

REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS ON THE URBAN AND REGIONAL PLANNERS BILL, N.A.B. NO. 51 OF 2010 FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY, APPOINTED ON 24 SEPTEMBER 2010

Consisting of:

Mrs R M Musokotwane, MP (Chairperson); Mr H M Malama, MP; Mr D Mwango, MP; Mr V M Mooya, MP; Mr E M Sing'ombe, MP; Mr B Chella, MP; Mr C K Banda, SC, MP and Dr S Musonda, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA.

Sir,

Your Committee has the honour to present its Report on the Urban and Regional Planners Bill, N.A.B. No. 51 of 2010, referred to it by the House on 26 November, 2010.

Functions of the Committee

2. In addition to any other duties conferred upon it by the Honourable Mr Speaker, or any order of the House, your Committee may consider any Bills referred to it by the House.

Meetings of the Committee

3. Your Committee held seven (7) meetings to consider the Urban and Regional Planners Bill, N.A.B. No. 51 of 2010.

Procedure adopted by the Committee

4. Your Committee, in considering the Bill, requested written submissions from various stakeholders, who also appeared before it and made oral submissions.

Objects of the Urban and Regional Planners Bill, N.A.B. No. 51 of 2010

5. The objects of the Bill are to:
- (a) establish the Zambia Institute of Planners and provide for its functions;
 - (b) provide for the registration of planners and planning firms and regulate their professional conduct; and
 - (c) provide for matters connected with or incidental to the foregoing.

Background

6. The Urban and Regional Planners Bill, N.A.B. No. 51 of 2010, is aimed at regulating urban and regional planning practice in the country.

The urban and regional planning field has been invaded by so many people claiming to be planners. In addition, there are many un-qualified staff doing planning work in district councils. The problems arising from an insufficiently regulated planning profession can be observed in many Zambian towns and cities, which include plot encroachment, unplanned settlements and traffic congestion.

Orderly, attractive, healthy and sustainable development requires professional planners designing and regulating the built environment. Currently, there is in existence the Zambia Institute of Planners (ZIP) registered under the *Societies Act*. However, this body has no legal backing to regulate its members. Owing to the importance of planning, the profession requires to be regulated as is the practice in other countries where the planning profession has been established and operated under some legislation.

Urban and regional planning in Zambia is regulated by the *Town and Country Planning Act*, Chapter 283 and the *Housing (Statutory and Improvement Areas) Act*, Chapter 194 of the Laws of Zambia. While the two pieces of legislation provide for the regulation of urban and regional planning, they do not provide for the registration and regulation of planners, hence the introduction of the Bill. This Bill, therefore, will ensure that each planning authority employs a corporate member of the Institute in order to improve the quality of development in the country.

Salient features of the Bill

7. The Bill has seven parts as set out below.

Part I

This part provides for the short title and definitions in the Bill.

Part II

This part establishes the Institute and provides for its functions and the constitution. It also provides for the conduct of meetings of the Institute.

Part III

Part III provides for the constitution of the Council and its functions.

Part IV

This part provides for the registration of planners and planning firms. It provides for, among others, classes of membership, disqualification from registration, display of practising certificate, fees for planning works and regulations relating to practising certificate.

Part V

This part establishes the Professional Conduct. It provides for the re-registration, duplication of certificate, register, appeals, holding out as planner or planning firm, enforcement of notice, offences regarding registered planners or planning firm and the recognition of foreign qualifications and institutions.

Part VI

Part VI establishes the disciplinary Committee. It provides for a Code of Ethics and professional misconduct. It also provides for functions and powers of the Committee and the right to appeal to the High Court for persons not satisfied by the rulings of the Committee.

Part VII

This part provides for the general provisions such as the general penalty, offences by body corporate or unincorporate body, authority to issue guidelines and regulations of the Institute.

Stakeholders' views on the Bill

8. The views of stakeholders on the Bill are as set out below.

Amendment of the Title

The title should read "*The Zambia Institute of Urban and Regional Planners Bill, 2010*". This would address the intended objectives of the Bill. *Consequential amendments be made where ever the terminology is used.*

Part I

Preliminary

Definitions

The amendments to definitions in the Bill were proposed as set out below.

"*Allied profession*" should be replaced with "*Associate Member*" which is more in line with the constitution of the Institute and conveys the same meaning originally intended in the interpretation of allied profession. Therefore, "*Associate Member*" should be defined as "a person registered as a non-corporate member of the Institute in accordance with the provisions of the constitution of the Institute."

"*Past President*" should be replaced with "*Immediate Past President*". Therefore, "*Immediate Past President*" should be defined as "the person who held the office of President immediately prior to the current President."

"*Institute*" should be defined as "*the Zambia Institute of Urban and Regional Planners.*"

"*Planning Field*" should be replaced by "*Urban and Regional Planning Field*". "*Urban and Regional Planning Field*" should be defined as "the spatial planning profession within which urban and regional planners implement their knowledge and experience with practical and analytical and organisational skills."

