



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 03 APRIL 2018

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(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
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Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
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Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
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Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

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Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 02 of 2018

Sitting of Tuesday 03 April 2018

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

The Prime Minister: Madam Speaker, the Papers have been laid on the Table.

A. **Prime Minister's Office**

Digest of Industrial Statistics 2016.

B. **Ministry of Health and Quality of Life**

The Dental Council (Medical Institutions) (Amendment) Regulations 2018.
(Government Notice No. 32 of 2018)

ORAL ANSWERS TO QUESTIONS

**NATIONAL HUMAN RIGHTS COMMISSION - POLICE COMPLAINTS
DIVISION – ALLEGED POLICE BRUTALITY**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Prime Minister, Minister of Home Affairs, External Communication and National Development Unit, Minister of Finance and Economic Development whether, in regard to alleged Police brutality and torture, he will –

- (a) for the benefit of the House, obtain from the Police Complaints Division of the National Human Rights Commission, information as to the number of reported cases thereof, since 01 January 2015 to date, indicating –
 - (i) the number of Police Officers interdicted, prosecuted and convicted in connection therewith;
 - (ii) where matters stand as to the inquiries carried out in the cases of D. G. and E. P., and
- (b) state when the Independent Police Complaints Commission will be operational.

The Rt hon. Minister Mentor, Minister of Defence, Minister for Rodrigues (Sir Anerood Jugnauth): Madam Speaker, with your permission, I am answering this PNQ.

At the very outset, I would like to present my sincere condolences to the bereaved family of late Mr E. P.

I note that the hon. Leader of the Opposition is exercising care and caution in describing the cases of Police brutality and torture as alleged cases.

Madam Speaker, Police brutality is a worldwide occurrence which affects even the most advanced countries. Unfortunately, Mauritius is no exception to it. Having said that, I wish to emphasise that there is no excuse for those who are found to have been involved in any act of Police brutality.

Madam Speaker, with regard to part (a) (i) of the question, I am informed by the Police Complaints Division of the National Human Rights Commission that since 01 January 2015 to date, 541 complaints of alleged Police brutality have been referred or reported to the Commission.

Out of these cases, in only one case, namely that of late Mr Mohamed Iqbal Toofany, who passed away in Police custody on 02 March 2015, five Police Officers were arrested.

They were interdicted on 04 March 2015 and, on the same day, a provisional charge of “torture by Public Official” was launched against them.

On 15 July 2015, the case file was referred to the DPP for advice and, on 12 December 2017, the case was referred back to Police for further enquiry.

On 12 February 2018, the case was referred anew to the DPP, whose decision is being awaited.

As regards part (a) (ii) of the question, I am informed by the National Human Rights Commission that on 29 January 2018, Mr D. G. made a complaint at the Curepipe Police Station to the effect that he had been a victim of Police brutality. Consequently, the Police Complaints Division initiated an investigation pursuant to section 4(a) of the Police Complaints Act.

The investigation carried out by the Police Complaints Division was twofold –

- (i) on the allegation of Police brutality, and
- (ii) on the allegation of strip search.

After having examined all the evidence, including statements of Mr D. G. and his relatives, as well as the testimony of 16 witnesses and medical reports, entries in diary books and occurrence books, the Police Complaints Division concluded that there had been no act of Police brutality committed upon Mr D. G. during the time he was in Police custody.

As regards allegations of strip search, on the basis of evidence adduced during investigation, the Police Complaints Division found that the strip search was carried out in a humiliating manner. Police Officers responsible for the search at the material time failed to take necessary care to protect his privacy. Moreover, the Police Complaints Division found that there was no justification for strip search to be conducted upon Mr D. G. It is to be noted that the photograph of Mr D. G., which was published in several newspapers, showing him naked, was never produced to the Police Complaints Division since the Counsel who took the photograph refused to appear before the Division to give evidence.

Following the investigation, the Police Complaints Division, pursuant to section 14(1) (b) (ii), has recommended on 08 March 2018, to the Disciplined Forces Service Commission, that disciplinary proceedings be instituted against the three Police Officers concerned. The

Disciplined Forces Service Commission, after examining the report of the Police Complaints Division, has on 30 March 2018, instructed the Commissioner of Police to initiate disciplinary proceedings against the Officers concerned.

As regards the death of Mr E. P., following the complaint made by Mrs A. P., the wife of late Mr E. P., on 25 March 2018, at Rivière du Rempart Police Station, concerning Police brutality, the Police Complaints Division has, on the next day, initiated an investigation into the case. I am informed that the matter is still under investigation.

In regard to part (b) of the question, as the House is aware, the Independent Police Complaints Commission Bill was passed in the National Assembly on 19 July 2016 and assented by the President of the Republic on 22 July 2016.

The purpose of the Act is to set up an Independent Police Complaints Commission separate from the National Human Rights Commission.

The Commission will investigate into complaints made against Police Officers in the discharge of their functions, other than complaints of acts of corruption or money laundering offences.

Arrangements have already been made for the Independent Police Complaints Commission Act to be proclaimed on 09 April 2018. Following the Gazetting of the Proclamation Order and the swearing-in of the Chairperson and the Members, the Commission will become fully operational.

Madam Speaker, I have already and emphatically assured the House, and I am reiterating the assurance that, in my capacity as Minister responsible for Defence, I will unflinchingly stand by my undertaking not to tolerate any abuse by any Police Officer who violates the fundamental rights of our citizens.

Any such Police Officer found and proved, after enquiry, to be “*brebis galeuses*” shall be dealt with in such an exemplary manner and in accordance with the law of the land, as to sound a very serious warning to those who may be tempted to emulate them.

