for this reason. I do not see why Town and Country has to be burdened by simple building plans, and simple building applications. Of course, there will be a definition of what is a simple building plan and so on, and that will be worked out. But the mere act of decentralization that is intended by this, and the further empowerment of local government bodies, is consistent with the philosophy of decentralization and the empowerment of local government that has been envisaged by this Government, and where we are walking the talk.

So, you do not have to run into Port of Spain, to a central authority, to get your plan passed, you could go to the regional place there and have it done; like we are doing right now in other areas. The Minister of Legal Affairs has these several offices, even at local government bodies, where people can go and find their birth certificate and marriage certificate and what have you and so on.

So, we are continuing to create change. You see, Mr. Speaker, this Government has been accused by people of saying, they voted for change. Well, we are showing you where the change is coming about, and the change is being implemented that is making a fundamental difference to the quality of life and the experience that you have as a citizen in this country; it is happening. Mr. Speaker, it is happening in terms of my own Ministry, in terms of the roads that we are building, the interchanges that we are developing and what have you and so on, Mr. Speaker. It is happening all over. The change is there, to see, to feel, to experience, Mr. Speaker.

I was given a little joke by an officer in my Ministry this morning, and she said that she was up in the Arima area—Mr. Samuel’s area—and she got lost. She

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realized she could not make out the place because of the roads on which she was driving—[*Desk thumping*] and it took her 20 minutes to get back; it is true. The roads, you know, Mr. Speaker, in terms of development.

You know, the Minister talks about economic zones and so on, and the way that he is going to develop those areas. But in developing those areas you need to have the road infrastructure in. And I am happy to hear the Minister talk about, you know, the amount of lands being used for roads, and the road reserves and what have you.

So, Mr. Speaker, this area of decentralization and empowerment of local government authorities is something that I am very, very happy about. And as I said earlier, you know, this is in direct opposition to what the Leader of the Opposition intends for local government, to place it within the Ministry of Finance and the Economy and to lose it there. Not to give it any significance. Why do you not want people to have a say? Why do you not want people to participate in a broader democracy in terms of determining what their community should feel like and look like? Listen, if you want to develop citizenship of a higher order, and a deeper order, then give people an opportunity to develop their communities. People are more committed to that which they develop and in which they have a stake; they always do. When you own a property, for example, you have a different attitude to it than when you rent the property, you see.

So if you want to create a citizen ownership of this country as a value, then this is what this Government is doing by these further acts of decentralization, and the opportunity for people to participate. Because local government is about local democracy, and the general consensus in the population is not for a lesser role for local government, but for a greater role for local government, not a diminished role for local government. You have to live in places like Toco and Matelot. You have to live in places like Barrackpore in the constituency of Naporima or live in Icacos to understand the importance of local government in your life here. [*Desk thumping*] You have to do that. Mr. Speaker, that is where you begin to understand the importance of local government.

Mr. Speaker, you see, the difference between the PNM and the People's Partnership is a significant one. It is one of philosophy as to how you organize and actualize the affairs of your government; it is about governance. Theirs is about centralization and taking away power. Ours is about decentralization and giving power, Mr. Speaker. [*Desk thumping*] Theirs is about authoritarianism versus shared decision making. [*Interruption*] You see, it is hurting your heart to



hear the truth, Member for Laventille West/Morvant, I believe it is. [*Crosstalk*] It is hurting your heart to hear the truth. That is a difference in philosophy; the difference in philosophy. The difference in philosophy is about the confidence and trust we have in the people of the country [*Desk thumping*] to run their own affairs, versus the fact that you seem to mistrust the people. So, you start on the basis of mistrust. We start on the basis of trust, and that is why we are developing a better society. [*Desk thumping*]

Mr. Speaker, the respect for the rights of people, of citizens—let me say, citizens—to have a say in how their communities are developed and enhanced, the building of commitment to their communities through consensual approaches to decision-making is what we are about as a Government, and is what we are enshrining in the laws which we are developing.

Mr. Speaker, there is another aspect of this law that really pleases me, and that is to dealing with the listing of professionals—the listing of professionals. And I believe there is an accompanying Bill with this law that deals with professionals, but it is an important piece of the legislation—listed professionals. And it is Part VII of the Bill which establishes a regime for registered professionals in the development regulation process.

And what this basically does is that it will allow greater assurance of proper designs and development, but also will address chronic shortages in the staffing of the regulatory agencies at all levels. And it is very important that this aspect of the Bill is introduced. And speaking to the hon. Minister earlier this afternoon, you know, he made a suggestion, and I agree with it, that we should look at developing this aspect of the Bill in other areas of law, where we can have, you know, professionals, trusted professionals who are declared competent, who are given certificates of competence in order to assist with speeding up the development process.

In other words, one of the objectives of this Government is de-bureaucratization of this society, de-bureaucratization of the public service. Reducing the bureaucracy, reducing the red tape, but you do not do that unless you develop the mechanisms and the processes, and you allow people to do certain kinds of jobs. And that is why I said, you start from the basis of trust, and not mistrust. And the reason why this population is embracing this Government, and it is something that the Opposition does not want to admit, is because they feel that they have a greater role to play in governance than they have had under the PNM. And this here is one area in which they see that they have this greater

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role to play in governance, and which they are being permitted to play.

So, registered professionals will be required for the submission of complex applications. And what the Bill suggests is that various and specific types of professionals will be required to submit applications for complex buildings and subdivisions. A complex building would probably be a building more than 500 square metres, which is about 6,000 square feet, and more than three stories. And a complex subdivision might be more than 20 plots between 500 and 800 square metres. And so, for example, a structural engineer or architect will be required to submit applications for complex buildings, and a structural engineer for complex structures. A planner will be expected to submit a complex subdivision or a complex site plan.

Now what this does, let us take for example, the facilitation of a plan submitted by a registered professional, one who has been declared that he has the competence to do this, he has the certificate and so on, and his registered association says he can do this. What it does, it helps to maintain appropriate levels of quality assurance, and it also means that the application submitted for approval could be fast-tracked—could be fast-tracked. So some of these long delays can be reduced because you have a qualified professional who is submitting it, and who is trusted, and who has a certificate of competence by his registered authorizing body.

Mr. Speaker, again, anyone can still submit under the Bill, applications of simple building and subdivisions, but those submitted by the appropriate registered professionals will be fast-tracked again, with quality assurance and review mechanisms.

So this is part of broadening the governance. You see, sometimes we talk about governance only in terms of laws and so on and so forth. But we have to look at governance in the widest sense in the society. And, you know, a Government is only as good as it allows citizens to participate and contribute, and realize, and express their potential, and that is what we are doing in this area.

Mr. Speaker, in order to support the submission and regulation of applications of simple development, a guide to the design and construction of small buildings, I am told, will be introduced as subsidiary legislation under this Bill. Mr. Speaker, what I also saw in the Bill was the fast-tracking of construction on the whole, where the Bill also introduces mechanisms to facilitate fast-tracking of construction before the technical review process is completed, if it is submitted by the registered professionals. And to support this and ensure that it works well,

there is a bonding system in place to protect the State. The final review identifies issues to be corrected during construction.

So the introduction of professionals has important implications, positive implications for de-bureaucratization, for more timely approvals and for fast-tracking, which is what this Government is about, delivery on time, every time, and with minimum stress to the population. This is what we are about. And this is also how you also reform the public service; this is also how you reform the public service. This is how you also become customer centric, and consumer oriented, or customer centred in terms of your public service, something which the hon. Member for San Fernando West is doing so well with her diamond certification programme.

May I say, you know, when she introduced that programme, I tried to recall when last in the public service you had, you know, a dedicated programme towards customer excellence or customer-service-delivery excellence in the public service. I could not recall it. It was way back in, I believe, in the days of my very good friend who taught with me at the university, Dr. Gordon Draper, that that was in fact attempted in those days.

**6.00 p.m.**

Mr. Speaker, one of the issues raised by the hon. Member for St. Joseph had to do with the Development Control Committee appointed by the National Planning Authority. I think I need to spend a couple minutes on that, because I was discussing it with the hon. Minister who is so au courant with this Bill that, you know, I really admire his knowledge, intricate knowledge of every aspect of this Bill.

“The National Planning Authority...”

And this is clause 11 of the Bill, Member for St. Joseph, which you referred to:

“shall appoint—

(a) a standing committee to be known as ‘the Development Control Committee’”

Now, you did not go on, Member, to talk about what were the—what was the role and objective of this committee. But just to let you know:

“(i) to coordinate and expedite the development approval process;”

To coordinate it and to expedite it, and I want to emphasize “expedite”, because if you are a land developer or a developer, in terms of building and so on, you will

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recognize some of the difficulties you have with, having to traverse several agencies before you even start to put a load of gravel down on the ground to get your land development going.

Now, one of the things we have in this country is a high demand for housing. And what the Government has been doing is encouraging through incentives, and remember in the budget speeches the Minister of Finance and the Economy said until 2018, you know, people who develop houses and land and so on they will enjoy certain tax exemptions. But having said that, you cannot leave it there. You have to dovetail and construct your other laws in order to facilitate people so that they feel encouraged and not stymied. The role of a Government is to free up a process, not to further lock up a process. It is further to free it up. And sometimes it takes simple things to do it, and the intelligent thinking of this Government is proceeding in a way to open up the process rather than to lock down the process further, to reduce the stress of developers rather than to create more stress for developers.

And secondly, this is the point I wanted to make to my colleague, the Member for St. Joseph:

“to grant final approval and render binding advice on behalf of the National Planning Authority and the agencies and officers referred to in subsection (2)(b);”

Now:

“The Development Control Committee shall comprise”—the following:

- “(a) the Director of Planning, who shall be the Chairman; and
- (b) appropriate representatives of the following agencies and officers who are authorized to grant final approval or render binding advice on behalf of the respective agencies and officers:”

And this is important.

So, Mr. Speaker, you have here like a one-stop shop where you will bring all the agencies together and you will work out there and then. So you do not come to water and say, well, you have this problem, or you come to the Chief Planning Officer or Director of Planning, he says, well, you have a problem, go down to water. You come back, you have a problem, go down to so and so—you bring everybody together, right, and you look at the plan and you reduce the bureaucracy and the stress. So you have in this committee:

“...representatives of the following agencies and officers who are authorised to grant final approval or render binding advice on behalf of the respective agencies and officers:

- (i) the Water and Sewerage Authority;
- (ii) the Environmental Management Authority;
- (iii) the Chief Building Officer;
- (iv) the Highways Division of the Ministry with responsibility for works;
- (v) the Drainage Division of the Ministry with responsibility for drainage;
- (vi) the Chief Fire Officer;
- (vii) the Occupational Safety and Health Agency;
- (viii) the Chief Medical Officer in the Ministry with responsibility for health;
- (ix) the Trinidad and Tobago Electricity Commission; and
- (x) such other agencies and officers as may be designated by the Minister in writing for any particular category of development.”

Mr. Speaker, so this is an important aspect of the legislation, this committee that you call the development committee which was referred to and spoken about so much by the Member for St. Joseph, and it has an important role to play. It is a standing committee under the NPA and it is established, as I told you, under clause 11(c), and I read out for you the key agencies involved in the regulation of development. Now, this one-stop shop is not intended to sit and determine applications directly, but to ensure the coordination of the system—[*Interruption*]

**Mr. Speaker:** Hon. Member. Hon. Members, the speaking time of the hon. Minister of Works and Infrastructure has expired.

*Motion made:* That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. R. Samuel*]

*Question put and agreed to.*

**Hon. Dr. S. Rambachan:** Thank you, Mr. Speaker. Mr. Speaker, I did not realize that time had flown so quickly. You know, I just did not want to forget to do something important. With your permission, Mr. Speaker, I just want to take the opportunity to congratulate the National Council for Indian Culture who are celebrating their 50th anniversary, having been established on July 19, 1964. I just wanted to take the opportunity to congratulate them [*Desk thumping*] this evening, 50 years, a long time for an organization.

**Mr. Deyalsingh:** I concur with that.

**Hon. Dr. S. Rambachan:** Mr. Speaker, the Development Control Committee—come and hear me deliver the feature address tonight.

**Mr. Deyalsingh:** “Invite meh nah man.”

**Hon. Dr. S. Rambachan:** Okay. Mr. Speaker, this one-stop shop as I said, is not—[*Crosstalk*]

**Mr. Deyalsingh:** “Ah coming, ah coming.”

**Hon. Dr. S. Rambachan:**—intended to sit and determine applications directly—[*Interruption*]

**Mr. Deyalsingh:** I want to go to the “barahi”.

**Hon. Dr. S. Rambachan:**—but I want to ensure the coordination of the system resulting in the minimization of time frames and reduction of bottlenecks. You do not only go to the “barahi”, you bring the halwa also. [*Laughter*]

However, it is envisaged that critical public and private sector projects can be facilitated. Mr. Speaker, if you have to encourage the private sector, these days, and you do not have the ability to work with them at their speed, they will take their money and they are going to take their ideas and they are going to take things elsewhere, you know. The Minister of Planning and Sustainable Development is gung-ho on using the creative intelligence of this country and ensuring that potential for creative expression comes to the fore. That also includes the ideas that people have for development, and therefore you have to now work at a pace and set your systems and processes in a way that encourages people, and that they do not take years to know that you are going to give them permission to develop this piece of land or not develop this piece of land.

There are too many persons who have taken their business out of this country even to the smaller islands of the Caribbean, because it took them too long in this bureaucratic system to get their approvals, you know. It has happened. We have lost a lot and we do not intend to lose any more. This Government is going to correct that, and this Government is saying to the entrepreneurial community and investment community, we are going to do all that we can in order to facilitate and to ensure that you develop your country, [*Desk thumping and crosstalk*] so private and public sector projects can be facilitated.

