

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY APPOINTED ON 21 SEPTEMBER 2010

Consisting of:

Mr C K Banda, SC, MP (Chairperson); Mr G B Mwamba, MP; Ms J M Limata, MP; Major R M Chizhyuka, MP; Mr C M Silavwe, MP; Rev G Z Nyirongo, MP; Mr J K Zulu, MP; and Mr J Shakafuswa, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

Your Committee has the honour to present its report for the Fifth Session of the Tenth National Assembly.

Functions of Your Committee

2. Your Committee was guided in all its deliberations by the relevant Standing Orders which set out the functions of your Committee as follows:

“The Committee shall scrutinise and report to the House, through Mr Speaker, whether the powers to make orders, regulations, rules, sub-rules and by-laws delegated by Parliament are being properly exercised by any person or authority within such delegation. As the machinery of delegated legislation is dealt with under the heading “Statutory Instruments”, these instruments must:

- (a) be in accordance with the Constitution or Statute under which they are made;
- (b) not trespass unduly on personal rights and liberties;
- (c) not make the rights and liberties depend upon administrative decisions; and
- (d) be concerned only with administrative details and not amount to substantive legislation, which is a matter for Parliamentary enactment.

If your Committee is of the opinion that a Statutory Instrument should be revoked wholly or in part or should be amended in any respect, it reports that opinion and the ground thereof to the House, and any such debate is subject to a motion in the National Assembly which, if carried, would have the effect of a decision of the House.

3 Meetings of Your Committee

Your Committee held seven meetings during the period under review and considered a total of sixty-one Statutory Instruments. Your Committee also undertook a local tour to Livingstone, Lusaka and Ndola.

Part I

CONSIDERATION OF STATUTORY INSTRUMENTS

4. MINISTRY OF LABOUR AND SOCIAL SECURITY

Statutory Instrument No. 4 of 2010 - The Workers' Compensation (Pneumoconiosis) (Charges and Fees) (Amendments) Regulation, 2010

The Ministry of Labour and Social Security informed your Committee that according to Section 152 of the Workers Compensation Act, No. 10 of 1999 the Minister of Labour and Social Security has the power to revise the medical fees and charges via a Statutory Instrument by the appointed examiner for occupational health purposes. Your Committee heard that the Occupational Health and Safety Management Board (OHSB) was the legally accredited and appointed examiner for the Workers Compensation Fund Control Board. The charges had been regularly revised in 1996, 1998, 2000, 2003 and 2006.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 95 of 2010 – The National Pension Scheme (Pensionable Earnings) (Amendment) Regulations, 2010.

The Ministry of Labour and Social Security submitted that the Statutory Instrument was issued to adjust the levels of pensionable earnings by an index based on average earnings. The National Pension Scheme Authority determines the national average earnings annually by applying statistics and data compiled by the Central Statistical Office.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

5. MINISTRY OF COMMERCE, TRADE AND INDUSTRY

Statutory Instruments Nos. 48, 49, and 50 of 2010: Zambia Development Agency

The Statutory Instruments Nos. 48, 49 and 50 were issued in order to facilitate the declaration of Roma, Sub Sahara Gemstone Industrial Parks, as well as the Lusaka East Multi Facility Economic Zone (MFEZ), as industrial parks and MFEZ, respectively.

In accordance with the powers contained in section eighteen (18) of the Zambia Development Agency Act No. 11 of 2006 and on the

recommendation of the Board, in consultation with the Minister responsible for Finance and National Planning, and with approval of the Cabinet, the Ministry was required by statute to prepare Statutory Instruments that outline the following:

- Type of infrastructure and facilities which are suitable for the operation of the industries in the Multi-Facility Economic Zone and Industrial Parks;
- Type of industries and institutions to be established;
- Type of goods or services to be produced; and
- Size of land on which the MFEZ and Industrial Parks will be developed.

The Statutory Instruments, therefore, would enable the developers commence and fast track major infrastructural development within the Multi-Facility Economic Zone and Industrial Parks.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instruments.

Statutory Instrument No. 83 of 2010 – The Competition and Consumer Protection Act (Commencement) Order, 2010.

The Ministry of Commerce, Trade and Industry submitted that the Statutory Instrument was issued to operationalise the Competition and Consumer Protection Act, No. 24 of 2010.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6 MINISTRY OF JUSTICE

Statutory Instrument No. 56 of 2010 - The Forfeiture of Proceeds of Crime Act (Commencement) Order

The Ministry of Justice submitted that the Statutory Instrument was issued pursuant to the powers vested in the Minister of Justice in accordance with section 1 of the Forfeiture of Proceeds of Crime Act, No. 19 of 2010, which provides for the Act to come into operation on the date that the Minister, by statutory instrument, would appoint.

The significance of the Commencement Order is that it operationalises the said Act.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 58 of 2010 - the Public Interest Disclosure (Protection of Whistle Blowers) Act, (Commencement Order)

Your Committee learnt that the Public Interest Disclosure (Protection of Whistle Blowers) Act (Commencement) Order, 2010, was issued pursuant to the powers vested in the Minister of Justice in accordance with section 1 of the Public Interest Disclosure (Protection of Whistle Blowers) Act, No. 4 of 2010, which provides that the Act would come into operation on the date that the Minister, by Statutory Instrument, would appoint.

The commencement of the Act, provides a framework within which public interest disclosures would be dealt with.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 57 of 2010 - the Plea Negotiations and Agreements Act (Commencement) Order

The Statutory Instrument was issued pursuant to the powers vested in the Minister of Justice in accordance with section 1 of the Plea Negotiations and Agreements Act, No. 20 of 2010, which provides for the Act to come into operation on the date that the Minister, by Statutory Instrument, would appoint.

The significance of the Commencement Order is that it operationalises the Act and prosecutors and Legal Aid Counsel could now conduct plea negotiations in accordance with the provisions of the Act.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 76 of 2010 – The Laws of Zambia (Revised Edition) Act (Specified Date) Notice, 2010

The Ministry of Justice submitted that in accordance with the provisions of the Laws of Zambia (Revised Edition) Act, No. 9 of 1968, the Ministry embarked on the consolidation of the Laws of Zambia by way of a revision exercise, which started in April 2003, and would result in a new revised edition of the Laws of Zambia.