Mr X. L. Duval: Madam Speaker, I addressed the question to the hon. Prime Minister because I understand that it is the Prime Minister who appoints members of the Police Complaints Division, the National Human Rights Commission and the forthcoming IPCC. Is it the case now that these intuitions fall under the Minister Mentor?

Sir Anerood Jugnauth: Well, I am answering this question because I am dealing more with the day-to-day affairs of the Police.

Mr X. L. Duval: Madam Speaker, I have questions on the IPCC. Firstly, I would like to ask the Rt. hon. Minister Mentor whether Government is proceeding with the appointment of two well-known political activists, one Mr Phalraj_Servansingh, ex-Deputy Lord Mayor, candidate of the MSM, and the other one Mr Dick Ng Sui Wa, also a well-known political activist, both of these persons are being appointed as Commissioners of the supposedly Independent Police Complaints Commission?

Sir Anerood Jugnauth: Well, these people are qualified people. They are citizens of this country and they are entitled to the same treatment as anybody else. If they have been found to be suitable persons, I do not see any reason why they should not be appointed.

Mr X. L. Duval: Madam Speaker, they are well-known political activists being appointed. What will happen when Members of the Opposition complain about the action by the Police? We don't know! Now, I am going to ask the Rt. hon. Minister Mentor, can he confirm that the monthly salary of these part-time Commissioners, will be Rs75,000 per month plus fringe benefits, cars, etc.?

Sir Anerood Jugnauth: Well, I am not aware of what their pay is going to be.

Mr X. L. Duval: This is why the question was asked to the hon. Prime Minister, Madam Speaker, because presumably he would have been aware. Madam Speaker, the Rt. hon. Minister Mentor has mentioned about enquiries from the Police Complaints Division, I hope he will not tell me that he does not know about the Police Complaints Division because that is the question. Is he aware that the Police Complaints Division has only two investigators presently employed? These are junior people in their twenties from university and that they have had no training at all, and we, as a nation, are meant to rely on these two junior investigators with no training to question all these experienced Police Officers and come to the truth?

Sir Anerood Jugnauth: Well, so far, they have been doing the job. If there is any need to increase the number, we will look into it.

Mr X. L. Duval: Madam Speaker, the point is that the number has decreased. If you look at the 2016 Report, it says there were six investigators. Now, my information is that today, there are only two investigators and they have done this job. Now, this is why I am asking the Rt. hon. Minister Mentor, does he really expect the nation, the country, this

Parliament to believe in a report whitewashing the Police in this matter coming from only two young investigators at the Police Complaints Division and the Police Complaints Division have, over the years, required appropriate training for these people and it has never materialised?

Sir Anerood Jugnauth: Well, I will ask the Commissioner of Police to look into it.

Mr X. L. Duval: It is not a question for the Commissioner of Police; it is a question for the National Human Rights Commission, with all due respect, Madam Speaker. Now, time and time again, from the first Government Programme in 2015, we have been promised two things. Firstly – I will try to harass the Rt. hon. Minister Mentor - that CCTV camera will be installed in Police Stations. I must know about this. Now, my information is that some places in the Police Stations are covered by cameras, but the most important places where people are interrogated, that is, the CID offices, even the CCID at Port Louis, have no CCTV camera at all. Is he aware of that and, therefore, it shows no urgency, no seriousness and no diligence on the part of Government to address the issue of police torture in the CID offices?

Sir Anerood Jugnauth: Well, I have already talked to the Commissioner of Police about this. Well, in places where there is no camera yet, he tells me that there is a project for placing cameras in all these places and this will be completed by end of next year.

Mr X. L. Duval: Madam Speaker, with due respect to the Rt. hon. Minister Mentor, in March 2015, answering to a Parliamentary question, he, himself, took the engagement, made the promise - I can read it if he wishes – that, henceforth, all statements should be given, interrogations will be made with coverage by CCTV camera and also recording equipment. That was made in response to a PQ in March 2015 when a question was asked with respect to the death of Mr Toofany.

Sir Anerood Jugnauth: Well, as I said, this is being done. It takes time. Everything cannot be done overnight.

Mr X. L. Duval: Madam Speaker, cameras are installed in private houses every day. I have just had one installed myself. It takes no time at all; I can assure the Rt. hon. Minister Mentor. I would like to ask with regard to the Toofany case, it is been three years now, there have been no formal charges laid. He, himself, in this House stated that he would speak to the Commissioner of Police every day - this is what he said - so that the case could be resolved quickly. Now, we hear that it is only in February 2018 - this year - that the DPP has had the

final case. Can he tell us whether he is satisfied that the Police have not deliberately dragged their feet since he has been speaking to the Commissioner every day on this issue?

Sir Anerood Jugnauth: Whether they have been dragging their feet, I cannot say. All that I know ...

(Interruptions)

Madam Speaker: Hon. Mohamed!

Sir Anerood Jugnauth: All that I know is that Police enquiry, according to Police, had been completed and the case was sent to the DPP; after DPP studying the whole matter, referred back for further investigation. This has been done and sent back again to the DPP, and we are waiting for the result from the DPP.

Mr X. L. Duval: Madam Speaker, coming to the David Gaiqui case, is the Rt. hon. Minister Mentor aware that, although Mr Gaiqui has said that he can identify the Police Officers involved, that no *parade d'identification* has been organised to enable him to do so?

Sir Anerood Jugnauth: Well, I have not been through the enquiry. If that is so, I will ask the Commissioner of Police why there was no need for this. Madam Speaker, I have been given a note asking the hon. Leader of the Opposition, he was in Government for 9 years, 2005 to 2014!

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please! Order!

Sir Anerood Jugnauth: What has he done for ...

(Interruptions)

Madam Speaker: Order, please!

Sir Anerood Jugnauth: ... CCTV cameras? He was the Minister of Finance, did he not find it a priority then?

(Interruptions)

Madam Speaker: Please! Can we have some order, please!