"*Planning Firm*" should be defined as "a statutory corporation, a company, a partnership, an association or other body; corporate or unincorporated that provides a service through the application of urban and regional planning skills and knowledge."

"*Planning Work*" should be defined as "carrying out an undertaking relating to the urban and regional planning field."

"*Urban and Regional Planning*" should be defined as "an area of expertise which involves an initiation and management of change and orderly development of the spatial built environment, socioeconomic and natural environment across a spectrum of areas, ranging from urban to rural, delineated at different geographical scales in order to provide and utilise services to further human development and sustain the environment."

Part II

Sub-title should be amended to read "*The Zambia Institute of Urban and Regional Planners*". This would remove the broad definition the current title denotes which would include financial or economic planners in the present form. *Consequential amendments should be made where ever the terminology is used.*

Clause 4 (o) should read "*National Disaster Management and Mitigation Unit*".

Part III

Clause 8 (3) (g) recognises student membership, but it is no clear where this student membership is under **clause 18**. There is need under clause 18 to identify the cadre of planners who qualify to be Fellow, Member, Technician and Associate and also to ensure that students are included.

It was proposed that the term of office under **clause 8 (5)** be reduced from three years to two years.

“Part V, Professional Conduct” should be inserted between **clauses 31 and 32**, and the other parts of the Bill should be renumbered accordingly.

Part V

It was the view of some stakeholders that there was need to reflect and specify only serious and criminal offences under **clause 44(d)**.

Under **clause 59(2)**, stakeholders were of the view that there was need for Guidelines to be published in the Government Gazette as well as in addition to the publication in the newspapers.

SCHEDULE **(Section 3 (2))**

Part I

There was need to amend **clause 5 (1), disclosure of interest**, by *extending the provision from the spouse to a members’ nuclear family*.

Committee’s Observations and Recommendations

9. Your Committee in welcoming the Urban and Regional Planners Bill, N.A.B. No. 51 of 2010, notes that this is a progressive piece of legislation and its enactment will provide the Government with adequate legislation to regulate the planning profession. The Bill will, contribute towards the development of a well-trained cadre of planners and ultimately a professional planning industry, which would also lead to the development of well planned settlements in the country.

While the Bill is being recommended for favourable consideration, your Committee recommends as set out below.

Part I

Preliminary

Interpretation

- a) **Clause 1** should be amended by providing the commencement date of this Act by stating that *“the Act shall come into operation on such date as the Minister may, by statutory instrument appoint”*. This will enable planners to continue to operate while systems are being put in place to establish the Institute and register planners.
- b) The word *“Allied profession”* should be deleted and substituted with *“Associate Member”* so as to bring it more in line with the constitution of the Institute and convey the same meaning originally intended in the interpretation of allied profession. Therefore, *“Associate Member”* should be defined to mean a person registered as a non-corporate member of the Institute in accordance with the provisions of the constitution of the Institute.

- c) The phrase *“Past President”* should be deleted and substituted with *“Immediate Past President”* and *“Immediate Past President”* should be defined to mean a person who held the office of President immediately prior to the current President.
- d) *“Institute”* should be defined to mean, *the Zambia Institute of Urban and Regional Planners*.
- e) *“Planning Field”* should be deleted and replaced with *“Urban and Regional Planning Field”* and *“Urban and Regional Planning Field”* should be defined to mean the spatial planning profession within which urban and regional planners implement their knowledge and experience with practical and analytical and organisational skills.
- f) *“Planning Firm”* should be defined to mean a statutory corporation, a company, a partnership, an association or other body; corporate or unincorporated that provides a service through the application of urban and regional planning skills and knowledge.
- g) *“Planning Work”* should be defined to mean, the carrying out of an undertaking relating to the urban and regional planning field.
- h) *“Urban and Regional Planning”* should be defined to mean an area of expertise which involves an initiation and management of change and orderly development of the spatial built environment, socioeconomic and natural environment across a spectrum of areas, ranging from urban to rural, delineated at different geographical scales in order to provide and utilise services to further human development and sustain the environment.

Part II

- a) The sub-title should be amended to read *“The Zambia Institute of Urban and Regional Planners”*. This would streamline the current title denotes which appears include other sectors such as financial or economic planners in its present form. *Consequential amendments be made where ever the terminology is used.*
- b) **Clause 4** should be amended by the inclusion of a marginal heading *“Functions of Institute”*.
- c) **Clause 4 (o)** should be amended to read *“National Disaster Management and Mitigation Unit”*.
- d) **Clause 5 (3) (b)** should be amended by the inclusion of *“Council members”* after Vice President.
- e) **Clause 7** should be amended by the inclusion of a marginal heading *“Meetings of the Institute”*.