By Section 9 of the Act, the Minister of Justice is required to give notice by Statutory Instrument specifying a date for the purpose of revision. Accordingly, the Statutory Instrument was issued so as to give 31st March, 2011 as the new specified date for the purpose of the new revised edition of the laws and revoking Statutory Instrument No. 30 of 2007, which had set 30th April, 2011 as the specified date.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7 **MINISTRY OF TOURISM, ENVIRONMENT AND NATURAL RESOURCES**

Statutory Instrument No. 6 of 2010 - The National Monuments (Entry and User Fees) Regulations, 2010

The Ministry of Tourism, Environment and Natural Resources submitted that the Statutory Instrument was issued in accordance with section 49 of the National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia. It was issued to enable the National Heritage Conservation Commission to generate revenue for its operations.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

8 **OFFICE OF THE VICE PRESIDENT**

Statutory Instrument No. 69 of 2010 - The Constitution of Zambia, Proclamation 2010, Prorogation of Parliament

The Statutory Instrument was issued pursuant to Article 88 (5) of the Constitution which empowers the President of the Republic of Zambia to prorogue Parliament at any time. The Statutory Instrument was therefore issued to prorogue the Fourth Session of the Tenth National Assembly on 6 August, 2010.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 70 of 2010 - The Constitution of Zambia, (Proclamation No. 2 of 2010,) Summoning of Parliament

Pursuant to Article 88 (1) of the Constitution of Zambia, the President of the Republic of Zambia is empowered by Statutory Instrument to summon Parliament. This Statutory Instrument was therefore issued pursuant to Article 88(1) of the Constitution to summon the resumption of the Fifth Session of the Tenth National Assembly on 17 September 2010.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 105 of 2010 – The Provincial and District Boundaries (Division) (Amendment) Order, 2010.

The Office of the Vice-President submitted that the Statutory Instrument was issued to further divide North-Western Province by the creation of Ikelenge District. The Statutory Instrument was made pursuant to Section 2 of the Provincial and District Boundaries Act, Cap 286 of the Laws of Zambia which empowers the President to divide Zambia into Provinces and Provinces into Districts for purposes of administration.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

9 **MINISTRY OF LANDS**

Statutory Instrument No. 27 of 2010 - The Lands (Ground Rent Fees and Charges) Regulations, 2009 (Revocation) Order 2010

The Ministry of Lands submitted that Statutory Instrument No. 110 of 2009 increased the ground rent fees and other charges payable by land owners. This was done in an effort to raise Government Revenue for the Financial Year 2009 when the country experienced revenue challenges.

However, there was an outcry from stakeholders such as farmers who were of the view that the increment which ranged from 200 to 1,000 percent was too high.

Following this outcry, the Ministry realized that the fees were too high and should be increased gradually. This outcry therefore necessitated the revocation of Regulation 2009, by Statutory Instrument No. 27 of 2010.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 28 of 2010 - The Lands (Ground Rent, Fees and Charges Regulations, 2006 (Restoration) Order 2010

The Ministry of Lands submitted that upon Government considering the stakeholders' views that there should be no increment in ground rent fees and other charges payable by land owners, it became necessary to come up with Statutory Instrument No.28 of 2010 as a matter of procedure so as to maintain the status-quo of 2006. This meant that the fees of 2006 continued to be in effect.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

10 **MINISTRY OF HEALTH**

Statutory Instrument No. 36 of 2010 - The Health Professions Act (Commencement) Order 2010

Your Committee was informed that according to Section 1 of the Health Profession Act, No. 24 of 2009, the said Act would come into operation on such date as the Minister would by Statutory Instrument, appoint.

The Statutory Instrument therefore, was intended to bring the Health Professions Act, No. 24 of 2009 into operation.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

11 **MINISTRY OF MINES AND MINERALS DEVELOPMENT**

Statutory Instrument No. 26 of 2010 - The Mines and Minerals Development (Mining Rights and Non Mining Rights) Order, 2010

The Statutory Instrument was issued pursuant to section 162 of the Mines and Minerals Development Act No. 7 of 2008, to extend the period of compliance with the requirements of the Act of 2008, by holders of mining licenses.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as it has been issued in accordance with the requirement of the Mines and Minerals Development Act, No. 7 of 2008.

Statutory Instrument No. 100 of 2010 - The Mines and Minerals Development (Mining Rights and Non-Mining Rights)

The Ministry of Mines and Minerals Development submitted that the Statutory Instrument was issued so as to amend the Second Schedule to the Act, which extended the period within which mine licence holders needed to comply with the new Act.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

12 **MINISTRY OF COMMUNICATIONS AND TRANSPORT**

Statutory Instrument No. 59 of 2010 - The Aviation (Security Charges) Regulations, 2010

The Ministry of Communications and Transport submitted that as a

member of the International Civil Aviation Organisation (ICAO), Zambia was obliged to adopt measures to ensure safety through conformity with the International Standards and Recommended Practices in its safety oversight surveillances. The Statutory Instrument was issued to prescribe among others, who was eligible to pay the security charge, how the charge would be used, the commission payable to the agents who would collect this charge, remittance of the charge, submission of returns by the agents and the procedures for recovery of the charge from an agent who does not remit the charge to National Airports Corporation.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 55 of 2010 - The Engineering Institution of Zambia Act (Commencement) Order 2010

The Statutory Instrument was issued to commence the Engineering Institution of Zambia Act No. 17 of 2010 in order to open the Engineering Institution of Zambia membership and registration to all those eligible in the profession that were not covered under the repealed Act for ease of monitoring, supervision and professional accountability.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No.35 of 2010 - The Information and Communication Technologies (Electronic Communications) (Licensing) Regulation, 2010

The Statutory Instrument was issued in order to provide for the licensing framework consistent with the Information and Communication Technologies Act No. 15 of 2009. This was necessary in order to move all licensees under the repealed Act to the new licensing regime under the Information and Communications Technologies Act No. 15 of 2009. Under the new licensing framework, the licences to be issued by the Authority are categorized into Network and Services Licenses.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 34 of 2010 - The Information and Communication Technologies (Fees) Regulation, 2010

The Ministry of Communications and Transport submitted that prior to the enactment of the Information and Communication Technologies Act No. 15 of 2009, the telecommunications sector was governed by the Telecommunications Act Cap 469 of the Laws of Zambia, as well as the

Radio Communications Act Cap 169 of the Laws of Zambia.