(Interruptions)

Mr X. L. Duval: The Rt. hon. Minister Mentor has managed to unite the Opposition, thank you. Madam Speaker, I would like to ask the Rt. hon. Minister Mentor, David Gaiqui has also alleged – I will use the word ‘alleged’; this is why we want an enquiry - that he was tortured by the use of a taser gun. Has any effort been made to search the premises of the

Curepipe CID, which is notorious for torture, I must say; search the offices of the Curepipe CID and the houses of the Officers involved, that he could never identify because he didn't answer the question, and has that been done to secure the taser gun involved?

Sir Anerood Jugnauth: Well, I don't have the answer; I will enquire from the Commissioner whether this has been done.

(Interruptions)

Mr X. L. Duval: Madam Speaker...

(Interruptions)

Madam Speaker: Please!

Mr X. L. Duval: ...with regard to the Gaiqui case, anyone who is interested in Police brutality will tell you the first thing is to stop collusion between Police Officers and to stop them from cleaning the scene of the crime.

Now, I would like to ask the Rt. hon. Minister Mentor, firstly, how many Police Officers had been suspended in this horrible case of torture and secondly, whether the Police Complaints Division attended at the Curepipe Police Station to see whether there were cameras and what not and to secure the area?

Sir Anerood Jugnauth: Well, the information that I have just been given is that Police Complaints Division has found no evidence of Police brutality during Police custody.

Mr X. L. Duval: The question, Madam Speaker, was whether they attended there and they secured the area and did appropriate - I know they have no training for it, nevertheless, let's work with what we have, have they done so?

Sir Anerood Jugnauth: Well, they must have done everything that should have been done to find that there has been no Police brutality.

Mr X. L. Duval: Madam Speaker, going now to the Eddysen Pachee case, he was arrested, I believe, on a Saturday afternoon around 4 p.m. and brought to the hospital at 9 p.m. He suffered injuries and died of a cerebral oedema, which is, I think, due to wounds and blows most probably. Now, how did this occur? What is the explanation so far as to how this person apparently in good health who had taken synthetic drugs - everybody is agreeable on that - how did he get to die of cerebral oedema?

Sir Anerood Jugnauth: Well, apparently he had swallowed the synthetic drug and probably this is the cause of death.

Mr X. L. Duval: Madam Speaker, there were reports that he died, apparently also, that he suffered from lynching by the public. Is there any entry in any diary book, at, I presume, Rivière du Rempart Police Station, that he was lynched by people and by whom,

and what was the Police action; the Police witnessed the supposed lynching which probably never occurred?

Sir Anerood Jugnauth: Well, I need a specific question for that. I can answer it. As I had already said, Pachee case is still under enquiry.

Mr X. L. Duval: Madam Speaker, I would still like to ask the Rt. hon. Minister Mentor, Mr Pachee - he himself just said so - ingurgitated some synthetic drugs. Is it not either a case of medical negligence, that when he was taken to hospital at 9 a.m., he was returned to the Police cell or Police lacked care of people in their custody when they failed to offer assistance to someone who was obviously sick, either, or maybe from both, beating and having ingurgitated drugs? So, why was he returned from the hospital to the Police Station and died the next day, Madam Speaker, leaving a family, children, etc.?

Sir Anerood Jugnauth: He was returned most probably because he was not admitted and it is not the Police that admits patients to hospital, it is the doctors.

Madam Speaker: Yes, hon...

Mr X. L. Duval: Then I will hand the floor to others.

Madam Speaker: Can I give the floor to others?

Mr X. L. Duval: Yes, definitely. Just one thing and then I will. Madam Speaker, I would like to ask to Rt. hon. Minister Mentor, the Police and Criminal Evidence Bill was in the previous Government, it did not get through and it was in our Government Programme. Three years have gone by; we have never heard of it at all. What has happened to the PACE and when will it be introduced in Parliament?

Sir Anerood Jugnauth: I am informed by the Attorney General's Office that there has been excellent progress in relation to the finalisation of the Police and Criminal Justice Bill. Given the scope of the Bill, the Bill will now be known as the Police and Criminal Justice Bill rather than the Police and Criminal Evidence Bill.

It is anticipated that the Bill will be ready by July this year. Sir Geoffrey Rivlin, Q.C., whose services have been retained by Government, is presently reviewing the Codes of Practice and the Bill, which has been prepared by the Attorney General's Office in close collaboration with the Office of the DPP, once Sir Geoffrey provides his final report on the Bill and the Codes of Practice, the Attorney General's Office will finalise the Bill and send it to Cabinet for consideration and approval.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Can I ask the hon. Minister Mentor, with regard to part (b) of the question, whether he can give a plausible explanation to this House why - this Bill which was

voted in June 2016, nearly two years ago - has it taken so much time for Government to set up this Police Complaints Commission Act; nearly two years, it has not yet become operational? Especially the hon. former Prime Minister...

Madam Speaker: No, hon. Ganoo, I think, you should give way, you ask your question, I think your question is intelligible ...

Mr Ganoo: Can I finish my sentence?

Madam Speaker: ...and would you allow the Rt. hon. Minister Mentor to...

Mr Ganoo: Just one...

Madam Speaker: No, because others should have time to ask questions also. Please allow the Rt. hon. Minister Mentor to reply to your first question. Your question is already intelligible; we can understand your question...

(Interruptions)

No, please! No, hon. Ganoo, I have said that we should - we are losing time now, because I want to give the opportunity to others. Please, sit down! I think, you have made your point.

(Interruptions)

Hon. Ganoo, please sit down!

(Interruptions)

Hon. Ganoo, please sit down! Please! Please! This is my ruling; I want to give opportunity to others also to ask questions; your question is already intelligible. Yes, Rt. hon. Minister Mentor!