I believe if I am correct, Mr. Minister, but even now you have certain committees working to facilitate this and fast-track government projects, for example, or other major private sector projects. Even as we speak, or maybe the Minister will elaborate in his wrap-up on what is being done.

**Hon. Dr. Tewarie:** Complex facility.

**Hon. Dr. S. Rambachan:** Complex facilities. And that is why development is taking place even faster in this country, because this is a thinking Government. This is not a static Government, this is a Government that moves with the times, this is a Government that moves with the new values of investors and the investing community, and that is why you have Ministers who are gung-ho on these matters and respond.

In terms of standing committees, also under the NPA, you also have the codes and standards committee to ensure national codes and standards required for regulating development is kept up-to-date. Now, this committee in my understanding is not intended to develop all these codes itself, but to work with the Trinidad and Tobago Bureau of Standards and other technical bodies. And I believe there is already a Cabinet-appointed committee developing a national building code under the Ministry of Housing and Urban Development.

And I was very enthused as Minister of Works and Infrastructure, with responsibility for coastal erosion and so on, to see a coastal zone policy committee, to maintain standards to govern development in the coastal zone. Of course, we do already have a Cabinet-appointed committee on integrated coastal zone management policy under the Ministry of the Environment and Water Resources. As I say that, Mr. Speaker, you would be very interested to know that in the Icacos area we are losing, according to the people in my Ministry, we are losing up to two metres of land per year.

**Mr. Samuel:** Oh, yeah.

**Hon. Dr. S. Rambachan:** Roads have fallen into the sea, buildings have fallen into the sea, Mr. Speaker. Right now we have tendered out about five projects—about to tender, some tendered and some to be awarded—in order to save important areas of the coast. We are building the highway that will pass in front the cremation site, the Shore of Peace in south Oropouche, but we now have to build 546 metres of retention wall in that area in order to save that area, otherwise the roads we are building are going to be threatened. The coastal erosion is a very serious problem. You saw it in Manzanilla, you saw it in Cocos Bay area, in Matelot and so on, and we are attacking this as you say with full force.

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In fact, just today I sat down with the Ministry of Finance and the Economy and asked for \$183 million in order to deal with coastal erosion matters in the next fiscal year, Mr. Speaker. So we are on top of this. So I am very happy to see within this legislation also, because, Mr. Speaker, in the Cap-de-Ville area, I am sorry the Member of Parliament for Point Fortin is not here. But in the Cap-de-Ville area I visited with her and she pointed out to me the serious coastal erosion that is taking place—[*Member enters*] I have the uncanny ability to invite people to listen to me at the right time. [*Laughter*]

**Mr. Deyalsingh:** Nice one, nice one. I like that one.

**Hon. Dr. S. Rambachan:** So the coastal zone policy committee is a very important committee. [*Interruption*] Mr. Speaker, she is very happy these days. Of the 1,083 persons employed, locals employed on the highway project, 360 came from the constituencies of La Brea and Point Fortin, on the highway. [*Desk thumping*] Three hundred and sixty from those two constituencies on the highway, and I hope that my two colleagues on the other side will encourage people to cooperate with the Government in ensuring that the highway is free from any disturbance and continued successfully. [*Crosstalk*]

So we are losing land—very, well, Mr. Speaker, I will probably invite you for a tour to see how far that highway has progressed. In fact, if you know the area, Mr. Speaker, from St. Mary’s Junction in Oropouche we are already paving the road to Mon Desir, and from Mon Desir we have already cut and putting in sub-base right on to Grant Trace, and we are cutting now from Grant Trace into Eccles Road, and from the Dunlop area we are building 2.5 kilometres coming back to No. 8 Road. If all goes well, you will be the first to drive from Dumfries Road to Point Fortin—[*Interruption*]

**Mrs. Gopee-Scoon:** After me. [*Laughter and desk thumping*]

**Hon. Dr. S. Rambachan:** And that is why the Member for Point Fortin and the Member for La Brea will ensure that there are no more disturbances on the highway, like occurred in the last four days where 32 pieces of equipment had to be shut down for four days, and 108 workers did not work for four days at a cost to the Government of Trinidad and Tobago. But thank you, Member for Point Fortin, for your intervention in helping to resolve the differences, thank you. [*Desk thumping*] We will allow you to drive.

**Hon. Member:** “She finally do something.”



**Hon. Dr. S. Rambachan:** So, Mr. Speaker, these are some of the points I wanted to make on this very important Bill, and again, I want to congratulate—warmly congratulate the Minister for bringing this Bill, as well as he brought the procurement Bill, two important pieces of legislation. And, Mr. Speaker, may I say that the Minister in his presentation here today brought an intellectual thrust into his presentation that I really and truly appreciated and I am sure those who looked at the Channel would have also appreciated it. Thank you very much, Mr. Speaker. [*Desk thumping*]

**Mrs. Joanne Thomas** (*St. Ann's East*): Thank you, Mr. Speaker. Thank you for the opportunity to contribute towards this Bill. And I must say, in listening to my colleague, the Member for Tabaquite, you know, some of the things he said, he spoke to what affects our constituents. I must say in those areas, I must say I support him from that aspect. I know, Mr. Speaker, you know, this particular Minister as it has been said, that Bills brought to this House, that he never accommodates any changes. But I just want to endorse what my colleague, the Member for St. Joseph, had said, you know, because even this planning Bill, our constituents are the ones that will be most impacted by this. And I just want to highlight that particular aspect of it.

### 6.15 p.m.

Mr. Speaker, I want to give focus to Part III of the Bill which deals with the “General Administration”, and clause 7 speaks about the principal functions of the National Planning Authority. I am glad to highlight clause 7(a) which gives specific highlight to the authority and, you know, what stands out to me is the phrase:

Facilitating—“good and sustainable development in a fair, transparent and equitable manner;”

And I will explain further why I am so pleased with this particular clause.

Then furthermore, in clause 22(1)(g) where it talks about:

“conduct public consultations;” and

“(h) consult with key stakeholders and such persons, bodies and authorities that submit representations;”

I want to suggest that this is a critical aspect of this Bill, and I suggest it must be adhered to.

Mr. Speaker, one of reasons why these two clauses stand out to me is because I want in this little contribution, just to give focus to my constituency, and to use

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this opportunity to get the attention of the hon. Minister because this is what we, the residents in Santa Cruz, in my constituency, have been trying to do for the longest while. So I am very pleased to stand here, and for the hon. Minister to sit there and to listen somewhat to what I have been trying to get to his attention for the longest while. The residents in Santa Cruz, we have tried everything, but to no avail.

Mr. Speaker, I want to firstly talk about the whole history behind the issue that I have been trying to get the Minister's attention. The story goes way back in 2003, and it was sometime in November that the San Juan/Laventille Regional Corporation halted works that were being carried out by a developer by the name of Immortelle Plantations Limited, and this development is taking place near the Riverside area in Santa Cruz. So we have Immortelle Plantations doing this development. They want to develop over 100 acres of land and, Mr. Speaker, the proposal is—what is concerning the residents is that the developer is trying to circumvent the construction of a bridge to facilitate the proposed development, and instead use a bridge that was constructed by the State to accommodate two schools, recreational facilities and a community centre. He wants to use the reserve in Riverside Park to construct a roadway in order to connect to the proposed development.

Now, Mr. Speaker, the residents are very concerned about what this measure could do to them. It gives birth to a number of issues. You are looking at flooding, traffic congestion, the safety of the school children, security issues, and also the users of the recreational facilities. And, it must be noted that Immortelle was denied use of the reserve because it is not wide enough to facilitate a roadway. The residents of Santa Cruz sought the assistance of the Ministry of Planning and Sustainable Development, and they were told that the developer may be going the way of ministerial approval. So I am kind of very glad to see what is outlined here and that avenue would not be sought by the developers.

In February of this year, the surveyors, despite not having approval, they visited the community and started to carry out works and informed the residents what they were going to do. Of course, I was with the residents, we called—I called the Minister's office, he put us on to the Permanent Secretary. We had to go and do a—is it an objection? The residents, we had to sign an objection. We did all of this, nothing happened. When the residents were kicking up a fuss, of course, we invited the media to come and highlight everything. Nothing happened. The developer now, he comes and brings his own police.

So the residents, they have no recourse whatsoever and, Mr. Speaker, on top of this developer now going against everything, he insists on doing this development. You have another developer called Bhagans who is now in the river, digging the river because he too is going to put up like a mall and a plaza. So you have now one developer in the river and another developer in the land. I do not know if people saw it on the television, but it was there where the residents, they do not know what to do again.

The San Juan/Laventille Regional Corporation, they too have indicated that they have no approval. Immortelle Plantations—I have a copy of a letter here which they sent to the regional corporation, highlighting that, yes, they understand and they will not pursue any further works until they have the relevant approval, but they are also highlighting to the regional corporation that Bhagans is still continuing work. So it is amazing, you know, he is sending to say that, okay, he will stop works, thanks the corporation, but look, you know, Bhagans is still continuing works. What is amazing, Mr. Speaker, we have tried everything. We have even placed an article in the papers.

Just recently, I tried to get an appointment—because, you know, we have reached the stage where we are really kind of fed up, and Mr. Minister, through you, Mr. Speaker, we tried to get an appointment with you and we were told—someone from the office, I think, a Mr. Lindsey Ali—that the Minister is preparing to travel so we are not able to see the Minister. So I am glad that you did not travel and that you are here sitting down and understand [*Laughter*] what—no serious—our plight is because it is like these developers, they just do not care and they are going against all odds. That is why I say, I stand with my colleague, the Member for Tabaquite, who was speaking so much about these developers who just going against the regulations.

I really want to put in a plug because, Mr. Speaker, one of the reasons why Immortelle stopped is because the road that they wanted to pass through by the school, the principal sought the assistance of the Ministry of Education—who my dear Minister, I must say, you know, he always at least adheres to some of our requests. [*Crosstalk*] Mr. Speaker, do you know what they had to do? The teachers had to go with their cars and actually blocked the road, just so that they cannot pass with their equipment and so.

What is happening now with the Bhagans developers—if you see trees and old logs. So it is just a disaster waiting to happen as soon as we get a really heavy downpour, and I want to really use this opportunity because, Mr. Speaker, the

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Bill, as I say, I like the contents of the Bill for some of the processes. Of course, my colleagues would highlight some of the technical concerns that we on this side have, but I really would like if some attention can be given because it makes no sense we going through, we approve this Bill and the same situation that exists now, no attention from the Ministry, it will end up where we will now get no attention from the authority.

So, I really want to make this appeal on behalf of my residents in Santa Cruz to really get some attention. Minister, I really want you to intervene and try your best to stop this, because it is going to have now the impact where you will have the Minister of Works and Infrastructure, the Ministry of Social Development will have to come in because of the big disaster that will end up in Santa Cruz. I really want to make this appeal to you to give us your attention.

Mr. Speaker, I thank you for this opportunity. [*Desk thumping*]

**Miss Alicia Hospedales** (*Arouca/Maloney*): Thank you, Mr. Speaker. I am thankful for the opportunity to contribute to this debate and, Mr. Speaker, like my colleague, the Member for St. Ann's East, I would like to just highlight one particular issue with reference to clause 7(1)(a) which says that there will be a:

Facilitation of—"good and sustainable development in a fair, transparent and equitable manner."

I really want to talk about the issue of transparency, Mr. Speaker. Because in 2010, the then Minister of Justice, Minister Herbert Volney, came to this House, and made a declaration that a gun, drug and kidnapping court would have been built in the Trincity area, and after much discussion with him, and particularly him and the current Attorney General—he having discussed it with him—they changed the purpose of the court from a drug, gun and kidnapping court to four High Courts.

Mr. Speaker, it is only because of my appeal to the then Minister, with reference to consulting with the residents, that there was actually—and it was not even a consultation. It was an information session because the decisions had already been made. They were literally telling people the designs are done, the contractor is reserved. They were telling people that all of these things were done. They were not really consulting with the members of the community.

Mr. Speaker, the issue of transparency, again, at that particular meeting—in 2011, the Minister decided that, okay, he was going to come to the community of

Trincity and inform the residents that this is what they were going to do. But in 2011, at that meeting, he made a decision to move the court because when the residents basically told him, “No, we do not want it; you put it somewhere else”. They were very, very passionate about what they wanted to see in their community, the type of development, and they refused, with my support, to have that facility constructed there.

Mr. Speaker, do you know what happened? In 2012—so in 2011, the Minister came and he said, “We are not going to construct it in Trincity”. That was in 2011. In 2012, the Minister—there was a change in Ministers for the Ministry of Justice and the new Minister comes and said, “Well, we are not moving it. We are disregarding the previous Minister’s commitment that they are not going to build the court in Trincity”.

Mr. Speaker, the issue of transparency is an issue—and not just transparency, honesty. The issue of honesty—and you know, it really caused the residents, and even myself, to become very upset at the fact that this Government, a Member of the Government, came in, heard the concerns, made a commitment and it was rejected by another Member of the Government.

**6.30 p.m.**

Mr. Speaker, not only that. During that information session again, because it was not a consultation, in 2012, we were then told that, “Okay, we are not going to give you all the four High Courts, we are going to give you a family and juvenile court”, and again, the residents passionately rejected that decision by this Government, the UNC Alliance Government, to construct a court in Trincity. How could you construct a court, Minister of Planning and Sustainable Development—you should be advising your colleagues. How could you construct a court in a residential community? I really want you to answer that when you are winding up. [*Crosstalk*] How could you construct a court in a residential community? I really would like you to answer.