In view of the passing of the Information and Communication Technologies Act No. 15 of 2009 into law, it became necessary to consider the Statutory Instruments issued under the Telecommunications Act and the Radio Communications Act, respectively, for purposes of determining their relevance and suitability in the new regime.

Given that the licensing categories prescribed by the 2009 Information and Communication Technologies Act differ from those in the repealed Acts, the license types in the Statutory Instruments were not appropriate to the new licensing regime. The issuance of Statutory Instrument No. 34 of 2010, therefore was to make the licensing regime consistent with the new Information and Communication Technologies Act of 2009.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 31 of 2010 – The Information and Communication Technologies (Allocation of 3G Frequencies) Regulations 2010

The Ministry of Communications and Transport submitted that in order to enable the mobile operators to roll out 3G services, it was necessary to make available 3G frequency spectrum. This Statutory Instrument made available frequency spectrum for 3G.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 30 of 2010 – The Information and Communication Technologies (Allocation of 2G Frequencies) Regulations 2010.

The Statutory Instrument was issued to make available additional frequencies for provision of mobile services in order to enable operators to be able to provide efficient services. These are the frequencies that mobile operators use in providing mobile coverage. The Statutory Instrument increased the frequency allocation from 6 MHz to 8 MHz thereby making it possible for operators to provide efficient services.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 29 of 2010 - The Information and Communication Technologies (National Numbering Plan) Regulations 2010

The Statutory Instrument was issued to provide guidelines in the use of all numbers for various services consistent with the International Telecommunication Union guidelines.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 24 of 2010 - The Radio Communications (Allocation of Frequencies) (Revocation), Order, 2010

The Statutory Instrument was issued to revoke Statutory Instrument No. 63 of 2004 which restricted the allocation of frequencies to operate to 6Mhz bandwidth. The revocation of the Statutory Instrument will allow efficient utilization of the Global System for Mobile Communication (GSM) by existing operators.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 82 of 2010 – The Roads and Road Traffic (Public Service Vehicles, Licensing and Use) (Amendment) Regulations, 2010

The Ministry of Communications and Transport submitted that the Statutory Instrument was issued to make it mandatory for operators of passenger public service vehicles to assign a minimum of two drivers to drive buses travelling more than 500 kilometres. The drivers were to drive by taking turns in the driving of such a passenger public service vehicle to and from the destination, to avert fatigue, which was one of the causes of road accidents.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

13 **MINISTRY OF LOCAL GOVERNMENT AND HOUSING**

Statutory Instrument No. 3 of 2010 – The Local Government (Re-Appointment of Local Government Administrator) (Milenge District Council) Order 2010

The Statutory Instrument was issued for the re-appointment of the Local Government Administrator for Milenge District Council in accordance with Section 88 of the Local Government Act, Cap 281 of the Laws of

Zambia following the suspension of the Council by the Minister of Local Government and Housing.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 11 of 2010 – The Local Government (Re-Appointment of Local Government Administrator) (Livingstone City Council) Order, 2010

The Statutory Instrument was issued for the re-appointment of the Local Government Administrator for Livingstone City Council in accordance with Section 88 of the Local Government Act, Cap 281 of the Laws of Zambia following the suspension of the Council by the Minister of Local Government and Housing.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 13 of 2010 – Nyimba District Council (Fish Levy) By Laws 2010

The Statutory Instrument was passed for the introduction of a By-law by the Council as a revenue source imposed on persons selling fish within or exporting fish from the area in accordance with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 14 of 2010 – The Nyimba District Council (Charcoal Levy) by Laws 2010

The Statutory Instrument was issued for the introduction of a by-law by the Council as a revenue source imposed on persons selling or exporting charcoal from the area in accordance with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued and is in line with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Statutory Instrument No. 15 of 2010 – The Nyimba District Council (Livestock Levy) By Laws 2010

The Statutory Instrument was issued for the introduction of a by-law by the Council as a revenue source imposed on persons selling or exporting livestock from the area in accordance with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes that the Statutory Instrument was correctly issued in accordance with the enabling law.

Statutory Instrument No. 16 of 2010 – The Nyimba District Council (Opaque Beer Levy) By Laws 2010

The Statutory Instrument relates to the introduction of a by-law by the Council as a revenue source imposed on persons selling opaque beer in the area in accordance with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued and was in line with section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Statutory Instrument No. 17 of 2010 – The Nyimba District Council (Sand Levy) By Laws, 2010

The Statutory Instrument relates to the introduction of a by-law on persons selling sand or exporting sand from the area in accordance with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued and was in line with section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Statutory Instrument No. 18 of 2010 – The Nyimba District Council (Timber Levy) By Laws 2010

The Statutory Instrument was issued for the introduction of a by-law as revenue imposed on persons selling timber or exporting timber from the area in accordance with Section 76 of the Local Government Act, Cap 281 of the Laws of Zambia.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued and was in line with section 76 of the Local Government Act, Cap 281 of the laws of Zambia.

Statutory Instrument No. 19 of 2010 - Nyimba District Council (Bird Levy) By Laws 2010

The Statutory Instrument refers to the introduction of a by-law as a revenue source imposed on persons selling or exporting birds. In this context bird refers to domesticated fowl, guinea fowl, turkey, goose, duck, pigeon or any part thereof dead or alive.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 21 of 2010 – The Local Government By Elections (Election Dates and Times of Poll) Order, 2010

This Statutory Instrument refers to the gazetting of the date, time and place for the election of councilors in wards. The Statutory Instrument also guides on the date of nominations.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued in line with the Law.