Sir Anerood Jugnauth: Madam Speaker, I have just answered this, the information that I had from the Attorney General's Office. It has taken time because it is not a simple matter.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Madam Speaker, we have seen in the case of Toofany that the file is going back and forward from the DPP to the Police. Section 110 of the District and Intermediate Court Act - Investigation in case of violent death - says that -

“(1) Where a Magistrate is informed that a person -

(d) has died in prison or while in custody of the Police,(...)”

the Magistrate himself or herself can immediately start an inquiry with the assistance of professionals, be it medical practitioner. Can I ask the Rt. hon. Minister Mentor

why, in the case Toofany and in this particular case, the case of E. P., the Magistrate has not taken on herself to start an inquiry instead of leaving it to the Police?

Sir Anerood Jugnauth: Well, if the Magistrate has the power, the Magistrate should have done it, and if he has not done it, he should be blamed!

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you, very much, Madam Speaker. In the light of the increasing incidents, in the number of complaints of excessive brutality by the Police, especially Police Officers from the CID, is it not time that they should undergo psychometric tests by clinical psychologists to weed out those who embark or do excessive brutality?

Sir Anerood Jugnauth: Under the previous Government, during the 10 years, there were more than 2,000 complaints.

(Interruptions)

I would like to know how many people were suspended; how many have been convicted. We know, in these matters, very often, people...

(Interruptions)

...make false allegations because it is the easiest way to get away from the wrong which they have done. Even in this case of Pachee, this fellow never complained. He made statements and all that...

(Interruptions)

It is only while he was living...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Sir Anerood Jugnauth: Not when he was dead!

(Interruptions)

Madam Speaker: Hon. Baloomoody, please!

Sir Anerood Jugnauth: Well, if the hon. Member is stupid enough not to understand, it is his fault!

(Interruptions)

Madam Speaker: Hon. Baloomoody, please! Hon. Armance, be brief please! Then, I will allow the last question to the hon. Leader of the Opposition.

Mr Armance: Je me réfère au cas de M. David Gaiqui, à la réponse de l'honorable ministre Mentor. Je voudrais savoir si c'est le procédé de la police de dévêtir les suspects pour les interrogatoires ?

(Interruptions)

Sir Anerood Jugnauth: Because of the drug problem, this has become a practice. It was not the first time.

(Interruptions)

It was not the first time.

Madam Speaker: The hon. Member has asked the question!

Sir Anerood Jugnauth: And there have been many cases...

(Interruptions)

Madam Speaker: Allow the Rt hon. Minister Mentor to reply!

(Interruptions)

Sir Anerood Jugnauth : And there have been many cases where drugs have been extracted from the private parts of people. That is why this is done. But, in this case, I agree the Police made an abuse. They should not have done what they had done.

Madam Speaker: Hon. Leader of the Opposition! No, hon. Armance, please! Hon. Leader of the Opposition, this is your last question!

Mr X. L. Duval: Yes, Madam Speaker. Madam Speaker, this over-reliance by the Police on confessions and the obvious incapacity of the Police Complaints Division - now with this phony IPCC coming up - clearly requires urgent actions. I am going to ask the Rt. hon. Minister Mentor whether we should not adopt the practice in India, which is for confessions now to be made directly in front of a Magistrate, not in a Police Station. It is not perfect, but at least it will enable some sort of independence and verification. It is not difficult to do. I would appeal to the Rt. hon. Minister Mentor who says he is very keen to have this sorted out, but does not appear to be doing much. Nevertheless, can we have some

concrete action, CCTV, as I said, confessions in front of a District Magistrate, upgrading SOCO, etc., so that this practice of beating people, torturing people to get confessions, we put a stop to this right now?

Sir Anerood Jugnauth: Well, insofar as taking statement from somebody who is suspected of having committed a crime by the Magistrate - for this confession -, for this, we will have to change the law and make provision for that so that a Magistrate can be present at that particular moment to record the statement in front of the Magistrate.

Madam Speaker: Time is over! The Table has been advised that PQ B/67 with regard to trade deficit will be replied by the hon. Minister of Industry, Commerce and Consumer Protection. Hon. Bhagwan!

ELECTORAL REFORM – MINISTERIAL COMMITTEE

(No. B/61) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to electoral reform, he will state where matters stand as to the work of the Ministerial Committee set up to look thereinto, indicating -

- (a) when it last met, and
- (b) if Cabinet's approval has been obtained on the recommendations of the Ministerial Committee regarding the draft Financing of Political Parties Bill and further instructions have been conveyed to the Attorney General's Office for the finalisation thereof, indicating the expected date of introduction thereof in the Assembly.

The Prime Minister: Madam Speaker, I am replying to PQ B/61 and B/66 together, as they relate to the same issue.

Madam Speaker, as I indicated in my reply to PQ B/633 on 31 October 2017, the Ministerial Committee on Electoral Reform has already submitted its recommendations on the issues which had been raised by the Attorney General's Office in regard to the proposed Financing of Political Parties Bill.

I wish to inform the House that the recommendations made by the Ministerial Committee have already been approved by Cabinet and further drafting instructions have accordingly been conveyed to the Attorney General's Office for the finalisation of the Financing of Political Parties Bill.

Appropriate consultations will be held on the draft Bill in due course and the Bill will be introduced into the National Assembly as soon as it is ready.

Madam Speaker, I am informed that, apart from the Financing of Political Parties, the Ministerial Committee has also been addressing the other issues in its Terms of Reference.

The Ministerial Committee has so far met on 13 occasions and it last met on 11 September 2017. However, I am informed that the Committee has also had several informal working sessions to address the most complex issues raised in its Terms of Reference.

I am given to understand that another meeting of the Ministerial Committee is scheduled for tomorrow, in order to pursue discussions on the remaining issues in its Terms of Reference.