**Mr. Peters:** “So how yuh ha courts in Port of Spain?”

**Miss A. Hospedales:** Mr. Speaker, Port of Spain is a business community, it is not a residential—

**Mr. Peters:** And San Fernando?

**Miss A. Hospedales:** It is a city. It is a business centre.

**Mr. Peters:** And Mayaro, and Princes Town and Pointe-a-Pierre?

**Miss A. Hospedales:** They have established it in a business centre. Why put it in a residential community as against a business centre?

Mr. Speaker, one of the things that happened at that particular meeting—the issue of transparency again—myself and the residents were told that there would be a car park facility with 50 spaces. When I went to the EMA, the Environmental Management Authority, and checked the records for the Ministry of Justice, it was not a car park with 50 spaces, it was an eight-level car park as against a car park with 50 spaces. So, again, the issue of transparency arises again. We were also told that it was a two-storey building, it is actually a three-storey building.

So, Mr. Speaker, this is creating an environment of distress. Nobody wants to hear what you all have to say as a Government. Nobody wants to hear what you have to say because you have been—in that particular discussion with the residents, you have been basically—those representing the Government have really not been honest, they have not been transparent, because if we did not do our research, right, if I did not take the time out to go to the EMA and search their records, it would not have been known that it was an eight-level car park as against a 50-space car park.

Mr. Speaker, I would like to invite the Minister of Planning and Sustainable Development to come and visit the area because that area cannot facilitate that kind of thing. I asked the Minister of Justice earlier to let us know whether or not the court has been moved to Malabar. Because there was a request for tender ad in the newspaper indicating that a court is going to be constructed in Malabar. So, we would like to know as a community. Please, Minister, tell us whether or not the court has been moved.

With reference to clause 10 which speaks to the committees being appointed by the Minister but the Minister also setting and approving the remuneration packages for these individuals, I would just read the clause:

“A committee appointed under...”

What it says in clause 10(1), it says:

“Subject to section 11, the National Planning Authority may appoint a committee for any of the purposes of this Act, as it sees fit.”

And it also says:

“A committee appointed under this section may include in its membership, persons who are not members of the National Planning Authority but whose appointment to such committee and remuneration are approved by the Minister.”

Mr. Speaker, just earlier on, I was actually showing my colleague, the Member for St. Ann’s East, a document from one of the state agencies. In 2012, their remuneration package went up by \$20,000—initially, it was \$36,000—\$36,000?—yes and it has actually gone up by \$20,000. They are now receiving \$56,000. We do not even work for that.

**Hon. Member:** Who is that?

**Mrs. Thomas:** It is CISL.

**Miss A. Hospedales:** Mr. Speaker, \$56,000, that is their remuneration package, and you are telling me that the Minister is the one who is going to preside on approving the remuneration package. Suppose the Minister—I remember, even at another—[*Interruption*]

**Mr. Hypolite:** \$56,000 per month?

**Mrs. Thomas:** Yeah, per month.

**Miss A. Hospedales:** Mr. Speaker, \$36,000 was their initial remuneration package, that is in 2009, 2010, 2011. In 2012, it went up by \$20,000.

**Mr. Hypolite:** Who is that?

**Mrs. Thomas:** CISL.

**Miss A. Hospedales:** And you know even earlier on today, we had another meeting at a joint select committee, and I am not just disclosing because of the fact that, you know, these committees came into force recently. Another enterprise came before us earlier on today and you have members receiving as much as \$900,000 a month. Mr. Speaker, as much as \$900,000, that is their remuneration package.

**Hon. Member:** For what?

**Miss A. Hospedales:** So, you know, when the Minister says to us that the remuneration would be approved by him, I am very very, very concerned.

**Hon. Dr. Tewarie:** Could be some other Minister.

**Miss A. Hospedales:** What benchmarks would be used to determine the remuneration package for these members who would be sitting on this committee

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of the National Planning Authority? So, I am expressing my concern based on the information that I have been privy to with reference to the state agencies and the amount of money they are receiving through their remuneration package. I am really very concerned that this Minister here is saying that he is going to be approving. So, suppose now, the remuneration package is set to, say, \$30,000 and the Minister says, “Nah, I think they deserve to get \$60,000”. So, Mr. Speaker, I am concerned that a Minister is the one who is determining the remuneration package for these members on the committee. I must express my concern.

Mr. Speaker, in clause 13(2):

“The National Planning Authority shall employ suitably qualified persons as heads of departments...”

The Minister here is saying to us that:

“The Director of Planning who shall have qualifications, and at least ten years’ post-qualification experience, in urban and regional planning;”

What does the Minister mean by “qualifications”? Is it a school-leaving certificate? Is it five O levels? Is it a degree? Is it a Masters degree? Is it a PhD? The Minister needs to spell it out here for us. At least, let us know if it is a degree position, if it is a master’s position, a postgraduate position. The Minister needs to spell it out in the Bill.

Because, you know, the thing is, they leave us to assume things and in leaving us to assume things, if the Bill is passed like this, what is going to happen is that the person charged with the responsibility of implementing this, or bringing life to it, would take anybody with any kind of qualification. What is “who shall have qualifications”? What does that mean, Minister? You need to, at least, spell it out for us. Let us know if it is a degree, a post-graduate degree or whatever it may be.

Mr. Speaker, so I would like to see more specific details with reference to the qualifications for the Director of Planning, not just leaving it as broad as “qualifications”. Qualifications can be anything. As I said, it can be a certificate in school leaving, it can be CXC O levels, it can be a certificate—any kind of certificate in human resource management or something like that. But we would like to see a postgraduate qualification attached to the director of planning, not just saying that it is broad qualifications.

Mr. Speaker, the other thing I want to talk about, I was in the library earlier when I heard the Member for Tabaquite boasting about Government advancing to



keep its promises. He made reference to the fact that they have—well, the list of some of the promises, et cetera. I do not know if the Member remembered. In the Bill—going back to the Bill just to connect the dots—it says that in clause 11(1)(b)(iii)(B), there is something called:

“policies relating to property taxation;...”

I could recall that in 2009, the Member of St. Augustine who was—of course, he would not have been a Member of Parliament then, but the Member for St. Augustine went on a campaign on “Axe the tax”. I was really surprised to see this in the Bill, because they said:

“policies relating to property taxation;”

That the National Planning Authority will advise and make recommendations on policies relating to property taxation. So, in looking at that, as I said, I remember the Member for St Augustine in the “Axe the tax” campaign. You know, they are axing the tax. [*Crosstalk*] PNM tax or no PNM tax, tax is tax. Okay? So “axe the tax”. He said, no property tax will be paid and he made so many statements.

**Mr. Ramadhar:** Mr. Speaker, with your leave?

**Mr. Speaker:** No, the hon. Member would have to give way.

**Mr. Ramadhar:** [*Inaudible*] never said that.

**Miss A. Hospedales:** Mr. Speaker, I am not giving way. Thank you. Mr. Speaker, in 2010—so the Member, his campaign and the campaign of the UNC alliance members, was “Axe the Tax”. They were up and down Trinidad and Tobago axing the tax.

In September of 2010, the Prime Minister, Member for Siparia, came and she said that she was assuring the general public that there would be no new taxes in the 2010/2011 budget. She said, in that particular statement, read my lips, no new taxes including no property tax. But then again, in the Bill, we are seeing that there will be a review, recommendations, making reference to policies relating to property tax. So, we were told no new property tax.

There were further statements, I would go on, in 2011, the then Minister of Finance, Winston Dookeran, hinted that the Government would not implement the property tax. So again, not only did the Member for St. Augustine say no property tax, the Member for Tunapuna said no property tax, the Member for Siparia said no property tax. Then we go on further—but, you know, “they really confusing”.

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Three Members, eh: the Members for Tunapuna, St. Augustine and Siparia said no property tax. Guess what? You know, the Minister of Finance and the Economy came to the House in July 2012, and said we have to bring back property tax. So I really want the Minister, in rising, to tell us whether or not they are bringing back property tax, because three Members said, “No, they are not bringing it back”.

The Minister of Finance and the Economy, in 2012, said, “Yes, we are bringing it back”. Hear what he said:

It is costing the Treasury money in lost revenue that could be used to develop the country.

This is what the Minister of Finance and the Economy had to say. Again—no, but guess what? He was not the only one. The Member who is currently before this House today, the Minister of Planning and Sustainable Development, said that—he was talking about the Minister of Finance and the Economy indicating that a new and improved property tax structure will return before Finance Minister, Larry Howai develops the next budget, which was the 2013 budget, and he also said the date of imposition of the tax would be decided collectively by the Parliament. So what the Minister, who is before this House here today, was saying to us, Mr. Speaker, they have really, you know—and not only that, “eh”. In 2013 as well, the Minister of Finance and the Economy also, again, reiterated the point that they are going to bring back property tax. So, you know, “they really confused”, there is no agreement among them.

The Member for Siparia, again, Mr. Speaker, the Member for St. Augustine and the Member for Tunapuna, said no property tax. The Minister of Finance and the Economy said, yes, property tax. And guess what? In 2013, the Prime Minister comes back to his House, September 2013, and says that the Government was not returning the property tax. Mr. Speaker, they are confusing the members of the population. It is either “yuh bringing it or yuh not bringing it”. [*Crosstalk*] So, Mr. Speaker, the Minister needs to tell us, whwn he stands on his feet, whether they are reintroducing the—and this is what she further said:

“The PM...”

The newspaper article in the Guardian says:

“The PM said Government would not be reintroducing the Property Tax...”

So they are really very, very, very confused.

Mr. Speaker, before I end, I just want to highlight just one other—two other things. With reference to clause 17 and the delegating of authority, it says that:

“(1) A municipal planning authority may delegate any of its function under Part IV to a committee or an officer of the authority.”

**6.45 p.m.**

Mr. Speaker, I think the delegation of authority of planning functions, basically to one officer, should be reconsidered with reference to the issues of accountability and transparency. I think the Minister should leave it with a committee because in a committee you are able to—there is a higher level of accountability and transparency as against giving it to one person to sign off on that.

Mr. Speaker, I just want to say that in the First Schedule, the Minister made reference to the National Planning Authority and he provided a list of persons who would sit on this National Planning Authority. But, Minister, I think you forgot the representative from the Municipal Planning Authority and I think you need to include that.

Mr. Speaker, I just want to say thank you. [*Desk thumping*]

**The Minister of Land and Marine Resources (Hon. Jairam Seemungal):** Thank you, Mr. Speaker. As I sat and listened to the speakers opposite for the last 15 minutes, it was the most confusing parliamentary—[*Interruption*]

**Miss Hospedales:** Not at all.

**Hon. J. Seemungal:**—discourse that I have heard in a long while. Mr. Speaker, I think all of them on that side are so confused they are not even sure of what is even going on.

I want to clear up the Member for Arouca/Maloney, and I would draw her attention to this document that this Government laid in the Parliament. It is our achievement from 2010—2014 and it is dated March 31, 2014. To clear the confusion of the Member for Arouca/Maloney, I would advise that you go and study this document thoroughly and maybe you can convey to your constituents so they would be less confused, because if you are confused I could imagine how your constituents would be feeling.

Mr. Speaker, this document that we have here has shown that this Government has achieved close to 90 per cent of its promises that we made in 2010. [*Desk thumping*] So, the Member for Arouca/Maloney would be advised to have a read

of it. It was laid in the Parliament and you can find it online as well. I would be very happy to give you this copy so that you can take it back and share it with your constituency of Arouca/Maloney.

Mr. Speaker, I also listened to the Member for St. Ann's but she really had a complaint on her constituency so there is not much I can reply to what she has said.

But I want to take issue with the Member for St. Joseph. The Member for St. Joseph sat here for close to five minutes trying to chastise the other place, which I found very distasteful. We are all Members of this honourable House and we should not sit here chastising Members of the other place because we are both here doing the people's business and the people's business is to bring good legislation and to also look at what each has done in both places, in both Houses. And from time to time, there are matters that are referred from this House to the other place and the Members of the other place would look at our proposal and they would make amendments as they see fit and it would come back to this House for us to accept or not accept the recommendations that were made from the other place. So I found it very, very, very disrespectful and very distasteful as a Member, as an individual who sat in the other place.

**Mr. Indarsingh:** He came from the other place.

**Hon. J. Seemungal:** I believe that he forgot where he came from. He sat in the other place for a very long while and then come to House and now that he is in this House, he belittles the other House. So I really do not understand what is happening in this place, Mr. Speaker, but it can only come that they are all confused as to where they are, where they come from and maybe they are confused as to where they are going, but we are sure we know where we are going. We are very, very certain of that.

He spent a lot of time talking about the passport. I was wondering at one point in time whether you have to apply for a passport to get a piece of land, because the entire debate is about land management and land practices and whether the passport relates to land.

**Miss Cox:** Mr. Speaker, 36(4).

**Hon. J. Seemungal:** Mr. Speaker, I was just referring to matters that were raised by the Member.

**Miss Cox:** He is saying that all of us are confused.

**Mr. Speaker:** Yes, what is your point?

**Miss Cox:** Mr. Speaker, he is using insulting and offensive language.

**Mr. Speaker:** I did not get—[*Interruption*]

**Miss Cox:** “Doh pretend all yuh doh know, yuh know.”

**Mr. Speaker:** I did not get the impression that he was using insulting—just take your seat for a moment. What I would advise is that if the Member feels strongly about what you have said, I would ask you to use more elegant language in expressing your viewpoints. Okay?