Statutory Instrument No. 44 of 2010 – The Local Government By Elections (Election Dates and Times of Poll) (No.2) Order 2010

This Statutory Instrument was issued for the purpose of gazetting of the date, time and place of elections for councillors in the wards specified in the Schedule to the Statutory Instrument.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 64 of 2010 – The Local Government Elections (Election Dates and Times of Poll) (No.2) Order, 2010

This Statutory Instrument was issued for the purpose of gazetting of the date, time and place of elections for Councillors in the wards specified the Schedule to the Statutory Instrument.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 41 of 2010 – The Local Government (Re-Appointment of Local Government Administrator) (Livingstone City Council) Order, 2010

The Statutory Instrument was issued to recognise the renewal period of the appointment of the Local Government Administrator for Livingstone City Council by the Minister of Local Government and Housing for another ninety (90) days following the expiry of the first appointment provided by Statutory Instrument No. 11 of 2010.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 7 of 2010 – The Chiefs (Recognition) (No. 1) Order, 2010

The Statutory Instrument was issued to recognize Mr. Stephen Samundunga of Mukulu area as new Chief Chinyama Litapi of the Luvale People of Zambezi District in the North-Western Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, during the meeting held on Saturday, 1st August, 2009 at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 65 of 2010 - The Chiefs (Recognition) (No. 8) Order, 2010

The Statutory Instrument was issued to recognize Mr. Luciano Kalameti Malunga of Mandombwe Mukaliva and Kakalo area as Chief Mpuka of the Chikunda People of Luangwa District in the Lusaka Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, during the meeting held on Saturday, 27th February, 2009 at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 9 of 2010 - The Chiefs (Recognition) (No. 3) Order, 2010

The Statutory Instrument was issued to recognize Mr. Sophia Thomas Chibaye of Chibalashi area as Chief Mwenda of the Chishinga People of Mwense District in Luapula Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, during the meeting held at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 10 of 2010 - The Chiefs (Recognition) (No. 4) Order, 2010

The Statutory Instrument was issued to recognize Mr. Mukobeka Mukaba Mwela of Katangano area as Chief Musaka of the Lamba People of Solwezi District in the North-Western Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, during the meeting held on 28th June, 2008 at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 66 of 2010 - The Chiefs (Recognition) (No. 9) Order 2010

The Statutory Instrument was issued to recognize Mr. Lewis Chinuka Chola of Kundabwika and Kalungwishi area as Senior Chief Mununga of the Shila People of Chienge District in the Luapula Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, at a meeting held on 23rd November, 2006 at the former Shila Native Authority building in Luapula.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 8 of 2010 - The Chiefs (Recognition) (No. 2) Order 2010

The Statutory Instrument was issued to recognize Mr Fanwell Chikalakasa of Chikuni area as Chief Chitanda of the Lenje People of Chibombo District in the Central Province. This was after he was selected

by the Electoral College in accordance with the traditions and customs obtaining in the area, at a meeting held on 30th May, 2009 at the Kembe Farm Institute in Chibombo District.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 32 of 2010 - The Chiefs (Recognition) (No. 5) Order, 2010

The Statutory Instrument was issued to recognize Mr. Shadreck Malamula Zulu of Lusangazi area as Chief Sandwe of the Nsenga People of Petauke District in the Eastern Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, at a meeting held on 13th March, 2009 at the Council Chambers in Petauke District.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 33 of 2010 - The Chiefs (Recognition) (No. 6) Order, 2010

The Statutory Instrument was issued to recognize Mr. Peter Rolland Chungu of Nakonkola area as Chief Mwansakombe of the Ng'umbo People of Samfya District in Luapula Province. This was after he was elected by the Electoral College in accordance with the traditions and customs obtaining in the area, at a meeting held on 30th January, 2010 at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 67 of 2010 - The Chiefs (Recognition) (No. 10) Order, 2010

The Statutory Instrument was issued to recognize Mr. Dennis Kambole Lyapa Sikazwe of Malembe area as Chief Chinakila of the Lungu People of Mpulungu District in the Northern Province. This was after he was selected by the Electoral College in accordance with the traditions and customs obtaining in the area, at a meeting held on 31st October, 2009 at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 68 of 2010 - The Chiefs (Recognition) (No. 11) Order, 2010

The Statutory Instrument was issued to recognize Mr. Victor Mukaba Chaande of Maala area as Chief Mungaila of the Ila people of Namwala District in the Southern Province. This was after he was selected by the Electoral College in accordance with the traditions and customs obtaining in the area, at a meeting held on 1st June, 2010 at the Palace.

Committee's Observations and Recommendations

Your Committee notes that the Statutory Instrument was duly and correctly issued.

Statutory Instrument No. 75 of 2010 - The Local Government Elections (Election Dates and Times of Poll) (No.3) Order, 2010

The Statutory Instrument was issued for the purpose of gazetting the date, time and place for the elections of councillors in wards specified in the Schedule to the Statutory Instrument. The Statutory Instrument also guided on the dates, place and time of nominations. The Statutory Instrument was issued in exercise of the powers contained in Section 12 of the Local Government Elections Act, Cap 282 of the Laws of Zambia.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 78 of 2010 - The Estate Agents Act (Commencement) Order, 2010

The Ministry of Local Government and Housing submitted that the Statutory Instrument was issued in exercise of the powers contained in Section 1 of the Estate Agents Act No. 21 of 2000, in order to operationalise the said Act.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 79 of 2010 - The Local Government Elections (Election Dates and Time of Poll) (No. 4) Order, 2010

Your Committee heard that the Statutory Instrument was issued for the purpose of the gazetting of the date, time and place for the elections of

councillors in wards set out in the Schedule to the Statutory Instrument and guided on the date, place and time of nominations

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 85 of 2010 – The Local Government By Elections (Elections Dates and Times of Poll) (No. 4) Order, 2010

Your Committee was informed that the Statutory Instrument was issued for the purpose of gazetting the date, time and place for the elections of councillors in wards.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 94 of 2010 – The Local Government (Trading Hours) Regulations, 2010

Your Committee was informed that the Statutory Instrument was issued to provide for the extension of business (trading) hours from 18:00 hours to 22:00 hours, in areas under the jurisdiction of local authorities.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 96 of 2010 – The Local Government (Appointment of Local Government Administration (Livingstone City Council) Order, 2010.