Madam Speaker, since electoral reform touches upon the fundamental aspects of our democracy, appropriate consultations will be held on the draft Bills, in due course, in line with our commitment to adopt a consultative approach in matters relating to our Constitution.

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: I have one supplementary. The hon. Prime Minister stated that consultations will be held with parties concerned. Can the hon. Prime Minister inform the House whether the draft Bill will be circulated, giving wide publicity, so that everybody can give their views, even those who are not in Parliament, political parties that are in Parliament, those which are outside, that this process of consultations be widely done?

The Prime Minister: My personal opinion, Madam Speaker, is that it should be so because it is a matter which is of great and fundamental importance, but obviously I will seek the guidance of Cabinet before proceeding with consultations.

Mr X. L. Duval: Madam Speaker, may I ask the hon. Prime Minister how many times the Committee met in 2017? He said the last time was September. How many times did it meet?

The Prime Minister: On 11 September 2017; once in 2017.

Mr X. L. Duval: Thank you. I was Chairman of that Commission.

Madam Speaker: One question!

Mr X. L. Duval: Of course. I was Chairman of that Commission. I would like to ask the hon. Prime Minister whether the recommendations made by Cabinet to the State Law Office on 01 April 2016 relating to transparency, registration, state financing of political parties are the same now or whether there have been any changes to these?

The Prime Minister: Well, the matter is being worked out and, as I have said, recommendations have been made by Members of this Ministerial Meeting. There have been consultations with other institutions also, and there have been discussions with those who are concerned, and the instructions have been given to the Attorney General's Office for drafting of the Bill.

Now, I think the hon. Member should be slightly patient, because eventually it will depend on whether we agree that it will be circulated for further consultations by other political parties or public, if not, it will definitely come before this House for debates.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can we know from the hon. Prime Minister whether we expect to have this Bill before the end of this year?

The Prime Minister: I should hope so! Depending obviously on what type of consultations we are looking for, if it has to be ventilated in the public, by the time we probably look at the reactions from different quarters. It will all depend on the process that we adopt before obviously coming to a decision to bring this Bill before this House.

Madam Speaker: Hon. Ramano!

Mr Ramano: Merci, Madame la présidente, les *Terms of Reference* de ce Ministerial Committee impliquent aussi *Proportional Representation Granting Better Women Representation*. Il y a aussi la question de *Financing of Political Parties* – là, il y a seulement l'aspect de *Financing* qui est présentement abordé. Est-ce que le comité est en train de prendre en considération tous ces items qui sont prévus par les *Terms of Reference*, ou bien nous allons procéder étape par étape, *the Financing of Political Parties*, ensuite nous allons parler de la représentation proportionnelle ?

The Prime Minister: Madam Speaker, the Committee is looking into all the aspects with regard to the Terms of Reference which have been prescribed for this Ministerial Committee to look at. Obviously, as and when there is anything which has been concluded or which is nearing conclusion, I suppose we will be moving ahead. So, the other issues are still being worked out by this Ministerial Committee and as and when any need to come to the House for a Bill, we will do so.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, it is clear that Government does not have the political will and is unnecessarily delaying the process, and I hope Government weigh the consequences very carefully, because the consequences are intended and unintended, and I have in mind the case lodged by *Rezistans ek Alternativ* before the Privy Council and if the ruling...

Madam Speaker: Ask your question, hon. Dr. Boolell!

Dr. Boolell: Yes, this is the question. If the ruling goes in favour of *Rezistans ek Alternativ*, we know what the consequences would be in respect of...

Madam Speaker: No, no! Don't make a statement! Hon. Dr. Boolell, please, don't make a statement! We have spent so much time on this question and there is one more Member who wants to ask a supplementary question. Please, go straight to your question!

Dr. Boolell: It is clear. Can I ask the hon. Prime Minister then, that he would have no choice but to expedite because we know what the consequences are? Government will not have time to come with provisional transition, to an amendment to the Constitution...

Madam Speaker: Hon. Dr. Boolell, ask your question!

Dr. Boolell: ... and we know what the consequences are...

Madam Speaker: Hon. Dr. Boolell, please, sit down! You have asked your question, allow the hon. Prime Minister to reply!

The Prime Minister: Madam Speaker, the hon. Member has the cheek to say before this House that Government has no political will to go ahead with regard to these issues. There is no need for me to remind the hon. Member that he has been in Government, and not only being in Government, I hope supposedly a prominent Member of the Labour Party, and from 2005 to 2014...

(Interruptions)

Madam Speaker: Please! No interruptions, please!

(Interruptions)

Hon. Dr. Boolell, please!

The Prime Minister: From 2005 to 2014, I don't know what they were doing.

(Interruptions)

If we take everything that has been said by the then Prime Minister and the rest, about each time that they would be coming forward - they even, I would say, prevented Parliament from functioning in 2014 for nearly nine months - working on supposedly these amendments to be brought to the Constitution, electoral reform, financing of political parties and so on. They were just concentrating on these issues, they forgot about the people then, they forgot about the country. And they have the cheek now to say - since we are here, time will tell whether we are going to deliver or not. Time will tell. I am not saying, - I am not boasting that we will come before this House with such and such Bill. But we will see, so be patient. We are working. It is a complex issue. The electoral reform! The hon. Member is talking about the case of *Rezistans ek Alternativ*, we all know that. We all know what the difficulty that the former Government had in order to come forward with an amendment and what were the objections to the amendment. So, I won't go into that. So, let us work and try to see whether we can come to a conclusion. I will leave the Committee to keep on its work, and it will come to Cabinet and eventually, obviously, we will decide on this.

Madam Speaker: I will allow a last question from hon. Ganoo. Last Question, please, be brief!