**Hon. J. Seemungal:** Thank you, Mr. Speaker. I am trying to prevent any anarchy and chaos in this House, so that we would not refer to the other place. I remember where I came from, Mr. Speaker. Probably that is instilled in my memory, sitting on that Chair of yours.

Mr. Speaker, the Member for St. Joseph spoke at length as to development and what this Bill is about. It is to help with sustainable planning and planning with respect to moving forward. But what the Member also made some hints at is how were the lands of Caroni (1975) Limited treated under their tenure. The lands of Caroni, many of which started the entire distribution—and the disbursement of those lands started under the former administration. We merely inherited all that they have started. And maybe if we had this Bill and a Bill as detailed with the powers in this Bill, we may not have ended up, in many cases, with issues such as that which we had to deal with recently, such as the Felicity issue with the Felicity farmers.

Mr. Speaker, I rise to support my colleague, the Minister of Planning and Sustainable Development and to support this Bill relating to the planning and development of land and to repeal and replace the Town and Country Planning Act, Chap. 35:01. The Town and Country Planning Act dates back to 1960. It is a very old Act. It is an Act which predates our very existence as an independent country and it was really around the time when the country was coming into management of its resources on its own. Most of this legislation, we would have inherited from—in those days—the British system and the Act itself would have been drafted, I am certain, using the legislation from the British system.

Mr. Speaker, we are living in a very dynamic and changing world and we are living in a very dynamic and changing society, one which changes every single day, because what occurred maybe 20, 30, 40 years ago does not and in many cases do not occur now. For instance, all lands are presumed—there is a presumption for land as well, just like there is a presumption, in many cases, for

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law and in law cases—to be that of agriculture before moving on to any other development. So, the basis of land is really that of agriculture lands and the Town and Country Planning Division, under the Act, was formed, really, to convert these lands from agriculture to other types of businesses and these may be commercial-type business. Some of them may be institutional, where we have universities and schools, and some of the other types of development would be recreation and towns and small villages, in terms of their development.

Mr. Speaker, when one looks at the history of this country and where we came from, with respect to the development and the changing society and what persons look forward to—many moons ago, we had the sugar industry. Prior to the sugar industry, we had the cocoa industry and prior to the cocoa industry there were many other smaller subsistence-type agriculture that dominated the landscape. Rice was a big part of the landscape of Trinidad and Tobago. What happened over the years is that—the cocoa industry—persons moved away from the cocoa industry.

My grandfather was a cocoa planter. He had a cocoa plantation. And I recall my parents worked in the cocoa industry. My mother, I recall, Mr. Speaker, had to pick a basket of cocoa and had to pick a basket of coffee for \$10 per basket. My mother also had to crack cocoa and tote cocoa out from the field on her back. I recall the days when I used to “dance cocoa” in the cocoa house. Now, that is where we came from and this Bill is really about planning and the changing society and where we are going, because many of those persons whose lands were at one point in time agricultural lands are now moving their lands away from agriculture, and many of them want to convert their lands or have started converting their lands into residential parcels.

Mr. Speaker, this is where we have, what you call unplanned development and these unplanned developments occur throughout the country. On many occasions, it is because there are two types of land title, one of which is the RPO land title and one of which is the common-law system. Under the Real Property Ordinance, in order to convert your land from agriculture to any other purpose, you must, in other words, you shall go to Town and Country and have that planning permission vested in you before you can actually sell or part with pieces of your land.

In other words, the Registrar General’s Department would not accept a deed without a signed approval from the Director of Surveys, who relies on the Town and Country Planning Division to approve that particular deed before that land can be sold by individuals, before title can pass on.

**7.00 p.m.**

Under the common law system, on the other hand, you do not require that stringent approach, and this is why you will find, under the common law system, persons would develop their land, they would then divide it up into smaller plots and they can go to an attorney who will then subdivide—who would then register that deed based on the plan drawn up by a land surveyor, and it only requires that that licensed land surveyor sign on that particular plan. It does not require the Director of Surveys who by law, under the Lands and Surveys Act, who in law, is the only person authorized to sign an approved plan to be accepted by the Registrar General's Department.

So this is why it is necessary to have these separations, Mr. Speaker, of the Town and Country Planning Division, on the one hand, then you have the Director of Surveys, on the other hand. The other important person to manage lands in the country, Mr. Speaker, is the Commissioner of Lands in whose hands the state land portfolio is vested, and he reports to the President of the Republic of Trinidad and Tobago, who holds all state lands on behalf of the citizens of Trinidad and Tobago.

So, Mr. Speaker, this is why it is necessary, from time to time, to look at the legislative portfolio, and to look at the laws that we are governed by in a changing society, and try to keep up in time with what occurs. This is why, Mr. Speaker, for instance, when you look at the landscape of the country and you look on the hills, you will find that many people are building up and up and up on the hills. Now, one wonders whether or not they have the authority to build on these hills. It is because of that system that I explained, where you have the old law system and the RPO system, one of which requires a stringent approach before the Registrar General's Department will accept the deed, the other does not. This is why the Town and Country Planning Division needs to look at itself, take a review of itself, and also needs to put the systems in place so that they can manage that unprescribed development.

Mr. Speaker, with this in mind, under clause 18 for instance, with the changing technology, and change in time, it is also important to manage state resources and manage the land by way of geotechnical data. What does geotechnical data mean, Mr. Speaker? These are data that you would pick up using GPS devices. Out in space, there are hundreds of these satellites that are manned, these satellites that are programmed to actually pick up information based on the location of where you are, using something called “noddings” and

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some coordinates, which I am still trying to figure them out myself, because I am not trained in that particular field.

Mr. Speaker, with respect to state land, the Ministry of Land and Marine Resources was formed by this particular—under this administration, by our Prime Minister, just about eight months ago. The Prime Minister recognized at this point in time that the state land resources require very special attention. As a matter of fact, Mr. Speaker, in most of the developed world there is a Ministry dedicated towards state lands management, because it really requires an approach where you can actually put the resources that are necessary to keep managing the state lands. The Town and Country Planning Division has oversight of the lands, private lands and state lands with respect to the change of use and what use will go into it, but the Commissioner of Lands only has oversight for the state lands—those lands that fall under the President of the Republic of Trinidad and Tobago.

With this, Mr. Speaker, you would find that you have lands all over the place, they have thousands and thousands and thousands of acres. Just under the Caroni (1975) Limited alone, they had over 70,000 acres of land, and now I am finding it is closer to 90,000 to 100,000 acres of land they had, and we can only know that, Mr. Speaker, by using a scientific approach. The scientific approach was alluded to under the Bill by clauses 18 and 28 which now established a national spatial development strategy.

So under the Ministry of Land and Marine Resources, we have started putting together a georeferences system which, Mr. Speaker, at this point in time, it is the most developed system in the entire Western Hemisphere. The entire Caribbean you can—our staff has visited most of these areas, and taken up information that we require to put together this system, that a Minister can stay in his office and know exactly where all these lands are available by georeferencing this, Mr. Speaker.

So what we have done, we have started collecting the georeferences, this spatial data from all the various agencies throughout the government service. So for instance, Mr. Speaker, we have at this point in time, data relating to WASA, all the lands that are under WASA, and all where persons have connection to, once they are georeferenced. We have from T&TEC, every single house, every single business place, we have from the Town and Country Planning Division. We have all the maps relating to land use and the different aspects of planning that the Ministry of Planning and Sustainable Development engages itself in. We have from Petrotrin. We also have from NGC, where all the pipelines are in the country,



plus we have the extreme of our borders and boundaries with respect to the sea on this georeferencing system.

Mr. Speaker, this is necessary in this changing society because we also have on the system digital photography of the entire mass of Trinidad, our waters—and Tobago. We have from 2013. We have every three years prior to that up to 1994. So you can look by engaging these different maps, and looking to see how the landscape of Trinidad changed over time. Just recently we have completed this year, digital photography of the entire mass of Trinidad, and that will be available within the next few months. It is a UK company that is analyzing this, so we can have digital reference to our land, Mr. Speaker.

It is necessary, Mr. Speaker, so that you can plan your development. You can plan exactly what you are doing without having to take a helicopter every Monday morning, and go up to look and see what is happening. You can look at these [*Interruption*] georeferencing sites, and you can determine exactly how you are planning your development.

Mr. Speaker, we also have all the quarrying sites. We can see how the landscape has changed with respect to the squatting issue that we are working on. We also have on it, the exact location of our forest reserves, because also it is very important to know which department of the government service that will take a matter before the court. For instance, if it is in the forest reserve, we have the Ministry of the Environment and Water Resources, through the Forestry Division, but, again, we can only determine that by this scientific approach, Mr. Speaker. So this is why it is important as we go forward to have this body which will help manage that type of system.

Now, I have put it together in the Ministry of Land and Marine Resources, so that it will help me in terms of the management of land mass as we go forward. Because sometimes, Mr. Speaker, it is important to know exactly where your land is, so that you can then make a better plan as to what you want to do with that land, if it is state land, Mr. Speaker.

So, Mr. Speaker, this georeferencing digital system—I promise not to stay very long—that we have, it will also help when this Bill that we have before us in this honourable House comes into effect, that we would already have a ready-made system that they themselves can work with. So that it would make clauses 18 and 24 much more—can come into effect at a faster pace than one would anticipate, Mr. Speaker.

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Mr. Speaker, this Bill will also help with respect to the issue relating to squatting as well. There are over 300,000 squatters that we have calculated thus far, and it is increasing every single day.

**Miss Hospedales:** Could you quote the clause?

**Hon. J. Seemungal:** Could you quote the—?

**Miss Hospedales:** Could you quote the clause?

**Hon. J. Seemungal:** Yeah, I will quote the clause. I am dealing with clauses 18 and 24. [*Crosstalk*] Mr. Speaker, this spatial mapping also helps us with respect to the squatting issue that we are dealing with. Over the years—and this is—the squatting did not happen overnight, as the Member for St. Joseph would want to let you know, that it did not happen overnight. It happened over a period of time, where the State at one point in time closed its eyes and allowed people to invade the state lands.

In many instances, the private sector has a very similar issue but, as far as the Commissioner of Lands is concerned, we can only deal with state lands. On several of these sites where we have squatters, Mr. Speaker, they are directly in the forest reserve, and over the last couple of weeks, there were some articles that ran in the *Guardian* relating to what is occurring in places like Mora and the Matura forest, what is happening up there, and what we are doing to control this.

Now, had we a Bill such as this, Mr. Speaker, and have some of the more stringent measures in it, it will also help with respect to that type of unplanned development, really. This is not really an unplanned development, it is really an invasion of lands that persons have, that do not belong to them.

So, Mr. Speaker, at the Commissioner of Lands' office, we have also created several departments that will help in this entire planning as we go forward. For instance, we now have a fully equipped reclamation section.

Now, what is happening along the coast, Mr. Speaker, many of these individuals, again because of these unplanned type of developments—and these are not poor people along the coast, Mr. Speaker; these are people who can afford to build a jetty. I mean, a poor man cannot really afford to put up a jetty and just have it there, but many of these persons are extending into the sea, and they are putting up structures into the sea as well. So we are now equipping ourselves at the Commissioner's office to deal with these matters hands-on, and a direct approach.

We have also—to help with this entire squatting issue, we have also added to the section that deals with looking, and we have close to 79 officers now who go out and patrol on a regular basis. We have engaged also private sector security to go out and look and see where these squatters are taking place, Mr. Speaker.

Mr, Speaker, with this Bill, it is a very, very important Bill, it really changes and repeals the 1960 legislation, and brings it up-to-date into what is happening in society, what is happening with a change in society, Mr. Speaker, and what is happening in where we are going with the way forward.

Mr. Speaker, I urge the Members on the other side to look at the Bill very carefully, to study the Bill and try to understand what it is about, and do not come here and say, we do not understand this and we do not understand that. Maybe the Members can sit and caucus together and see if they could have an interpretation from the other place which they chastised earlier, and see why it is that they themselves in the other place voted for the Bill, and then they come here and they do like the Bill does not exist. I agree that this is a different place, but sometimes we must consult the people in the other place as well, if they are ours to deal with, and then make a determination as to why they came up with this, as opposed to that.

Mr. Speaker, with these few words, I want to thank you. [*Desk thumping*]

**7.15 p.m.**

**Mr. Colm Imbert** (*Diego Martin North/East*): [*Desk thumping*] Thank you, Mr. Speaker. Mr. Speaker, I just want to make it clear that whatever happens in the other place happens in the other place. That does not concern us in this place and that is a well-established parliamentary precedent.

Secondly, Mr. Speaker, as the Member for St. Joseph pointed out, when people have problems or are aggrieved with unauthorized building activity or with planning permission that has been granted under curious circumstances, they come to their Member of Parliament. That is what we are for. When we go to the electorate and we ask people to vote for us, we go house to house—at least those of us who do it properly do—and we are expected to represent our constituents with respect to every problem that they have, especially with respect to the built environment. [*Desk thumping*] Therefore, Mr. Speaker, it is arrogance in the extreme on the part of the Government to seek to minimize the role of this House because without this House the other House would not exist.

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Mr. Speaker, let me just give you one example. People come to me all the time about problems with Town and Country Planning Division approval, development control, et cetera. Just today, coincidentally, a constituent of mine—  
[*Interruption*]

**Hon. Member:** Not me eh.

**Hon. Member:** And not me, either.

**Mr. C. Imbert:** Yes, Mr. Speaker. Mr. Speaker, through you, the Minister of, what are you now? Tourism? Whatever it is, transport, the Minister of Education and I think there is another Minister in my constituency, the Minister of National Security, every day they drive by the collapsed wall at the Country Club, three Ministers, and see that eyesore. They see it in the morning; they see it in the evening. Three Ministers of Government have seen that—and sometimes they go twice for the day—eyesore by the Country Club, that collapsed wall.