The Ministry of Local Government and Housing submitted that in exercise of the powers contained in section 88 of the Local Government Act, the Statutory Instrument was issued to extend the period of the appointment of the Local Government Administrator for Livingstone City Council by the Minister of Local Government and Housing for another ninety days following the expiry of the second appointment by virtue of Statutory Instrument No. 41 of 2010. The administrator was appointed following the suspension of the councillors of Livingstone City Council, by the Minister of Local Government and Housing.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Statutory Instrument No. 99 of 2010 – The Chiefs (Withdrawal of Recognition) Order, 2010

The Ministry of Local Government and Housing submitted that the Statutory Instrument was issued to withdraw the recognition of Mr Bob Bwembya Luo of Umutembe area as Chief Chibesakunda of the Bisa people of Chinsali District in the Northern Province. This was after numerous petitions from the Bisa Supreme Council to Government that Mr Luo was not eligible to ascend to the Chibesakunda Chieftaincy in accordance with the traditions and customs obtaining in the area.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

14 **MINISTRY OF HOME AFFAIRS**

Statutory Instrument No. 77 of 2010 – The Immigration and Deportation Act (Commencement) Order, 2010

The Ministry of Home Affairs submitted that the Statutory Instrument was issued to operationalise the Immigration and Deportation Act, No. 16 of 2010, pursuant to Section 1 of the said Act.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

15 **MINISTRY OF FINANCE AND NATIONAL PLANNING**

Statutory Instrument No. 95 of 2010 – The Customs and Excise (Suspension) (Fuel) Regulation, 2010

The Ministry of Finance and National Planning submitted that the Statutory Instrument was issued in order to extend the suspension of Customs and Excise Duties payable on diesel and kerosene for purposes of restocking the strategic fuel reserves which had been depleted during the period Indeni Oil Refinery was undergoing routine maintenance and repairs.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

16 **MINISTRY OF EDUCATION**

Statutory Instrument No. 97 of 2010 – The Education (District Education Board) (Establishment) Order, 2010

The Ministry of Education submitted that following the creation of Ikelenge District, there was need to ensure provision of effective social services to the district, such as educational services. This Statutory Instrument was issued to respond to the need for educational facilities and establish the Ikelenge District Education Board, pursuant to the powers contained in section 19 of the Education Act, Cap 134 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

17 **MINISTRY OF LIVESTOCK AND FISHERIES DEVELOPMENT**

Statutory Instrument No. 101 of 2010 – The Fisheries (Fisheries Management Areas) (Declaration) Order, 2010

The Ministry of Livestock and Fisheries Development submitted that following amendments to the Fisheries Act, Cap 200 of the Laws of Zambia in 2007, and in order to enable communities through their representative groups to participate in the management of fisheries resources, it became necessary to redefine the areas that were to be managed with the participation of local communities. Therefore, the Statutory Instrument was issued in order to declare the Mweru-Luapula Fishery a Fishery Management Area.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

18 **THE ANTI-CORRUPTION COMMISSION**

Statutory Instrument No. 106 of 2010 – The Anti-Corruption (Commencement) Order, 2010

The Anti-Corruption Commission submitted that the Statutory Instrument was issued to operationalise the Anti-Corruption Act, No. 30 of 2010.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Part II

19 Local Tours for the Fifth Session of the Tenth National Assembly

Your Committee undertook local tours as follows:

- (i) Courtesy call on the Provincial Permanent Secretary Southern Province
- (ii) Meeting with the National Heritage Conservation Commission, Livingstone office
- (iii) Tour of the Victoria Falls National Heritage Site
- (iv) Tour of Roma Industrial Park
- (v) Courtesy call on the Copperbelt Provincial Permanent Secretary, Ndola
- (vi) Tour of Sub-Sahara Gemstone Exchange Industrial Park, Ndola

i) Courtesy Call on the Permanent Secretary – Southern Province

Your Committee paid a courtesy call on the Provincial Permanent Secretary. Your Committee's Chairperson briefly explained the role that the Committee plays in its oversight functions and proceeded to explain that your Committee's tour had been necessitated by the issuance of Statutory Instrument No. 6 of 2010 – The National Monuments (Entry and User Fees) Regulations. He added that the Committee's main objective was to assess the impact on local tourism if any, of the Statutory Instrument.

The Permanent Secretary briefed your Committee that prior to the issuance of Statutory Instrument No. 6 of 2010, local tour operators were paying user and entry fees at a fixed rate to Zambia Wildlife Authority (ZAWA). However, with the passing of the Statutory Instrument, the tour operators were now obliged to pay similar additional fees to National Heritage Conservation Commission (NHCC). This duplication in the payment of fees made the cost of operation very high and made Livingstone an expensive tourist destination, which was being shunned in preference for Victoria falls town in the neighbouring Zimbabwe.

The Provincial Permanent Secretary's position was confirmed by the Chairperson of the Livingstone Tourism Association.

ii) Meeting with officials from National Heritage Conservation Commission, Zambia Wildlife Authority, and Ministry of Tourism, Environment and Natural Resources

As part of its tour, your Committee held a meeting with stakeholders at which the NHCC south West Regional Director briefed your Committee as set out hereunder.

Statutory Fees

The NHCC Regional Director submitted to your Committee that Statutory Instrument No. 36 of 2001, which was implemented from 2001 to 2010, was replaced by Statutory Instrument No. 6 of 2010 on 1 March 2010 after a period of nine years. On 1 March 2010, new fees were introduced at all national monuments sites including the Victoria Falls World Heritage Property. The Director provided the table below which highlights both the old and new fees.

Entry Fees			
Visitor Categories	Old Fee	New Fee	%Increase
Residents Adults	K2,160	7,000	224%
Residents Child	K1,080	K3,500	100%
Adult non Resident	USD 10	USD 20	100%
Child non Resident	USD 5	USD 10	100%
Lunar Rainbow			
Visitor Categories			
Resident Adults	K5,000	K10,000	100%
Resident Child	K2,500	K5,000	100%
Adult non Resident	USD 10	USD 25	150%
Child non Resident	USD 5	USD 10	100%
Vehicle Fee			
Visitor Categories			
Local	K3,000	K5,000	66.6%
Foreign	USD 3.00	USD 5.00	60%
Tour Operators	USD 3.00	USD 5.00	60%
Taxis	K3,000	K5,000	66.6%

He further submitted that despite the introduction of the new fees in accordance with Statutory Instrument No. 6 of 2010, the number of visitors arriving at the site continued increasing. On average the site received more than 11,517 visitors from different parts of the country and the world at large.

Comparative analysis of various fees with Zimbabwe

Entry fees rate for Zambia and Zimbabwe

	Zambia				Zimbabwe			
	Residents		Non Residents		Residents		Non Residents	
	Adults	Children	Adults	Children	Adults	Children	Adults	Children
Day viewing	K7,000	K3,500	USD20	USD10	USD5	USD2.5	USD30	USD15
Lunar Rainbow	K10,000	K5,000	USD25	USD10	USD10	USD5	USD40	USD20
Vehicle Entry Fees (Zambia)				Vehicle Entry Fees (Zimbabwe)				
Ordinary Vehicles				Ordinary Vehicles				
Foreign	Local		Range from USD2-USD10 depending on capacity					
USD 5	K5,000							
Tour Operators				Tour Operators				
USD5			Range from USD3-USD20 depending on capacity and origin					
Taxis								
K5,000								

He submitted that despite Zambia increasing its fees at the Victoria Falls, the current fees in Zimbabwe were still higher than those prevailing in Zambia. As a result of the above discrepancy UNESCO was pushing for the harmonisation of all fees for the Victoria Falls World Heritage Property since this site was considered as one.