Mr Ganoo: I will pick upon what the hon. Prime Minister has just said, Madam Speaker. Is this Ministerial Committee reflecting and proposing to come with recommendations regarding the specific issue of the legal requirement of a candidate at general elections to declare his community as a condition of eligibility to stand for election? Is the Committee reflecting and proposing to come with recommendations on this issue, especially as the last Bill which the Prime Minister just mentioned was only for the previous election of 2014?

The Prime Minister: Yes, because we know what the difficulty is and, precisely, I can tell the House that the Committee is looking at this issue also.

Madam Speaker: Next question, hon. Ameer Meea!

NATIONAL HUMAN RIGHTS COMMISSION - CHAIRPERSON & MEMBERS - OVERSEAS MISSIONS

(No. B/62) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the National Human Rights Commission, he will, for the benefit of the House,

obtain therefrom, a list of the overseas missions undertaken by the Chairperson and Members thereof, since 2015 to date, indicating in each case the –

- (a) countries visited and duration thereof;
- (b) composition of delegation, and
- (c) cost incurred in terms of air tickets, per diem and other allowances.

The Prime Minister: Madam Speaker, I am replying to Parliamentary Questions B/62 and B/65 together. I am informed by the National Human Rights Commission that a total of 19 missions have been effected by the Chairperson and members of the Commission from January 2015 to March 2018.

The expenses related to these missions have been met by the organisers. However, a total amount of Rs459,702.61 has been paid to the Chairperson as entertainment allowance to which he was entitled.

Madam Speaker, I have already stated in my reply to Parliamentary Question B/2 at the Sitting of Tuesday 27 March 2018 that, with a view to keeping expenditure on overseas missions within reasonable limits, the Ministry of Finance and Economic Development has, in September 2017, issued a Circular Letter, with relevant guidelines, to all Ministries, Departments and relevant Bodies.

I am also informed by the Commission that from January 2016 to March 2018, it has effected -

167 visits in Prisons;

133 visits in Police Cells, and

25 visits in Detention Centres, in both Mauritius and Rodrigues.

One workshop was organised during the same period for each of the following target groups, namely, parastatal bodies, Police Officers and Barristers.

I am tabling a breakdown of the information requested by the hon. Members.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, in my question, I have asked for countries visited and duration thereof. Can I ask the hon. Prime Minister if he is tabling a list of those 19 missions with the duration and also the purpose of these missions?

The Prime Minister: Madam Speaker, yes, it is a very detailed document with regard to the year, the missions that have been accomplished by those people, the countries visited, the duration and also whatever cost has been incurred.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. In relation to the prison visits, Police Cells, Detention Centres, I would like to ask the hon. Prime Minister whether he is aware that the Human Rights Commission has prepared a report detailing all the lacunas, all the wrongs that have taken place in Police Cells and Detention Centres, and what remedial actions have been taken as at today's date?

The Prime Minister: Well, Madam Speaker, I am not aware, as at now, if ever there has been a report and the contents of the report. I believe that if there has been a report, it would have been submitted probably to the Attorney General and then it would be, obviously, for the Attorney General to take whatever necessary steps that he believes should be taken in order to rectify anything that has been proposed in this report.

Madam Speaker: Yes, hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, in the published reports of the National Human Rights Commission, section Police Complaints Division, they make a number - and it has been done now for the last two years, 2016, 2017 and 2018 coming out, I presume soon - they almost beg to be given more training, that they are given the right to take some sort of disciplinary measures against Police officers involved, that they are given adequate resources and they are given the right to hold themselves *des parades d'identification*. Can the hon. Prime Minister tell us what has happened to these published recommendations for the last two years, whether any action has been taken with regard to these?

The Prime Minister: Well, obviously, we will be looking at all these recommendations and I can say that even in the Gaiqui case, they have made a series of recommendations with regard to amendments that have to be brought to the Standing Orders of the Police and to the process that the Police has to adopt in order to conduct their enquiry, especially with regard to search and so on.

I am also informed that the recommendations have been sent to the Police and Prisons Departments, some for implementation and others for them to be looked at so that they will revert back to Government. So, obviously, now I cannot say which ones have been sent to the Police for implementation. If there is a specific question, obviously, I will come to that.

Mr X. L. Duval: It has been two years, we are talking about the 2016 Report. Can the hon. Prime Minister ask them to be diligent in their response, please?

The Prime Minister: To be?

Mr X. L. Duval: To be diligent and respond quickly; it has been two years already.

The Prime Minister: Yes, of course. It is a matter which requires, obviously, more attention.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Madam Speaker, in the 2016 Report of the National Human Rights Commission, there are a number of issues that were raised and I am not going to go into all the numbers of issues, but in relation to just one, in relation to mattress. It is reported that nasty smell in some Police cells was also traced back to old mattresses notably due to perspiration and urine, etc. and there was the recommendation –

“However the NPMD stresses that mattresses can and must be changed regularly, to ensure a healthy and humane condition for detainees.”

Can the hon. Prime Minister state whether these recommendations have, as at today’s date, been adhered to and, if not, why not and when they would be adhered to?

The Prime Minister: Well, with regard to mattress, I am trying to see in my notes, unfortunately, I am not able to provide an answer as at now. But, obviously, I can assure the hon. Member that I will look into this matter and if there is any remedial action to be taken, obviously, we will do so.

Madam Speaker: Yes, hon. Ameer Meea, next question!

MAUBANK LTD – AUDITED FINANCIAL STATEMENTS

(No. B/63) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to MauBank Ltd, he will –

(a) for the benefit of the House, obtain from the Bank of Mauritius, information as to if it –

(i) has filed its last audited financial statements and, if so, table copy thereof, and

(ii) is compliant with the Capital Adequacy Ratio requirements as at 30 June 2017, and

(b) state the amount of money –

(i) injected from the Consolidated Fund into MauBank Ltd, MauBank Holdings Ltd, the former National Commercial Bank Ltd and the former Mauritius Post and Cooperative Bank respectively as at to date, and

(ii) to be injected therein going forward.