It collapsed on November 28, 2011, nearly three years ago. It is a shame that these three Ministers do not think it is relevant, but I can assure you that many of my constituents complain to me about that disaster that was left there by this present administration and, based on the information given to me, by the hon. Minister of Works and Infrastructure, it will remain there forever. In fact, I think what he said was, as a testament to the incompetence of his predecessor, the hon. Member for Chaguanas West, they will leave that wall there forever in its collapsed state.

But the point is, in all matters relating to infrastructure and development control, et cetera, the population goes first to their Member of Parliament, the person that they voted for and, therefore, it is an insult to the electorate and to this House for persons to believe that they can do whatever they want in some other place and then bypass the House that represents the people in this country.

Let me give you an example of a matter brought to me by a constituent. One of my constituents has complained about an unauthorized development, which is in violation of the current Town and Country Planning Act and will be, I am pretty certain, in violation of this new planning law whenever it is proclaimed. At least the Government had the decency to put a proclamation clause because there is a lot of work that they have to do.

On Long Circular Road, there used to be a restaurant opposite the Assumption Church that was called Tao, I believe, and it served, among other things, sushi. And there was a dispute between the occupiers of that place and the sushi

restaurant closed down and the partners involved in that business are now in court.

But as part of the strategy—one party is trying to get at another party—they published a notice in the newspapers indicating that one of the grounds on which they are suing the other party is that that particular building was approved as a dwelling house. It was a dwelling house. It never received change of use and it never received Town and Country Planning approval, but it was being operated as a restaurant.

So one of the restaurant owners is suing the other one for breach of contract on the grounds that they did not have planning permission. But that is just the precursor. They have thrown out one of them, the place was closed down and now a school is going to be housed in that place, a school.

It is people that I know. The people that are planning to put the school there are people that I know. Because I know them, it would be irresponsible of me as the parliamentary representative for the area not to bring this matter to the attention of the Minister and not bring this matter to the attention of the Government.

Here is a letter from the managers of the school to the parents.

Dear Parents,

As you know Arbor and Rosewood have been growing steadily and we have an increasing demand for places at the schools. The board has been working to find a suitable place to accommodate both schools.

At this point and for the next few years, consistent with the growth and the economic possibilities, after looking at many options, a decision has been made to relocate the schools, effective September 2014, to a suitable location at 129 Long Circular Road.

We are starting the necessary renovations immediately and we are planning to start moving the school materials by the middle of July. There are many questions that parents will have, including classrooms, play area, parking, traffic, et cetera. We are hoping to have this location ready for mid-August and then proceed to clean and install each classroom.

Now, the point of it is, Mr. Speaker, the property is a dwelling house. *[Interruption]*

I am bringing it up now. I got this now. Mr. Speaker, what is wrong with the Members on the other side? Mr. Speaker, what is wrong with them? What is wrong with them?

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A constituent of mine has brought a problem to my attention that a dwelling house that was being used as a restaurant unlawfully, in breach of the Town and Country Planning Act, is now going to be converted into a school and I am told the school has 350 children.

I would like to ask the Minister of Planning and Sustainable Development—because Long Circular Road is already a congested road; it is opposite Assumption Church; whenever there is a service in the church, the whole of Long Circular Road shuts down because it is a popular church. And now you are going to have opposite the church, a school with 300 children. That is not a small school, eh. I am telling you it is people that I know; it is people that we all know. I am sure the Member for Chaguanas East knows who I am talking about.

And I would love to assist them, but the fact of the matter is this is not an approved use for this location. There are traffic considerations and I would ask the Minister, under the planning laws, because under the current law, the Minister has the power to serve a notice. I passed there today and I saw them doing the renovations. The Minister has the power to deal with this. And you see, this is the whole point of everything we are talking about. You want to put in a new planning law, but what is the point of a law if you cannot enforce it?

**Hon. Dr. Tewarie:** Will you give you? Would it comfort you to know that this matter was brought to my attention yesterday? I got a letter from residents about it. The matter is being investigated and, based on the report, I will do what is required.

**Mr. C. Imbert:** Glad to hear that. That is very good because the residents were of the view that the authorities were not dealing with it at all. I am glad to hear that you are looking into the matter. That is good to know.

I would like to help these people. As I said, it is a group that I am very familiar with, but I have a wider responsibility to the 25,000 persons within my constituency and the users of that area. [*Interruption*]

You can say what you want, but this is what development control is all about and because we are now putting in a new planning law with all sorts of penalties, I want to read into the record something I downloaded from the House of Commons because I am very concerned about this law. A lot of the provisions are taken straight out of the United Kingdom, straight out, and, Mr. Speaker, I want to read into the record the policy in the United Kingdom, and it states as follows—this is from the library of the House of Commons, Enforcement of Planning Law,

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“Carrying out development without planning consent is generally not a criminal offence. However, failure to comply with an enforcement notice is a criminal offence.”

And this is an important distinction.

We had this problem with the Insurance Bill where, whether you breach the most minor provision or you breach the most major provision, it was a fine of \$500,000 and five years jail and so on. And in England, for years they have had this policy and I think it is a policy that we should adopt in Trinidad and Tobago, that carrying out development without planning consent should not be a criminal offence but failure to comply with an enforcement notice should be a criminal offence.

In England, as well, enforcement action is discretionary and planning authorities are told to act proportionately in responding to suspected breaches of planning control. For example, a local planning authority may decide not to take enforcement action if it believes that a development would have been granted planning permission. But in our law, you now have a requirement where, if you make an application for development—just to build a house, for example—and people do this all the time and—you see, Mr. Speaker, we must fashion our laws to suit our society. We are a developing country and to take laws from developed countries wholesale and just transplant them into Trinidad and Tobago, you are going to end up with a cultural problem.

In this law, if you apply for permission to construct a dwelling house—and there are thousands and thousands of people that do this—you must publish a notice and you must post the notice on the piece of land. This is a requirement of this law. So you have to take the notice of your application and post it somehow on a shed or on a pole or something on the piece of land.

Mr. Speaker, if you do not do that, if you do not post that notice, then you are going to run afoul of Part X of this law and Part X, clause 95 and—by the way, the copy of this Bill that we got is not properly printed because clause 95, which deals with offences, stops abruptly at subclause (f). It then goes straight into clause 89 and then 90, 91, comes 92, 93 and then you get the missing subclauses of 95 mysteriously appearing halfway through clause 94. So I just say that for the record and I would like the Parliament to correct that because if you do not read this thing carefully, you would have no understanding of what happened to the rest of 95.

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But the second part of 95, which is really stuck at the end of 94, says:

If you contravene—“any provision of this Act for breach of which no other penalty is prescribed,” you—“commit an offence”—you are—“liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months, and any director or officer of”—any—“corporation who knowingly concurs in the commission of”—such an—“offence...also commits the offence and is liable to the same penalties.”

**7.30 p.m.**

So for the mere act of making an application to the planning authority or a local planning authority, and failing to post notice of that on the land, a person will now be liable on conviction to a fine of \$20,000 and imprisonment for six months. That is a disproportionate remedy, and that is why in the United Kingdom they distinguish between a breach of the planning law and a breach of an enforcement notice.

Now, the other penalty that occurs is that if you receive permission—you make your application, you receive permission—you have to post that too on the land. So you have to post notice of your application while it is pending, and if you get permission you have to post that on the land too, and if you do not do that—\$20,000, six months imprisonment. This is clearly—*[Interruption]*—I will be kind—this is clearly an oversight. If we are going to borrow from the United Kingdom, then we need to borrow everything from there that makes sense.

You do not have to take things that do not make sense, but we must take the whole thing so that the thing works, and we definitely need to do some work on the offences and penalties in this law. We cannot apply a penalty of \$20,000 and imprisonment for six months to the most trivial infringement under this law. This is what it says:

That if you—“contravenes any provision of this Act for breach of which no penalty is prescribed,”—\$20,000, six months in jail.

So we need to fix that, Mr. Speaker, and we need to, as I said, we are doing that right now in committee with respect to the Insurance Act, we are looking at these penalties because they are simply not workable.

Let me go back to the beginning. Now this Bill has some innovations in it, some of them are good and some of them are bad, and one of the good innovations, although it is muddled up in layers of bureaucracy, is the introduction of a role for professionals in the approvals process. There is a long drawn-out section on the role of registered professionals with respect to



approvals, and what it essentially does is it delegates the certification of an application, and the certification of plans and structural drawings and so on, to registered professionals.

Now that is something that has been in the works for quite a long time, and it places a responsibility on a registered architect or a registered engineer, that if he certifies that structural drawings or other plans are in compliance with the building code that is to be developed and so on, that if he does so and that he makes a mistake, wilfully or otherwise, then he is liable. So there is the whole question of the registered professional having to have put up a bond, would have to have liability insurance and so on, but at least it has initiated the process where the planning authority can make it easier for approvals to be obtained by delegating the examination process, the examination of plans to registered professionals.

So that is the good part of this law. It has its good parts and it has its bad parts, and that is a good part and I have no real complaint with that clause, which is the clause—Part VII, Listing of Professionals—that allows the delegation of the scrutiny of plans and the certification of plans to registered professionals.

But what I do have a problem with is the importation of certain norms that now exist in the United Kingdom into our society, and I go straight to clause 39.

In clause 39, for the first time now, it states that:

“Subject to the provisions of section 40, any permission to develop land granted or deemed to have been granted before the commencement of this Act shall, if development to which such permission relates was not commenced before the commencement of this Act, be deemed to have been granted subject to a condition that development shall be commenced not later than five years after the commencement of this Act.”

It goes on:

“Subject to the provisions of this section 40, all permission to develop land granted on or after the commencement of this Act shall be granted subject to a condition that development shall be commenced not later than a date specified in the permission, and if no date is specified, then within five years from the date on which such permission is granted.”

Now, Mr. Speaker, you may not be aware, but at the present time there is a two-stage approval process: you apply for outline approval and the outline

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approval will give you guidelines with respect to the final application, in terms of the density of development; let us say, you are doing a land development, the outline approval will tell you the number of lots per acre or hectares, as the case may be, that will be permitted, the minimum size of the lots, the size of the roads, the drains, et cetera, et cetera. The outline approval will tell you that.

Then you apply for final approval, based on the conditions in the outline approval, and then you send in all your detailed plans and you answer all the queries that the Town and Country Planning Division may have, you modify your plans to suit, you provide them with whatever information that they need, and you get what is called “final approval”. Now, that process could take years, and it usually does when you are dealing with matters that involve more than the construction of a single dwelling house—years, and you get your final approval.

Mr. Speaker, after you get that, it will be subject to conditions where they would require you to do various things: to get the approval of the Water and Sewerage Authority if there is a fairly complicated water reticulation system required, the approval of the fire service, the approval of the relevant regional corporation, whether it is the Port of Spain Corporation or the Couva/Tabaquite Corporation, as the case may be. In some instances, you may require the approval of the Environmental Management Agency; you may require a certificate of environmental clearance sometimes.

Sometimes if it is an industrial development you might require approval from another agency, but once you have gone through the process and spent your money, engaged an architect and other professionals, and take a lot of time and effort and get your final planning approval, right now that is permanent. Our law makes that approval permanent. This law is limiting it now to five years if you got the approval before this law was passed, and it could be less than five years if the approval takes place after this law is passed.

Now, Mr. Speaker, we have lived in a country that has gone through many cycles of boom and bust. You know, we had the oil boom in the late 1970s, early 1980s, and then we had a bust in 1985, 1986, where oil prices went as low as \$9, and then we had another cycle where oil prices improved and then we had another cycle where oil prices crashed again, and another cycle where oil prices went up and went back down—I remember in 2008, oil prices had reach \$146 and then went to \$35 in a matter of six months, and now back up to \$100.

Because we are an energy-dependent society—and, you see, this is why I say, you cannot just transplant something from mother England—you know, a lot of

our planners, they like to go to England for their training, you know, or some other Commonwealth country. They do not really go to North America, you know, they go to the motherland.

**Hon. Member:** Where did you get your master's from?

**Mr. C. Imbert:** England. [*Laughter*] But the point is, Mr. Speaker, a lot of our planners like to go to a British university or a Commonwealth university to get their professional qualifications, and they are infused with this British sense of what development should or should not be.

Now, Mr. Speaker, England is one of the most controlled societies in terms of building development, but they are not an oil-based/energy-based society. Yes, they may have recessions and periods of growth and so on, but they do not have a boom and bust cycle like an oil/energy-based society. We have situations in this country where people could not pay their mortgage. I remember back in the 80s—I am sure the Member for Pointe-a-Pierre, being slightly older than I am, maybe a year or two, would remember back in the early 80s people could not pay their mortgage and they were just handing back the keys.

**Hon. Member:** The Varinstall.

**Mr. C. Imbert:** Yes. The Varinstall plan, where, you know, as time went by instalment went up and people just could not pay it. Yes. We have had many situations with our recent boom and bust cycles where people started development and they cannot complete them, or they get approvals and they cannot start it.

Putting a five-year restriction, especially when you are talking about a five-year restriction after you got the Town and Country Planning approval—you still have to go and get the Ministry of Works and Infrastructure, fire, WASA, EMA—and, Mr. Speaker, I am talking not from speculation, but I am aware of certain developers. There are certain agencies in this country which are notorious in terms of the time that they take to give approvals, the Water and Sewerage Authority is a case in point. They can take up to three to four years to give you approval.