User fees in the Victoria Falls World Heritage Property

Activity	Old Fees – USD	New Fees – USD	% Increase
Boat cruise (0-120 seats)	6,000 per operator per year	15,000 per operator per year	150%
Rafting permit	5,000 per operator per year	15,000 per operator per year	200%
Canoeing/kayaking	-	15,000 per operator per year	-
Banji jumping	3,300 per operator per year	10,000 per operator per year	149%
Abseiling	2,000 per operator per year	5,000 per operator per year	150%
Angling	2,000 per operator per year	10,000 per operator per year	400%
Gorge swing	2,000 per operator per year	5,000 per operator per year	150%

Despite the introduction of the new fees, no single tour operator had paid any of these fees to NHCC. This was as a result of an injunction obtained by the Tour Operators through the Livingstone Tourism Association (LTA) against NHCC. The matter was now in the hands of the Permanent Secretary at the Ministry of Tourism Environment and Natural Resources.

In terms of visitor trends at the Victoria Falls World Heritage Property, statistics were provided as set out below.

Year	Total Visitation
2005	179,786
2006	109,424
2007	156,612
2008	136,904
2009	133,199
2010	138,148

Visitor statistics at World Heritage Site January-December 2010

Month	Resident		Non Resident		Total
	Adult	Children	Adult	Children	
January	2,400	120	3,490	14	6,024
February	4,653	285	6,015	20	10,973
March	4,913	960	3,457	58	9,388
April	8,590	1,192	4,320	148	15,250
May	6,564	803	3,940	67	10,374
June	4,219	459	5,215	376	10,269
July	6,792	1,766	6,468	387	15,413
August	8,094	2,017	7,412	621	18,144
September	5,128	1,253	4,563	99	11,043
October	5,246	576	4,861	74	10,757
November	3,484	221	3,303	39	7,047
December	8,341	1,086	3,904	135	13,466
Total	68,424	10,738	56,948	2,038	138,148

At the beginning of the year 2010, visitor numbers for both residents and non residents at the site was low. However, visitor numbers for residents started increasing in the month of March 2010. A sharp decline in non residents can be observed in the month of June and July and this decline can be attributed to the fact that Zambia's traditional sources of visitors (America, United Kingdom, France and Australia) travelled to South Africa to watch the FIFA World Cup games. A rise can be noted after the World Cup games were concluded in the month of July.

Lack of Transport

The site was also further plagued by insufficient transport for movement of staff and operators. This scenario entailed that a lot of illegal activities in the site still went uncontrolled.

Insufficient Funds for Site Development

As a state run department, the site also faced the challenge of insufficient funding. At the moment a number of developmental projects at the site could not be implemented due to non availability of funds. For example, the improvement of the entrance gate and the erection of a steel fence to protect the resources in the site had not been undertaken due to lack of funds.

iii) Conducted tour of the Victoria Falls National Heritage Site

Your Committee was taken on a conducted tour by NHCC officials to appreciate some of the sites under the control of the NHCC. Your Committee learnt that the Victoria Falls as a world heritage property extends over 6,860 hectares, part of which is a large curtain of water

measuring 1,708 meters, of which 1,200 meters of the curtain is on the Zambian side. Apart from the curtain, your Committee was shown other core features of the property, which include the Zambezi River, Maramba River and the Livingstone Island.

Committee's Concerns on Statutory Instrument No. 6 of 2010

Your Committee noted that Statutory Instrument No. 6 of 2010 was not ultra-vires any law nor did it infringe on any rights of any individual and is therefore enforceable. The Statutory Instrument replaces Statutory Instrument No. 36 of 2001, which had been in force for nine years.

Your Committee also noted that despite the Statutory Instrument being intra-vires the law, it had introduced a new regime of entry and user fees payable to the NHCC, which were also payable to ZAWA under another law. Your Committee were concerned that this duplication had created far reaching differences between NHCC on the one hand and ZAWA and local tour operators on the other hand, despite NHCC and ZAWA falling under the same Ministry.

Your Committee also noted that at face value, the fees being charged on the Zambian side of the Victoria Falls were comparatively lower than those charged on the Zimbabwean side, albeit, more tourists preferred to stay in Victoria Falls town in Zimbabwe.

In light of the above concerns, your Committee resolved to summon the Permanent Secretary, Ministry of Tourism, Environment and Natural Resources to give your Committee a detailed submission on the matters raised. In making her submissions, the Permanent Secretary informed your Committee as set out hereunder.

In January 2010, a new Statutory Instrument on Entry and User Fees to heritage sites was passed thereby revoking the old Statutory Instrument No 36 of 2001. The new Statutory Instrument (No. 6 of 2010) adjusted the fees upwards. The basis of the Statutory Instrument, like its predecessor, was that any person who enters or views a heritage site/national monument whether from the ground or the air, pays what is known as entry fee. On the other hand, any person (including legal persons) who carries out business on a commercial basis within the heritage site pays what is referred to as user fee. The entry fee is paid upon entry (whether on land or air) while user fees are fixed and are usually paid annually.

The entry fees charged to view the Victoria Falls were generally higher in Zimbabwe as compared to Zambia. Whereas Zimbabwe charged USD 40 and USD30 for the lunar rainbow and day viewing respectively, Zambia charged USD25 and USD20 respectively. In other words, the fees in Zimbabwe were 37.5 and 33.5 per cent more expensive than those applied in Zambia. Most of the tourist facilities

such as trails and toilets were basically the same on both sides of the falls. This difference in fees for foreign visitors therefore required to be narrowed so that, for instance, foreign visitors could be paying USD30 for lunar rainbow unlike the USD25 currently being charged.