The Prime Minister: Madam Speaker, with regard to part (a)(i) of the question, I am informed by the Bank of Mauritius that in accordance with section 34(6)(b)(i) of the Banking Act, banks have to submit their audited financial statements to the Bank of Mauritius not later than three months after the end of their financial year.

MauBank Ltd has accordingly submitted its audited financial statements for the year ended 30 June 2017 to the Bank of Mauritius on 29 September 2017, which is, within the prescribed regulatory time frame. A copy of the audited financial statements for the year ended 30 June 2017 is being tabled.

With regard to part (a)(ii) of the question, I am informed that, based on its audited financial statements for the year ended 30 June 2017, the Capital Adequacy Ratio of the bank stood at 13.29 per cent which is above the minimum regulatory requirement of 10 per cent set by the Bank of Mauritius.

Madam Speaker, with regard to part (b)(i) of the question, according to records, Government has, as at to date, injected equity capital from the Consolidated Fund into the ex-National Commercial Bank Ltd, the ex-Mauritius Post and Cooperative Bank Ltd and MauBank Holdings Ltd as follows –

- ex-National Commercial Bank Ltd (ex-NCB), Rs700 m.;
- ex-Mauritius Post and Cooperative Bank Ltd (ex-MPCB), Rs890 m., and
- MauBank Holdings Ltd/MauBank Ltd, Rs1.6 billion.

Madam Speaker, with regard to part (b) (ii) of the question, it is not envisaged, at this stage, to inject additional money from the Consolidated Fund into MauBank Ltd.

Mr Ameer Meea: Madam Speaker, it is a bit strange that the hon. Prime Minister did not answer PQ B/71 together with PQ B/63 because it relates to the same subject matter, just

in the case of electoral reforms and Human Rights Commission, he did answer both questions together.

Madam Speaker: Hon. Ameer Meea, it is up to the hon. Prime Minister to decide how he replies to his parliamentary questions! I don't think this warrants any comment, please!

Mr Ameer Meea: It does warrant because it is the same, proposed sale of MauBank.

Madam Speaker: No, I have said, hon. Ameer Meea!

Mr Ameer Meea: Anyway!

Madam Speaker: Hon. Ameer Meea, please don't come on this again! I have already given my ruling!

Mr Ameer Meea: Anyway, no problem, Madam. Madam Speaker, will the hon. Prime Minister agree with me that in the case of the Capital Adequacy Ratio, is it not a case of *deux poides deux mesures*? Why I say this? It is because in the case of ex-Bramer Bank, the licence was revoked overnight for not meeting the Capital Adequacy Ratio; after Government has purposely removed massive funds from the Bramer Bank, the licence was removed overnight and in the case of MauBank Ltd, after two years of operation, it is still not meeting the Capital Adequacy Ratio, that is of 10 per cent.

The Prime Minister: Madam Speaker, I am really amazed. I do not know whether the hon. Member has listened carefully to my answer. I have said that the Capital Adequacy Ratio of the bank stood at 13.29%, which is above the minimum regulatory requirement of 10%. And he repeats again, saying that we are not abiding by the Capital Adequacy Ratio. How am I going to make this hon. Member understand simple figures? But, anyway, he is referring to *deux poides deux mesures*. There is no *deux poides deux mesures*. He is, in fact, trying to confuse people. I will not say this House because we all know what happened. There were other reasons why the Bank of Mauritius had taken action against the Bramer Bank then. This has been amply explained in this House. There is no need for me to go again into all these reasons.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes, Madam Speaker. In fact, I did not hear about the minimum of 13.29%. That is why I asked this question, Madam Speaker.

In relation to MauBank, can I ask the hon. Prime Minister whether he has met with the representative of the Hinduja Group for the acquisition of MauBank and whether the question of shareholding has been discussed, who will keep control of the Bank after the sale of MauBank?

The Prime Minister: Madam Speaker, whoever has shown or will show interest in either acquiring totally or partly, whether it is MauBank or whether it is any other financial institution, they will have to discuss with the Board, they will have to discuss with the bank, and it is not for me, as Minister, to discuss with anybody for any sale. Probably, this is why the hon. Member says that I should have answered those two questions. Let me say that there has been interest shown by the Hinduja Group, and they have been directed to discuss with the Chairperson, with the CEO of the bank because they need to get, obviously, information from the bank. There is an ongoing process and, eventually, whatever proposal they make, it will be for MauBank to decide.

Mr X. L. Duval: Madam Speaker, in relation to MauBank, the Prime Minister, as Minister of Finance, has agreed to the injection of Rs3.2 billion from taxpayers funds into the bank. Can we have a commitment from the hon. Prime Minister, who is also Minister of Finance, that, in any disposal of MauBank, he will ensure that the taxpayer does not lose out and that this Rs3.2 billion injected will be recovered fully and hopefully with a profit?

The Prime Minister: Obviously, Madam Speaker, when we will take any decision with regard to MauBank, we will put, as paramount importance, of priority, that obviously taxpayers' money is not lost. But I cannot take any commitment with what can happen in the future. We will see when the time will come, if ever there is anything, we will deal with it.

Madam Speaker: Hon. Reza Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Prime Minister mentioned MauBank and then MPCB. He surely knows that MauBank is the Mauritius Post and Cooperative Bank. They just had a change of name. He also mentioned that only Rs3.2 billion have been injected. But when I did a search, Madam Speaker, I found out that on 21 December 2016, MauBank has issued Rs3.4 billion worth of shares to the MauBank Holdings Ltd. May I know from the hon. Prime Minister where did MauBank Holdings get this Rs3.4 billion to inject in MauBank on 21 December 2016?