So you have a situation where somebody gets Town and Country Planning approval, but is required to get WASA approval, the Ministry of Works and Infrastructure approval, fire approval; by the time they get all of these things the five years is finished, because the five years runs after you get the Town and Country Planning approval. By the time you get all your approvals, five years is up; now, you have to make an investment decision, and you are telling the man, “Make the investment decision in two months because otherwise it will lapse”.

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That is not suited to our society.

It cannot work, and I am talking specifically about approvals that have already been granted, not approvals going forward, because I know the Minister has some concept that you will have some super committee where all the agencies will be represented and that somehow you will get all your approvals in one shot. Well, Mr. Speaker, that has been tried in this country many, many times for the last 30 years and I am yet to see a successful one-stop shop operate in terms of all the approvals.

[*Interruption*] No, it was there for the energy sector. I myself did an application back in the 90s, and I remember having to go to a committee—it was an energy project and I had to go to a committee where all the agencies were represented—it took four years to get the approvals but they were all there on this coordinating committee, all the various agencies together. But be that as it may, Mr. Speaker, it is not practical, it does not make business common sense, and it is just unfair to impose this kind of requirement on the citizens of Trinidad and Tobago, this is punishment.

So that after you have spent all your money, you get all your approvals, the five years done, you now have to make a decision, instantly, as to whether you go ahead with the development or not. If you do not start it, it lapses, and we are subject in this country, unlike the United Kingdom, to the vagaries of the petroleum sector. On many occasions persons may wish to mothball a development, not proceed with it until the economic climate is better, the real estate market may become depressed for all sorts of reasons, it may not be viable to proceed with a development, so you park up the land, as it were, for a little while, and wait for conditions to improve.

Mr. Speaker, what I would like to see in this law—certainly, I do not agree with the five years, it has to be longer than that, at least seven or eight years. But not only that, if the development conditions have not changed, if when the period has expired and you go to renew the permission, you should not have to go through this whole process all over again—hire architects, hire engineers, and so on.

**7.45 p.m.**

Mr. Speaker, one of the problems in the United Kingdom, which they have highlighted with that five-year limitation—and in some cases it is three years—is

that you give objectors a second bite of the cherry, so a person may have gone through the whole process of public consultation. This Bill is now going to introduce a process where persons can object to a development. That is the whole reason why you post the application on the land; you have to put it up there so people could see that you are applying for approval to develop this piece of land or this building, as the case may, so they could object. That is why you do it. That is why you have to do it. [*Interruption*]

**Mr. Speaker:** Hon. Member, we have a Procedural Motion that we have to engage in right now.

#### PROCEDURAL MOTION

**The Minister of Planning and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that this House continue to sit to continue debate on the Planning and Facilitation of Development Bill, 2014.

*Question put and agreed to.*

#### PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

**Mr. C. Imbert:** Mr. Speaker, what the Government has done in this legislation is use a blend of prescriptive and framework legislation, but more on the prescriptive side. So they have put a lot of rules and conditions into the text of the law, that is their choice. But when you are doing that, you cannot on the one hand put all these rules in here, and then give the planning authority unlimited power. That is what they are doing with this five years. As soon as the five years are up and the approval lapses, the person has to reapply, and the whole process kicks in again. So a person may have gone through a process of making an application; gone through the public consultative process. They hold public meetings, allow people to send in memoranda, all sorts of things may have occurred; due consideration has been given to all of the objections, and eventually they finally succeed and get their approval, and then it lapses, they start all over again.

That is one of the problems in England that they have identified, that when you allow approvals to lapse, you allow people to object for a second time. So what I am going to recommend is that the planning authority shall not have unfettered and unlimited power to refuse an application. Once you have gone through the process and you have done everything properly, and there has been no material change in the spatial development policy or the land development plan for that area—in other words, the conditions remain the same, there is no material change—that the planning authority will be required to renew the permission, so

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that the person does not have to go through this whole convoluted process again and have a new public consultation and so on.

Of course, if there is a material change, I see nothing wrong with that. If things have changed drastically and it is no longer appropriate to have this particular development in that particular area, from a national policy point of view, okay. But if there has been no material change, the planning authority should not be allowed to act whimsically and refuse to renew or extend planning permission, Mr. Speaker.

This is a very serious matter—a very, very serious matter, because this is not England, it is not; where they want to control development, where they have enough houses, they have enough buildings, they have enough roads. Yes, of course, every country needs to develop all the time, but there is no comparison between the United Kingdom and Trinidad and Tobago—none.

If you talk to the Minister of Housing and Urban Development—I have no idea what the backlog of applications for housing units is, but the last time I checked it was about 125,000, or it crossed 200,000? You know, when the Minister talks he has this tendency to expand the figures. You are saying 200,000 now?

**Dr. Moonilal:** Much more.

**Mr. C. Imbert:** Much more, okay So, Mr. Speaker, we have 200,000 applications for houses. Now, there is absolutely no way the Government could build 200,000 houses in the foreseeable future; it is kind of impossible. I think the most housing units ever built in this country was back in the early 1980s, I believe, when Wendell Mottley was Minister of Housing. I think he achieved about 8,000 or 9,000 houses in a particular year. It was a prefabricated approach, prefabricated construction, that was up in the east. But that is the highest number of houses that I am aware of ever built in a single year, maybe about 8,000.

The norm is 3,000, 4,000, 5,000, whatever it is. So to build 200,000 houses, it will take you—if you are doing 5,000 a year, how many years that will take you?

**Dr. Gopeesingh:** 40 years.

**Mr. C. Imbert:** Forty years? Do your maths correctly—200 divided by five. You are absolutely correct, 40 years. [*Laughter*] It is all right, “take win”. But the fact is, to satisfy the housing demand would take 40 years with the best will in the world, with no shocks to the economic system, with not natural disasters, with no other pressing developments—

**Dr. Moonilal:** No other applications.

**Mr. C. Imbert:** And no new applications, that is true, no population growth and no new applications, Mr. Speaker. We cannot adopt the restrictive policies of these developed countries, we just cannot. It is all very well to aspire to developed country status, but you have to reach there first. You have to become a developed country first, before you can start trying to control and reduce development. As I said, I feel very, very strongly about this, and this does not make any sense as far as I am concerned.

In England, you know what they are trying to do over there? They so want to restrict development in England, do you know what they tell you? “If yuh doh build, yuh go lose de land.” In fact, there are political parties in England—the Labour Party at one time campaigned on a platform that they will force you to build on your land, and if you do not build within the three- or five-year period, they will seize your land from you.

Land is a very emotional thing to Trinidadians and Tobagonians, we feel very strongly about land in this country; it is our history, it is our culture. You take the culture of indentureship—at the end of the indentureship, you got a piece of land. So that land is superimposed and entwined in the very fabric of this nation. If you now bring a planning Bill and try to restrict the use of that land, and you tell somebody that they have gone through all of the processes to get this final approval—they are a law-abiding citizen, they are not building without approval. They are going through the process, but they are short of funds, they do not have all of the money required to pay the experts and so on, and they finally reached the end now, they get their thing and now they are waiting.

They are saving their money, you know, they do not want to take a loan, because that is another cultural thing in this country; a lot of people do not want to borrow money. They want to save until they have enough, and then they start the house. I think this is particularly so in rural parts of Trinidad and Tobago. You are going to tell a person like that now—that you went through the thing, you got somebody to draw the plans for you; you got your final approval, and five years passed, “Too bad; approval cancelled, start all over again”. So we have to be very careful about importing these developed-country norms into Trinidad and Tobago.

They sound nice in a classroom. As I said, when our planners go abroad and they do their master’s degrees and whatever at the University of London and wherever they go, and Oxbridge, it sounds nice: the people must not leave land lying fallow; you must not leave it idle. I have an article here from *The Telegraph*, dated 2014, and it goes like this:

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“Build homes or lose planning permissions, Nick Boles tells developers.

Announcement likely to be seen as response to Ed Miliband’s Labour Conference speech, in which he said developers would have land seized if they failed to use it”

That could work in England. You could imagine a political party campaigning in Trinidad and Tobago, telling the electorate that, “We campaigning on a platform that if you do not build your house within five years we are going to seize your land and take it away from you”? Which political party in Trinidad and Tobago will do that, Mr. Speaker? But that is what they are doing in England. The Labour Party has a campaign on that, that they are going to deal with developers by seizing their land, if within the three years or the five years they do not develop the property. So that is another section that I think we need to be very careful of, and that is clauses 39 and 40 of the proposed Bill.

The other thing is that there is a disconnect between certain entities in this legislation and other entities. There is an attempt to delegate planning from the National Planning Authority down to planning authorities such as local planning authorities. Let me get the actual definition, Mr. Speaker; you have:

“‘planning authority’ means—

- (a) the Tobago House of Assembly;
- (b) a municipal planning authority; or
- (c) a planning authority or a joint planning authority...”

So there is an obvious attempt to delegate the planning function down to the municipal corporations, with certain limitations.

But when you go to clause 11, listen to this:

The National Planning Authority shall appoint a standing committee to be known as the Development Control Committee to—

1. coordinate and expedite the development approval process; and
2. grant final approval and render binding advice on behalf of the National Planning Authority and the agencies and officers referred in the following section.

The following section is WASA, EMA, Highways Division, Drainage, et cetera, et cetera.

How can you delegate to a regional corporation, when the duty of the Development Control Committee is to grant final approval? It does not make any



sense. So how can the committee grant approval and the municipal corporation is granting approval as well? There is a disconnect between this Development Control Committee and the clauses that follow, clauses 30, 31, 32, 33 and so on, because in these clauses the application is made to the municipal authority. It is not made to any Development Control Committee.

All through this Bill, what I see is centralized, decentralized, centralized. The Minister is purporting to decentralize and then taking back the power in the Bill. We need to have clear—if you want to delegate, delegate. This is a halfway house, where the Minister is retaining the power—and I will go straight to clause 48 of the Bill, because in clause 48 you get an understanding of what the Minister is about.

In clause 48 it says:

“Where an application is made to a planning authority for permission to develop land...”—which

“(a) involves issues of national security;”—that is kind of easy to understand. This one is not—

“(b) involves issues of more than local importance;”

What does that mean? What is an “issue of more than local importance”?

“(c) raises significant architectural or urban design issues...

(d) may conflict with national policy;

(e) involves the interest of a foreign government;

(f) affects the obligations of Trinidad and Tobago under any treaty...

(g) involves such other issues as it thinks fit, the planning authority shall refer the application to the Minister...”

So you are giving the planning authority, the municipal authority, the ability to deal with these applications, and then you are taking it away when it deals with national security, anything that is not local, anything that is significant architecturally, anything that is in conflict with national stuff, and so on and so on. What is the point of that?

It is either we stick with what we have in the current law, where the Minister is in charge of everything, or we do the delegation and give the Minister some sort of power to intervene in the national interest; one of the two, not this “half-pick duck” that we have here. I will ask the Government, look at this thing very

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carefully. Exactly what will be the function of a local planning authority?

Anybody who has any knowledge of the Town and Country Planning Division will know that more than two-thirds of the applications that are inside there clogging it up, are simple applications, for construction of a shop, house. More than two thirds of the applications—I would dare say 75 per cent of the applications inside of the Town and Country Planning Division are for simple developments that could easily be dealt with by a local authority, once the appropriate guidelines are put in place.

**8.00 p.m.**

It should therefore, be clearly stated that it is the policy of the Government to delegate the approval of simple structures, simple development applications to the municipal corporations. That was the plan all the time, Mr. Speaker, for the last 20/30 years. That was the plan; that the planning authority or whatever you call it, whether it is the national authority or whether it is the Town and Country Planning, whatever you want to call this thing, will deal with very complicated applications.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin North/East has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

*Question put and agreed to.*

**Mr. C. Imbert:** Thank you, Mr. Speaker. [*Desk thumping*] Mr. Speaker, I think there should be a clear policy statement in this legislation that simple applications will be dealt with at the local level. There is no need for the Minister to get involved in that. There is no need for any National Planning Authority to get involved in that. It will assist us with the evolution and growth of municipal corporations as well, as long as there is a clear statement inside of here, that you are going to delegate these things to them, not leave it up to the discretion of the planning authority or leave it up to the discretion of a Minister. Because a Minister may decide that he wants to do everything; that everything is national policy; that everything is of "more than local importance". I mean, these words do not make any sense. Something that is of more than local importance, the Minister will "huff" it. Something that is involved with national policy, the Minister will "huff" it.

Mr. Speaker, when we come here we have to make good law. We have to have a plan as to why we are doing what we are doing because anybody who has had to face Town and Country Planning and the planning agencies will know the nightmare that it is, and that is why so many people build without approval. It is because you go to Town and Country Planning or some other agency, and seven years later you cannot get your approvals.

That is why, I mean, obviously, other people build because they are just lawless, you know, they do not care. But there are quite a few law-abiding people who just “bounce dey head” with these planning agencies, and they decide after years, and years, and years that they want to build a house for their family or whatever, and they just proceed, Mr. Speaker. I am not talking about somebody who blocks a drain or somebody who blocks a road or interferes with their neighbour. I am talking about a reasonably lawful citizen who just wants to, you know, build a house for themselves and their family, and that is why you have so many unlawful structures in this country—because people just “cyar” handle the bureaucracy. And what we are doing with this law now—as I have said, we are bringing developed country conditions in.