Part III

- a) **Clause 8 (3) (g)** recognises student membership under **clause 18**, it is not clear where the student member falls in relation to the category of membership specified therein. There is need to clarify who qualifies to be under which category of membership.
- b) **Clause 8 (5)** should be amended to reduce the term of office from three years to two years. This would be in line with other professional bodies that have their terms of office either one or two years.
- c) There is need to make provision for requisite qualifications for a person to be appointed as an inspector under **clause 11** since the clause only makes provision for the appointment of inspectors to ensure the professionals in the planning field operate in compliance with the Act.

- d) There is need to insert a heading “*Part V, Professional Conduct*” between **clauses 31 and 32 on page 18** as provided for under the *Arrangement of Sections*. Thereafter, the other parts of the Bill should be renumbered accordingly.

Part V (Current)

- a) There is need to reflect and specify only serious and criminal offences under **clause 44(d)** as this will mean even minor traffic offences will be considered under this clause.
- b) Under **clause 59(2)**, there is need for Guidelines to be published in the Government Gazette in addition to them being published in newspapers.

Conclusion

10. In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker, for not only appointing it, but also granting it the opportunity to scrutinise the Urban and Regional Planners Bill, N.A.B. No. 51 of 2010. Your Committee also wishes to pay tribute to all the stakeholders who appeared before it and tendered both oral and written submissions. The Committee further, wishes to thank the Office of the Clerk of the National Assembly for the unfailing assistance throughout its deliberations.

We have the honour to be, Sir, your Committee on Local Governance, Housing and Chiefs’ Affairs mandated to scrutinise the Urban and Regional Planners Bill, N.A.B. No. 51 of 2010.

Mrs R M Musokotwane, MP;
(Chairperson)

Mr H M Malama, MP;
(Member)
Mr D Mwangi, MP;
(Member)

Mr E M Sing’ombe, MP;
(Member)

Mr V M Mooya, MP;
(Member)

Mr B Chella, MP;
(Member)

Dr S Musonda, MP
(Member); and

Mr C K Banda, SC, MP
(Member)

January 2011
LUSAKA

R M Musokotwane, MP
CHAIRPERSON

APPENDIX I

LIST OF OFFICIALS

National Assembly

Mr S M Kateule, Principal Clerk of Committees.

Mr G Lungu, Deputy Principal Clerk of Committees.

Ms M K Sampa, Committee Clerk (FC).

Mr F Nabulyato, Assistant Committee Clerk.

Mr K Mubanga, Research Officer.

Ms C Mtonga, Typist.

Mr C Bulaya, Committee Assistant.

Mr S M Likunyendo, Parliamentary Messenger.

APPENDIX II

WITNESSES

PERMANENT WITNESS

Ministry of Local Government and Housing

Mr J Chulu, Acting Assistant Director.

WITNESSES

Ministry of Justice

Mrs M W Muyaba, Principal Parliamentary Counsel.

Mrs D S Sichone, Parliamentary Counsel.

Lusaka City Council

Mr A M Musonda, Acting Town Clerk and Director of Public Health.

Mr J M Zulu, Acting Director of Planning.

Local Government Association of Zambia

Mr M Mbolela, Executive Secretary.

Engineering Institution of Zambia

Dr L D Nyirenda, Administrator.

Institute of Architects

Dr S Mashamba, President.

National Housing Authority

Mr E N Mpondela, Chief Executive Officer.

Mr B Mbuzi, Director of Projects.

Copperbelt University

Dr R Chileshe, Dean, School of Built Environment.

Mr F M Muwowo, Head of Department, Urban and Regional Planning.

Zambia Institute of Estate Agents

Mr I Mulundu, Bitrust Real Estate Consultant.

Ms B Kiwempindi, Horizon Properties Consultant.

Mr C Musonda, Shirewood Grene Properties Consultant.

National Council for Construction

Dr S Mashamba, Director.

Environmental Council of Zambia

Mr P Banda, Director.

Mr J Sakala, Manager-Inspectorate.

Ms C Chibesakunda, Manager-Legal Services.

Ministry of Tourism, Energy and Natural Resources

Mrs L E L Kapulu, Permanent Secretary.

Mr L Zulu, Parliamentary Liaison Officer.

Mr J Sakala, Manager- Inspectorate (ECZ).

Ms C M Mutale, Chief Planner.

Ministry of Lands

Mrs M M Yeta, Permanent Secretary.
Mr B Mulenga, Commissioner of Lands.
Mr D Mubanga, Surveyor General.
Mr C Lufwenuka, Head of Planning and Information.
Mr R Mvula, Principal Accountant.
Mr K Soko, Senior Planner.

Ministry of Works and Supply

Mr W Ng'ambi, Permanent Secretary.
Ms B Kaonga, Director.
Mr C Kasanda, Assistant Director.
Mr D Musanshi, Senior Economist.

Ministry of Local Government and Housing

Mr T Hakuyu, Permanent Secretary.
Mr B B Chirwa, Director-Government Valuation Department.
Mr B Domingo, Director-Human Resources and Administration.
Mr N Banda, Assistant Director-Physical Planning and Housing.