In terms of local or domestic tourists, the lunar fees were pegged at USD10 in Zimbabwe and K10, 000 in Zambia while the day viewing was at USD5 and K7, 000 respectively. In Kwacha terms, local tourists in Zimbabwe paid approximately K25, 000 for day viewing and K45, 000 for lunar. While appreciating the rationale behind this wide difference, namely that Zambia should be able to enjoy comparative advantage thereby remaining competitive, the stark reality was that the fees were just too low. This were contrary to assertions by a section of people in the tourism sector. It was worth noting that though the entry fees had not been vehemently opposed, some tour operators complained that they needed enough time to inform their clients about the adjustment before the new fees were implemented. To the contrary, however, according to the terms and conditions provided by some tour operators, there were conditions such as **'all the prices are in USD and subject to change without prior notice; the company reserves the right to change any of the rates above without prior notice should operating costs increase' or 'we reserve the right to change these rates to cover extra fees imposed on us by outside forces though due notice will be given.'** Be that as it may, such notices therefore vitiated the argument that the tour operators required a period ranging from 12 to 18 months for them to warn their clients or agents about the impending increase in fees because the notices were adequate enough. By the same token, if tour operators reserved the right to change fees even without notice, why shouldn't executive agencies do the same.

The Statutory Instrument No. 6 of 2011 proposed to increase User Fees by between 150% to 400 % for various activities namely Boat cruises, Rafting, Canoeing/kayaking Bunji Jumping, Abseiling, Angling and Gorge Swing. Compared to the Zimbabwean side, User Fees on the Zambian side are on average higher by about 85% on the face-value. The general structure of User fees on the Zimbabwean side was such that there was a minimal annual fee charged per activity per Tourism Operator and an additional fee charged directly to each tourist. On the other hand, the structure of User Fees on the Zambian side was such that a single annual fee was charged per activity per operator. The overall amount charged on the Zimbabwean side turned out to be higher than on the Zambian side.

It was important to note that NHCC had not yet started implementing User Fees contained in the new Statutory Instrument No. 6 of 2010. However, the Ministry noted and agrees with the findings of your Committee that had the User Fees been implemented, Tourism Operators would be charged twice by NHCC on one hand and ZAWA

on the other hand.

The Ministry was still working out modalities on how to harmonize user fees to be charged to operators. The first step in this endeavour was for the two institutions to have a common goal of the development of the tourism industry in the area. In the pursuit for the tourism growth in the area, an agreement has already been reached between Zambia Wildlife Authority (ZAWA) and National Heritage Conservation Commission (NHCC) in an effort of harmonizing Entry and User Fees as follows:

- a) NHCC would continue to collect and shall retain 100% of the revenue from fees to the Victoria Falls and the Eastern Cataract according to the subsisting Statutory Instrument;
- b) NHCC shall continue to receive 50% of the revenue from the Park Entry Fees from the Sun and the Royal David Livingstone Hotels clients. The status quo would be maintained until such a time when the subsisting agreement between ZAWA and Sun Hotel as well as the Current SI shall be revised;
- c) NHCC shall receive 30% of the revenue generated from activities around the Victoria Falls, specifically aerial view of the Victoria Falls (through Micro-light and helicopter rides), Abseiling, Bunji Jumping and Rafting;
- d) ZAWA shall continue collecting 50% of the Park Entry Fees from tourists lodged at Sun Hotel and David Livingstone Hotel;
- e) ZAWA should retain 70% of the revenue collected for activities around the Victoria Falls;
- f) ZAWA shall retain 100% revenue collected from the Park Entry Fees to the fenced area of the Mosi-oa-Tunya National Park; and
- g) ZAWA shall retain 100% of the revenue collected for the boat cruise and canoeing upstream.

The Ministry was still pursuing the following measures in an effort to harmonize User Fees and to prevent further antagonism between the two institutions including Tourism operators:

- NHCC and ZAWA to Form a Joint Working Group to ensure that the two institutions work together for the common goal of the development of the Tourism Industries in the area;
- The proposed working group should be at two levels; there should be a management working group at their respective Head Offices in Lusaka and an implementing working group constituting the Regional Offices in areas that both ZAWA and NHCC were co-

managing;

- The ZAWA and NHCC working group once in place should identify areas of contentions and possible remedies to the same to avoid future antagonism;
- Government is to form partnership with Tourism Operators in the development of short to long term development plans for the area so that mutual trust can be developed;
- Livingstone Tourism Association (LTA) and Livingstone Lodges and Guest Houses Association (LILOGHA) should be engaged in various ways to draw up programmes in areas of corporation and partnerships with the Ministry through the established structures in the regions i.e Tourism Department, ZAWA, NHCC, ECZ and Museums; and
- Tourism Operators should be allowed to pay User Fees on a quarterly basis in order to give them room to raise such funds.

The Ministry shall undertake a comprehensive study of the legal frameworks in neighboring countries regarding user fees and licenses in tourism industry so as to compare Zambia's competitiveness in the region.

Committee's Observations and Recommendations

Your Committee observes that measures are being taken by the Ministry to harmonise relations between NHCC and ZAWA. Your Committee therefore urges the Government to ensure that these measures are realised sooner for the good of the tourism industry in Zambia as a whole and Livingstone in particular.

Your Committee observes that despite user and entry fees being lower on the Zambian side, the number of tourist arrivals in Livingstone is lower than that of Victoria Falls Town. Your Committee notes that Livingstone is an expensive tourist destination, not because of the introduction of Statutory Instrument No 6 of 2010, but because of the high cost of hotel accommodation in comparison to Victoria Falls Town.

Your Committee therefore observes with dismay that the position taken by the Southern Province Permanent Secretary with regard to the impact of the Statutory Instrument on tourism, is at complete variance with the Permanent Secretary for the Ministry of Tourism, Environment and Natural Resources.

Your Committee recommends that the Government should institute a detailed comparative study of entry and user fees being levied in the two neighbouring towns, with respect to the collection and allocation of such

fees. Your Committee also urges the Government to undertake an investigation and thereafter report to your Committee as to why Livingstone is a more expensive tourist destination than Victoria Falls Town with regards to hotel accommodation, despite the Government charging low entry and user fees to the Victoria Falls National Heritage Sites.

Your Committee observes that local tour operators are important stakeholders in the development of the tourism industry in Livingstone. In this regard, your Committee recommends that prior to effecting any new fees, both the NHCC and ZAWA should always engage in consultations with local tour operators so that there is harmony in the implementation of such fees.

iv) **Roma Industrial Park**

The tour was made pursuant to Statutory Instrument No. 48 of 2010 – The Zambia Development Agency (Roma Industrial Park) (Declaration) Order. The objective of the tour was to assess the extent and impact of implementation of the Statutory Instrument vis-à-vis the local surrounding community and infrastructure development.