Listen to this one, Mr. Speaker, clause 50:

“Where—

- (a) the National Planning Authority or a planning authority is of the opinion that any development is unlikely to be completed within a reasonable period; and
- (b) permission to develop land in respect of that development was granted subject to a condition requiring the development to commence before the expiration of a certain period...the National Planning Authority...may, after having taken into consideration such matters as it thinks proper, serve a provisional development completion notice stating that the permission to develop land shall cease to have effect at the end of such further period (not less than one year...as is specified in the notice.”

So, what are they telling you now? You have to finish your property, your construction, within a particular period of time. Now again, in our culture that is not how we live. Sometimes people will be building their house for 20 years. As they get money, as the family expands, you may build a house. You may complete one room. You may leave three rooms unfinished. You may not even—you may live in the downstairs, you do not build the upstairs or you live upstairs,

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you do not build the downstairs, Mr. Speaker. [*Crosstalk*] I know, I know. I am talking from experience. This is how we are as Trinidadians and Tobagonians. And you cannot bring these developed-country norms here, telling me that if I am taking too long—because this is what this says—that if any development is unlikely to be completed within a reasonable period, they would serve a notice and tell me that I have to finish in a particular period, Mr. Speaker.

Mr. Speaker, we have to be careful about all of this because, as I have said, it sounds nice. You see, we have a problem in this society, you know. There is a group called “civil society”, but sometimes I consider them to be very uncivil, uncivil, because they make a set of noise all the time. [*Crosstalk*] No, I am dead serious. There are groups in this society called “civil society”. They are not elected. Nobody voted for them. They have no manifesto. They will make no pledge to the population. They are not subject to recall every five years, but they want to run this country through these agencies, and through non-elected means, Mr. Speaker. And while that is good for countries like Sweden and Switzerland, it is not appropriate for Trinidad and Tobago, Mr. Speaker. [*Crosstalk*]

Yes. Yes, you know, I hear, Mr. Speaker, a Government Minister saying it is appropriate that this country be run non-elected people in non-governmental organizations. [*Crosstalk*] Mr. Speaker, it is a serious point. It is a very, very serious point [*Crosstalk*] because—no, it is a very serious point. We have to be very, very careful.

To quote one of my colleagues, Mr. Speaker, and I will not identify who he is—these groups think that nirvana will be achieved. Nirvana will be achieved. [*Interruption*] Nirvana will be achieved; a state of bliss will be achieved if non-elected people are given the responsibility and the power to control the development of this country. They view elected officials as a humbug and a hindrance. And that is why there is so much pressure on the Legislature to divest itself of its powers; its powers to make decisions with respect to national development, and we must hand over our powers, the electorate—sorry, the elected officials the Legislature—must hand over its powers to make decisions with respect to national development, to these unelected groups, and in so doing, a state of paradise and nirvana will be achieved, Mr. Speaker. It is a very dangerous concept. It is born out of a view that we in this place are incapable of managing the affairs of this country. As I said, we are a humbug and a hindrance and a nuisance.

And I feel very strongly, in any law—and I am not speaking here as a member of any political party—the Minister must always maintain some level of control.

The Minister's actions could be subject to judicial review. I have no problem with that. If somebody is aggrieved at a decision made by a Minister, they can apply to the High Court for the court to review, overturn, revoke, modify, vary the decision of a Minister; no problem, that is what a court is for. But the Government must be empowered to make decisions, especially with respect to national development. And I spoke about this last week in the procurement Bill, Mr. Speaker, where I saw terrible danger, where, as I said, there are groups that are agitating for this state of nirvana, this bliss, this paradise, where unelected persons will call the shots and will run this country, while the elected officials will just stand by and watch them and, you know, continue to talk in this Parliament, but will have no real power, Mr. Speaker.

I am cautioning the Government, you need to be careful with respect to this Bill. Do not allow yourselves to be seduced by this argument outside there, that elected officials are incapable of making decisions with respect to national development, Mr. Speaker. There was a very good reason why the Minister was the final authority in the Town and Country Planning Act. And in my opinion, the Minister must always be the final authority when it comes to national development. And you have to be careful exactly what you are delegating to this National Planning Authority which will be comprised of unelected officials, Mr. Speaker.

And let us go to that because I want to deal right away with the composition of the National Planning Authority, Mr. Speaker. And this definitely needs some serious revision. In the First Schedule:

“The National Planning Authority shall consist of the following members appointed by the President:

- (a) a Chairman, who shall have at least ten years' experience in any built environment profession;”

Now, what does that mean? What is a “built environment profession”? Is that construction?—a contractor? Because this is not calling for any qualifications, “eh”. It says, “ten years' experience in any built environment profession.” [*Crosstalk*] Yes. Yes.

Mr. Speaker, you know, we came in this Parliament and we had to debate the appointment of members of the Police Service Commission, and the Act said—the Constitution actually—that the members of the Police Service Commission shall be both qualified and experienced in certain areas. And an argument was presented that the nominees that were presented to us were neither qualified nor

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experienced in the particular areas. But because of the person who nominated them, the Government was not minded to challenge the decision. I understand that matter might be going to court. I do not think that it has gone yet, but I think that it is on its way, Mr. Speaker.

And I had to hear a preposterous argument from the Member for Oropouche East, who should know better, that if you did a course in planning—you went, and your degree is in history, but as an elective, you know, you are doing about 30 courses to get a degree. So one of your courses was planning 101, and then you eventually go on and you get a degree in history. I had to hear a preposterous argument from the Member for Oropouche East, that that was a qualification; the attendance and the attainment of a pass mark in one course out of 30 in land planning or something like that, qualified you in the discipline of planning, Mr. Speaker.

**Dr. Moonilal:** I cannot recall that, but—

**Mr. C. Imbert:** You said it. But I know you had to do it. You had to do it. You could not challenge the person who nominated the—you could not do that; we could.

So, Mr. Speaker, “ten years’ experience in any built environment profession” is just not good enough. The person must have qualifications, professional qualifications, Mr. Speaker. And I support the statements made by other Members on this side: we are too lackadaisical, we are too laissez-faire; we are slack, Mr. Speaker, as legislators, sometimes. You need to be more specific. It should be a university degree; a degree from a recognized institution.

**Mr. Deyalsingh:** Not extramural.

**Mr. C. Imbert:** That should be the starting point; a degree from a recognized institution should be the starting point in any of these qualifications. When you leave it so, “ten years’ experience in any built environment profession”, Mr. Speaker, you open the door for somebody to tell you plumbing is a profession—which it is by the way—and electrical wiring is a profession—which it is by the way. So, you could have a plumber with 10 years’ experience in plumbing, he has his licence and everything, and he will meet this requirement—“ten years’ experience in any built environment profession”. But if you put in there that he must have a degree from a recognized institution, then the plumber cannot be the chairman of the planning authority, unless he also has a university degree in one of these fields like engineering, architecture, quantity surveying and so on, Mr. Speaker. We need to be careful because remember my fundamental point is that

the Government is giving up its powers.

As I said, this is the lobby coming from those NGOs—give up your powers. Delegate. Give it up! Give it up! And give away your powers in terms of decision-making to these authorities and these institutions who are comprised of persons who do not face the electorate. Give up your power to make decisions with respect to development control to an authority. You have to be very, very, very careful as to the constitution of these bodies, and you cannot play hard and fast with your definitions. You have got to be careful.

We have seen this kind of thing before, Members opposite. I mean, I will use a particular example: They quarrelled loudly about the appointment of a particular individual to the board of the Central Bank—quarrel, quarrel, quarrel. Because, according to them, the particular individual did not possess the required qualifications and experience. [*Crosstalk*] Whatever. It was an interpretation. It was because the law was not properly drafted. So, the law did not say somebody with proven financial experience or something like that. It just gave a very blasé, loose, ambiguous thing which allowed a particular individual to be appointed to the board of the Central Bank, to the consternation of Members opposite. And when they went to court, they lost.

**8.15 p.m.**

The court interpreted the legislation. The court said, well, this thing is so loose, it is so wide that you know, I looked into this person's CV and I saw a little thing that will qualify the person. They lost the case because the way the Central Bank Act is worded, it is ambiguous, Mr. Speaker—same thing here.

So, I am cautioning the Government—let me make four points. Before I wind up—How many more minutes do I have?

**Mr. Speaker:** Fifteen.

**Mr. C. Imbert:** I have 15 more minutes. There are at least four things that I would ask the Government to look at, and I will be drafting amendments for their consideration. They could consider them, they could do whatever they want, but I would be drafting it for their consideration. I will be proposing that we tighten the qualifications of all the important functionaries in this legislation, whether it is the Director of Planning, whether it is the Chief Building Officer, whether it is the Chairman of the National Planning Authority. I will be proposing a tightening of the qualifications, Mr. Speaker, to bring it in line with other legislation that we

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have in this jurisdiction, so that it leaves little scope for people to put in persons with whom they have a friendship.

Remember, Mr. Speaker, there was a big controversy recently about a person appointed to act as the Head of Town and Country Planning. Big controversy, big controversy, where the point of view is that this particular individual does not have a first degree. That is what it said. The person has a post graduate qualification in planning, but does not have a first degree.

**Hon. Member:** Honorary.

**Mr. C. Imbert:** You can easily do that. You do not have to have a first degree in order to do a postgraduate degree, because universities will allow you to study to do, for a postgraduate qualification in specialized area based on your life experience and your other qualifications. So you do not necessarily have to have “ah” first degree in a particular discipline in order to be permitted to study for a postgraduate qualification.

**Hon. Member:**—master’s in the energy sector.

**Mr. C. Imbert:** Yeah, so it is a big—[*Crosstalk*] No, actually the current Minister of Energy and Energy Affairs has a master’s degree in petroleum engineering, but his first degree is in chemistry. [*Crosstalk*] No, I am just making the—I am giving a live example. That is a current situation, where the Minister has a first degree in chemistry, but was permitted to do a master’s degree in petroleum engineering because he had worked in—not in the field, he was in research, but he worked in the sector and they looked at his—the fact that he was working in the sector they said all right, we will permit you to do a master’s degree in petroleum engineering. [*Crosstalk*] Yes, I am doing two, I have one LLM already, in construction law. I do not have an LLB, and I am doing my second LLM in oil and gas law, just for your information. And I do not have an LLB.

But the whole point is, I am not an attorney-at-law. I will never qualify to be an attorney-at-law. I cannot be called to the Bar, because I have not done the legal education certificate or the LLB or the practice certificate that they do in the United Kingdom. [*Crosstalk and laughter*] Yes, but the point I am making, Mr. Speaker—let us use me as an example, I can never be an attorney-at-law, because I do not have a first degree and I have not done the necessary grounding—[*Interruption*]

**Dr. Moonilal:** Do you have any first degree at all?



**Mr. C. Imbert:** Yes, I have a first degree in civil engineering and a master's degree in civil engineering as well.

**Dr. Moonilal:** But no PhD?

**Mr. C. Imbert:** Not yet. But the point is, Mr. Speaker, we have to decide with respect to these important positions. For example, the chairman of the National Planning Authority, what kind of person do we want? What kind of person do we want? The question is, Mr. Speaker, what do we want as a country? Do we want to put in a law that there is no requirement for somebody to have qualifications at first degree level in a particular discipline in order to be the chairman of the National Planning Authority?—and remember, the Minister is delegating his functions and his powers to this National Planning Authority, is that what we want as a country? I dare say, no. So, Mr. Speaker, we will be recommending that we tighten up on these definitions. That is one thing.

Second point, I am in complete disagreement, as I think anybody who understands how people develop land in this country, and a historical development of land in this country for the last 170 years, at least. The people who understand our history and go back at least 170 years, and understand how we develop land in this country, will know that to place these unreasonable developed-country time limits on the commencement of construction and the completion of construction is alien to our culture, Mr. Speaker. And I am going to propose an amendment that we adjust that to deal—to make it consistent with societal norms in Trinidad and Tobago.

It is all very well to try to impose these British standards, or Canadian standards or wherever they come from, but they are straight out of England from what I can see. It is all very well to want to do that in this country, but we have to understand our culture, because what will happen—when you do that, you are going to have an unenforceable law, because right now people are building without permission, and you are telling the honest man who goes through the process of getting the approval that look, “you better hurry up with that eh because it go lapse”.

So, you are going to have an unenforceable law, and you are going to have a law on the books which is going to be worse; the second stage will be worse than the first. So I am going to suggest that we put some controls on that whole thing with respect to limiting people to five years or less than five years in terms of the time in which you are permitted to do your development.

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The third thing I would like to recommend, and I will be tabling an amendment for the Government's consideration, is that you have true delegation of authority to the municipal corporations for simple planning applications—not may, maybe, but it is delegated. You do not have to proclaim that section of the Bill, you can have it there in the law, and you can wait until the municipal corporation develops the capacity, and you send your planning officers there or they recruit people who can deal with these simple applications for single storey dwelling houses or whatever the case may be, but it should be in the law that those applications are sent to the municipal corporation, not maybe, at the discretion of the authority or the Minister as the case may be. [*Crosstalk*]

**Dr. Gopeesingh:** You want to remove local government—

**Mr. C. Imbert:** We are not doing that.

**Dr. Gopeesingh:** But your leader said he is going to remove local government.

**Mr. C. Imbert:** Mr. Speaker—

**Mr. Speaker:** Please, please, allow the Member to speak.

**Mr. C. Imbert:** Mr. Speaker, how many more minutes do I have?

**Mr. Speaker:** You have just about seven more minutes.

**Mr. C. Imbert:** That is plenty time. Mr. Speaker, just for the benefit of the population and the Member for Caroni East who gets most things wrong, the PNM intends—[*Interruption*]

**Mr. Speaker:** Who has their cell on or playing with a cell?

**Hon. Member:** Couva South.

**Mr. Speaker:** I am getting this feedback. Would you switch off your cell? The Member must know who has his cell on or who is playing with the cell. Please, you are disturbing the proceedings. Continue, hon. Member.

**Mr. C. Imbert:** Yes, Mr. Speaker. I think the law should state clearly and specifically that we are delegating simple applications to the municipal corporations, full stop. As I said, you do not need to proclaim that section of the Bill. You could keep it there and let the National Planning Authority, the Minister whoever, deal with those things until such time as you believe that the Municipal Corporations are ready, but it should be a statement of policy, and that will remove 70 per cent of the backlog in Town and Country Planning. Because right

now, whether you are applying for the approval to build an ordinary dwelling house or you are applying for approval to build a 10-storey apartment building with 50 apartments, both of them are going in the same queue. It is like the Magistrates' Court, you know we have this problem with traffic fines, we have the problem with traffic offences clogging up the Magistrates' Court and so many attempts by Chief Justices and others to take that out of the Magistrates' Court and create a special court or a special situation that deals with that because all of those petty offences they clog up the Magistrates' Court, in the same way all of these simple applications clog up the Town and Country Planning Division, Mr. Speaker. So that is number three, Mr. Speaker.

And, Mr. Speaker, with respect to the end of the law, you see, they seem to have gone astray. At the beginning amendments were made that before you could enter somebody's premises and seize and search and take documents and so on, you would have to go to court and get a warrant and so on, apply to a judicial officer and get a warrant. But when you come down to the end, it is as if they forgot, Mr. Speaker. So that when you get down to the end, the way the law is written in Part X, Supplemental:

“Any person duly authorised in writing by the Minister or the National Planning Authority, and any inspector...may, at any reasonable time, enter upon any land for the purpose of inspecting or surveying such land or estimating its value...

and may require any documents relevant to the application to the National Planning Authority...

A person authorized under this section to enter...land shall...produce evidence of his authority...”

Well, that is just a letter from the Minister or the Planning Authority.

“...and shall not demand admission to any land that is occupied unless forty-eight hours advanced written notice of the intended entry has been given to the occupier.”

And then you go to (3):

“Any person who wilfully obstructs a person acting in the exercise of the powers conferred by this section is liable on summary conviction to a fine of ten thousand dollars.”

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So, in the front of this Bill we recognize that it is unconstitutional to just enter people's land, seize documents, compel them to provide you with information, and if they do not, they are getting a fine. We recognize that in the front, that you should not do that, that you should seek the person's consent and if you do not get it then you go to a Magistrate, but in the back of the law, as I said, they seem to have forgotten, and they are now making it an offence that if you do not comply and you do not allow people to enter on your land and you do not hand over all the documents and so on and so on and so on, you are going to be guilty of an offence and you will be subject to a significant fine, Mr. Speaker.

So that needs to be dealt with. We need to have consistency because what I would not want is for this law to fail for lack of proportionality. The power to seize and take documents—imagine I have a survey plan in my possession, “ah fella just show up and say the Minister authorize me to enter your home and I want that survey plan, now! And I say, well, I am not giving it to you. He say, right, \$10,000 fine”. That is the effect of all of this. It should not be so. In all instances, if the person refuses there should be some judicial authority that would give the inspector the ability to deal with these matters.

So those are the four main areas that—there are lots of other little things that need tidying up, but those are the four areas. We need to properly distinguish the authority of the National Planning Authority, the Development Control Committee and the municipal authority, the Minister, these four groups—Minister, National Planning Authority, Development Control Committee and the municipal authority—we need to properly distinguish the four groups and properly identify the powers, roles and functions of these four groups. It is a mishmash in this legislation. If you read one section, the Minister has all the power; read a next section, the National Planning Authority has all the power; read in another section, you have to make applications to the municipal authority; read a next section, the Development Control Committee is the one who gives the final approval and so on.

Now, all of this may be part of some well-intentioned plan, but it has not found itself into the drafting, Mr. Speaker. That needs to be resolved. And then with respect to the qualifications of the people involved who have all these powers that could stop a development, that could sign an enforcement notice, that could make you go to jail, Mr. Speaker, all these inspectors and officers and so on. We need to make sure they are properly qualified, because one thing I will tell you, when you enact legislation like this, that is really more prescriptive than

framework, you better get it right, because if you do not, all you are doing is creating work for lawyers. Because if you come with a law here that is 100 clauses long—*[Interruption]*

**Mr. Speaker:** You have a few seconds again.

**Mr. C. Imbert:** Yes, Mr. Speaker, and if you are not careful in your drafting then all you are doing is inviting the court to overturn a decision of an authority because they are not in compliance with your very detailed legislation.

So I serve notice, I will be drafting amendments as I have already drafted to the procurement law, I gave it to the Minister, today. By Monday or Tuesday I will be drafting amendments to this and sending it to the Government for their consideration. And I hope that as a Parliament the Government will listen and we can do something good and pass good planning law in this country for the benefit of everybody in Trinidad and Tobago. Mr. Speaker, I thank you.

**8.30 p.m.**

**Mr. Speaker:** Anybody else? The hon. Minister of Planning and Sustainable Development.

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Thank you very much Mr. Speaker. *[Interruption]*

**Mr. Speaker:** *[Interruption]* I got up, I asked if there was anybody else and nobody responded.

**Mr. Imbert:** All right.

**Mr. Speaker:** Okay? I asked. Unless the House agrees, you know—Minister, could you have your seat for a moment? The Minister of Planning and Sustainable Development. *[Interruption]*

You did not indicate to me. I did not see you rise and that is why I rose. I did not take my seat, I rose and I asked if there were any other persons, nobody stood up. I called on the hon. Minister of Planning and Sustainable Development.

**Mr. Imbert:** Okay then.

**Mr. Speaker:** Okay?

**Sen. The Hon. Dr. B. Tewarie:** Thank you very much, Mr. Speaker. I am sorry for the misunderstanding, but I want to take this opportunity to thank all those who have contributed this afternoon. I will begin my closing statement this evening. I do not intend to complete that statement this evening, but I do want to say thanks to all who have contributed. Some of the contributions were

particularly enlightening. The Member for Tabaquite, for instance, gave good perspectives. The Minister of Land and Marine Resources and Member for La Horquetta/Talparo gave a perspective from the point of view of state lands. Some included pleas on behalf of their constituents, like the Member for St. Ann's East, and I did give her a commitment to engage her on the issues that she raised.

Some tried to portray the Government as untrustworthy, contradictory and confused, but only ended up revealing some confusion of their own, as the Member for Arouca/Maloney. Some said that they read the Bill, but in their contributions, in my humble view, they showed little understanding of the Bill that they read, not to mention no appreciation whatsoever of the relative sophistication of the Bill. The Member for St. Joseph, I would say, falls into this category and he was particularly uninformed and equally ill-mannered [*Crosstalk*] but—[*Interruption*]

**Mr. Speaker:** I think we could be a little more elegant in our language and we should not really use language where we describe a Member in the language that you have just. So just be more elegant, please.

**Sen. The Hon. Dr. B. Tewarie:** I am guided, Mr. Speaker, but he was ill-informed and he engaged the House in a way that I would have hoped that he would not.

Mr. Speaker, some raised good arguments and I think the Member for Diego Martin North/East falls into this category, but I want to say the arguments are not as substantial as they sound. The arguments, each one of them I will seek to address because I think that he takes a number of parts from the Bill and creates the situation in which they seem contradictory, when in fact that is not so, and I want to say that we saw an example, I think, which illustrates what I sense the hon. Member for Diego Martin North/East was doing in his arguments. So that when one Member on this side, I think the Member for Arima, talked about civil society or responded to his own arguments about civil society, he twisted what the Member said, and said—[*Interruption*]

**Mr. Imbert:** No, I did not.

**Sen. The Hon. Dr. B. Tewarie:**—it is appropriate—What you were saying is that it is appropriate that nongovernmental organizations should run the country, and if you check the *Hansard* you will see that is what you said. And that example—live example before us here this evening—a few minutes ago, illustrates the methodology of using information to build seemingly convincing

arguments that really when tested are hollow in substance. [*Desk thumping*]

I would say that the complexity of the Bill is real. I wish to concede that and it does require some clarification and perhaps explanation. I was accused of not speaking to the clauses of the Bill here this afternoon, but I want to say that what I tried to do was to locate the Bill in the context of the philosophy and philosophical position of the Government, and I tried to connect the issues that were simultaneous in their evolution that were built around the notion of planning and development in the country.

I knew I would have a second opportunity and I could speak to some of the issues, and I knew Members would raise particular issues in the Bill, and the Minister responsible for Works and Infrastructure, the Member for Tabaquite, in fact dealt with some of the issues that had been raised in terms of clauses. But the fact that the Bill is complex does not make it necessarily complicated and I want to say that, and I will spend some time to explain the role of the Minister, the role of the National Planning Authority, the Development Control Authority, the regional planning authority, integrated planning authority, et cetera, but I will not do that at this moment.

I do want to say something about the comments on civil society though, and the role of Government. I think we have to be careful that our understanding of the role of Government and governance, and our sense of the role of education is not located in a very distant past and thinking about the past, thinking that comes from the past. I say that because it is important to understand that time has changed. The notion of governance, the role of Government and the expectations of Government have also changed. So there was a time when we talked about Government for the people, Government by the people, Government of the people in a democracy, but in the world in which we live today, the emerging phenomenon, really, in successful societies, is not just Government of and for and by the people, but Government with the people. I think we need [*Desk thumping*] to understand what is happening in progressive societies everywhere.

The citizens of the society will not be left out because there was an election and wait to be included when the next election comes, and therefore, that is how civil society has evolved, that is how it has emerged, that is how it is increasing in its influence in the world.

I want to say that I do share with the hon. Member for Diego Martin North/East, the concern that you can have a situation in which there are demands from people whose power does not derive from the authority of the people who

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elected them, to direct Governments as to what they should and should not do, and there always is a danger about that. But I do not think we should go the full distance in taking the view that civil society should not have a voice, should not have a say, should not have an influence. And I feel that the role of civil society is very real. It is going to increase in influence and Governments would do well to take into account the fact that they are a factor in the society in which we live, and we should try to facilitate the democratic process in such a way that we end up with responsible entities wherever they exist in the democratic system.

This Bill is not about giving up the powers of Government, but it is about decentralization, it is about devolution of authority and it is about integrated planning for development within the framework of sustainable development, and it does suggest different structures which share the power in a certain way. The Minister in the Bill has residual powers at all times, but there is a significant amount of devolution in this particular Bill, and when we come back to this honourable House on the day that the Leader of this House appoints, I will take the argument from here to do some explanation of the issues that have caused a fair amount of concern and maybe some confusion, and try, to the best of my ability, to clarify those issues that are genuine issues of concern that have been raised because this is a good Bill and it deserves passage in the House of Representatives. [*Desk thumping*]

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to July 18 at 1.30 p.m., and to serve notice that on that day the Government intends to debate the Securities (Amdt.) Bill, 2013 and to continue the debate on an Act to provide for public procurement. Those two matters, Mr. Speaker, in addition to dealing with the amendments of the Nurses and Midwives Registration (Amdt.) Bill that was due to be taken today but, as you indicated earlier, the Minister of Health is out of the jurisdiction at this time. So, next week we will deal with the Nurses and Midwives Registration (Amdt.) Bill, 2014—amendments from the Senate—the Securities (Amdt.) Bill, 2013 and continue debate on an Act to provide for public procurement.

Mr. Speaker, I beg to move.



### **Parliamentary Guidelines**

**Mr. Speaker:** Hon. Members, before putting the question to the House, I want to share with this honourable House some thoughts on developments that I have observed that I wish to share with hon. Members.

Members have all agreed that we ought not to comment upon the proceedings in the other place. I think we are all agreed on that. It has been said that “Good temper and moderation are the”—key—“characteristics of parliamentary language” and, as such, hon. Members should exercise restraint in their parliamentary language to one of courtesy, dignity, decorum, especially when making reference to the other place and its Members. We are a Parliament.

#### **8.45 p.m.**

A trend or tendency is emerging where offensive and, at times, harsh expressions are made against the other place and its Members which could lead to a degradation and even contempt of that place in the eyes of the public. While it is perfectly in order to criticize the role and function of the other place, abusive language and imputations should be avoided.

If Members believe that certain Bills, exclusive of money Bills, ought to be introduced in our House rather than the other place, then that should be the subject of meaningful discussions between the leaders of the House and should not be the subject of any acrimonious exchanges as it relates to the other place on the floor of our House.

In those circumstances, I would like to appeal to hon. Members to refrain from negative expressions of the other place and its Members in the future.

In addition, may I again appeal to hon. Members to avoid the personalization—the personalization of debates—and let us focus more on the issues. Please remember that hon. Members from the other place who come to this House enjoy a constitutional right and duty as enshrined in the law of the land—the highest law, the Constitution—to speak in this House and they are not guests. They are entitled under the Constitution to be here, and they are fully entitled to be heard in those circumstances.

I thought I should make these observations because I am seeing a trend. This is the second consecutive sitting that the other place, and by extension, its Members, have taken a bashing, and it may not have been deliberate, it might have been done in jest, but I am saying that it should not continue. We should not

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make reference to the other place. We are all clear on that. And worse, do not be abusive in our expressions of the other place.

I say this for the record and I ask Members to consider and refrain from engaging in those expressions in the future.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.48 p.m.*