Your Committee was accompanied by officials from the Ministry of Commerce, Trade and Industry and the Zambia Development Agency (ZDA).

The Director of Roma Industrial Park submitted to your Committee that Roma Industrial Park is situated on a 104 hectares of land on the edge of the Roma Township in Lusaka. It was set to become one of the first mixed-use developments in Zambia consisting of a residential area, retail area and commercial industrial area.

In terms of existing developments at the site, your Committee was shown the construction and completion of the extension of Zambezi Road, the construction of inner roads leading to Roma Industrial Park premises and the installation of electricity to the site. The investor has also made inroads in procuring and developing water and sewerage facilities which would be handed over to the Lusaka Water and Sewerage Company for operation.

In terms of future developments, the investor expected to roll-out basic infrastructure within the next twelve months. The investor had also secured 5 acres of land strictly for Zambian small and medium sized entrepreneurs (SMEs).

Your Committee was also informed that the developers will construct shell factories for occupation by non specific manufacturers. However, other investors will be allowed to put up their own factories tailor made to suit their specific businesses. The Director also submitted that it was envisaged that Roma Industrial Park would be fully developed within the

next 5 to 7 years. Once fully operational, it would provide employment to about 2,800 Zambians.

Your Committee was also informed that at present, an initial amount of about USD46,000,000 had been invested into the project, which accounted mainly for the current road and electricity infrastructure.

Committee's Observations and Recommendations

Your Committee observes that the issuance of Statutory Instrument No. 48 of 2010 is timely as it has given impetus to the developers of Roma Industrial Park to fully develop the site which in turn will improve the lives of many locals.

Your Committee also observes that the promoters of Roma Industrial Park are committed to developing their concept as submitted to your Committee.

Your Committee, therefore, recommends that the Government, through the ZDA, should render the necessary support and provide the required incentives to Roma Industrial Park so that it can be rolled out as planned by the developers.

v) Courtesy Call on the Permanent Secretary Copperbelt Province

Your Committee paid a courtesy call on the Permanent Secretary for Copperbelt Province. The Chairperson of your Committee informed the Permanent Secretary that the Committee's tour had been prompted by the passing of Statutory Instrument No. 49 of 2010 – The Zambia Development Agency (Sub-Sahara Gemstone Exchange Industrial Park) (Declaration) Order. The objective of your Committee's tour was to assess the extent to which the Statutory Instrument had been implemented and its impact, if any, on the local surrounding communities. Your Committee was informed by the Permanent Secretary that the property where the Sub-Sahara Gemstone Park is located was previously owned by ZCCM but was extensively vandalised during the privatisation era. Currently, the Industrial Park was the only one being promoted by an indigenous Zambian enterprise.

vi) Tour of the Sub-Sahara Gemstone Exchange Industrial Park

Your Committee undertook the tour in the company of officials from the Ministry of Commerce, Trade and Industry and the ZDA.

The Chairperson of the Sub-Sahara Gemstone Exchange submitted to your Committee that the Industrial Park occupied about 300 hectares of land. It is a multi function economic development zone located approximately 10 kilometres from the Ndola central business district along the Ndola/Kabwe Road. The industrial park will be constructed,

developed and managed by Phoenix Materials Limited, a wholly Zambian owned construction and development company.

The Chairperson submitted that once fully developed, the industrial park will have a variety of facilities including an oil refinery plant, light manufacturing, container depot and dry port, multifunctional manufacturing warehouse facilities, logistics centre, skills training centre, procurement services, shopping mall, office parks, hotel and residential developments.

In terms of existing infrastructure, your Committee was informed that electricity lines had already been brought to the site including water and a sewer treatment plant which were part of the property under ZCCM. Your Committee was also informed that some more power installations would be put in place within the next 6 months, by the Copperbelt Energy Corporation (CEEC).

In terms of roads and residential developments, your Committee learnt that the survey had been done for both and works would begin soon since the equipment was already in place.

In terms of investments in the Industrial Park, your Committee was given the status set out hereunder:

- 1) Sub Sahara Gemstone Exchange – USD 3,000,000
- 2) Phoenix Materials Limited – USD 5,000,000
- 3) Mei Mei Limited – USD 2,500,000
- 4) Electro winning Resources Zambia Limited – USD 4,500,000
- 5) Transcontinental Procurement Services – USD 1,000,000
- 6) Copperbelt Energy Corporation – USD 6,000,000

Eight other companies had shown interest in the Industrial Park and it was hoped that they would come on board soon.

During the conducted tour of the Industrial Park, your Committee was shown some of the infrastructure that had been vandalised by previous investors leaving the property bare. Your Committee was also shown the water storage facilities as well as the situation of the sewer treatment plant.

Your Committee also visited 3 companies that had already invested and were operating within the Industrial Park. Your Committee visited Electrowinning Resources Zambia Limited which is specialised in processing low grade copper ore into exportable copper cathodes, of about 99% purity. The Company obtained its raw materials from Bwana Mukubwa dumping sites and produced about 100 tonnes of copper in 7 days.

Your Committee also visited Mei Mei Limited which produced about 30,000 high quality blocks per day. The Company was managed by Chinese investors.

Your Committee was also shown heavy earth moving equipment belonging to the developer to be used for road construction within the Industrial Park.

Committee's Observations and Recommendations

Your Committee observes that the Sub Sahara Gemstone Exchange Industrial Park is being promoted by an indigenous Zambian Company. Your Committee also observes that substantial capital investment needs to be made to make the Industrial Park fully operational.

Your Committee also observes that there is unwavering commitment from the investors to see through their concept of the Industrial Park.

Your Committee therefore recommends that the Government, through ZDA, should render the required support to the Industrial Park so that it can be fully developed sooner rather than later.

20 Conclusion

Your Committee, Mr Speaker, would like to express its appreciation to you for the wise counsel and direction given to it during the past year.

Your Committee also wishes to thank all the witnesses who submitted memoranda to it thereby providing the basis for it to make informed decisions on the issues before it.

Lastly, your Committee wishes to express its appreciation for the services rendered by the Office of the Clerk of the National Assembly throughout its deliberations.

C K B Banda, SC, MP
CHAIRPERSON

May 2011
LUSAKA