The Prime Minister: Madam Speaker, I think I should remind the hon. Member to have a look at the question. The question is about how much money has been injected from

the Consolidated Fund. This is the question. I have given the reply with regard to the amount of money which has been taken from the Consolidated Fund to inject to those banks, and I maintain those figures.

Madam Speaker: Last question! Hon. Ramano!

Mr Ramano: Merci, Madame la présidente. Toujours en ce qui concerne la question de la vente de l'actionnariat de la MauBank, est-ce que je pourrais savoir de l'honorable Premier ministre s'il existe un moyen de contrôle au niveau de son ministère pour s'assurer qu'il n'y ait pas de sous-évaluation en ce qui concerne les actifs de la banque ? J'aimerais aussi savoir du Premier ministre s'il n'y a pas de *mismatch* en ce qui concerne les négociations qui sont faites. Est-ce qu'on peut s'assurer que ces mêmes responsables qui sont en train de négocier...

Madam Speaker: Be brief, please! Please be brief because time will be over in one minute!

Mr Ramano: Est-ce que ces mêmes responsables qui sont en train de négocier avec l'autre partie contractante ne seront pas partie prenante dans le management éventuel de la nouvelle compagnie ?

The Prime Minister: Well, there is one thing I can assure the hon. Member. Government has injected money in this financial institution and, therefore, Government is the shareholder. Any decision that will be taken, even they can make their recommendations, it will be taken eventually by the shareholders and, therefore, Government will, in one way or another, have its say in this matter.

NATIONAL HUMAN RIGHTS COMMISSION – PRISONS - VISITS

(No. B/65) **Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the promotion of human rights in Mauritius, he will, for the benefit of the House, obtain from the National Human Rights Commission, information as to, since January 2016 to date, the number of -

- (a) visits it has effected in
 - (i) prisons;
 - (ii) police cells;

- (iii) detention centres
- (b) workshops it has organised, and
- (c) foreign missions effected by members of the Commission, indicating the expenses incurred in relation thereto, including in terms of airfares, *per diem* and other allowances paid.

(Vide reply to PQ No. B/62)

ELECTORAL REFORM – MINISTERIAL COMMITTEE – DRAFT BILLS

(No. B/66) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to electoral reform, he will state the expected date of introduction in the Assembly of -

- (a) the Financing of Political Parties Bill, and
- (b) Bills in relation to the other issues being looked into by the Ministerial Committee set up in relation thereto, indicating if consideration will be given for the draft Bills to be circulated to the public prior to their introduction in the Assembly.

(Vide reply to PQ No. B/61)

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ B/88 and PQ B/103 in regard to the St Brandon Archipelago and the St Brandon Island respectively, will be replied by the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands. PQ B/83 has been withdrawn.

Hon. Bhagwan!

METRO EXPRESS PROJECT - SINGAPORE COOPERATION ENTERPRISE – EIA REPORT

(No. B/72) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the implementation of the Metro Express Project, he will state –

- (a) if the Singapore Cooperation Enterprise has submitted its Environment Impact Assessment Report and, if so, indicate if same will be rendered public;

- (b) the progress of works thereof, and
- (c) if the introduction of Regulations in respect of vibration caused in connection with the running of the metro is being proposed.

Mr Bodha: Madam Speaker, I am informed that, as per the Request for Proposal for the enlistment of services for the Design and Construct Contractor for the Metro Express Project, provision had been made for the contractor to carry out impact assessments and to propose remedial or mitigation measures, according to European Standards in respect of relevant environmental parameters.

Environmental Management and Sustainability requirements had been subsequently incorporated in the conditions of the contract to ensure that the contractor complies with these obligations for this project. The contractor is required, *inter alia*, to –

- (i) acquire all relevant environmental approvals from Government authorities prior to commencing works on sites;
- (ii) to seek approval from Metro Express Ltd for environmental offsets to be allocated within the Curepipe to Port Louis Corridor, where environmental offsets are required, pursuant to approval from Government authorities;
- (iii) to develop, implement and maintain -
 - an Environmental Management System for the works;
 - an Environmental Management Plan;
 - a draft Operation and Management Environmental Plan for future Operation and Management activities consistent with the contractor's Environmental Management System;
 - a Sustainability Plan for the works and draft Sustainability Plan for future Operation and Maintenance activities;
 - a live environmental risks register and environmental incident management procedures for the works linked to the Environmental Management System, and
 - sites specific environmental and sustainability inductions, training and awareness campaigns.

The Environmental Management Plan should be approved by Metro Express prior to starting works.

I wish to highlight that though the Metro Express project had been delisted from the list of undertakings requiring an EIA under section 96 (1) and (2)(a) of the Environmental Protection Act 2002, for reasons of celerity and effectiveness, Government decided that an EIA should be carried out to ensure that all mitigating measures are taken. This task has been entrusted to the Singapore Cooperation Enterprise.

Madam Speaker, with regard to part (a) of the question, I am informed that the Singapore Cooperation Enterprise has submitted its report in February 2018.

The EIA covered the most important environmental parameters, namely -

- socio-economic aspect;
- noise and vibration;
- air quality;
- geotechnical, soils and contamination;
- hydrology and surface water;
- utility services;
- heritage, and
- Ecology.

Madam Speaker, I have been advised that the EIA, prepared by the SCE, is a benchmark and contains a checklist of measures, as well as monitoring regime, for the contractor to be assessed against. Larsen and Toubro Ltd has acknowledged and confirmed that the recommendations of the EIA Report will be incorporated in the Design & Construction Environmental Management Programme insofar as they are within the scope of the Employer's Requirements.

Further, the SCE has confirmed that the Contractor, Larsen and Toubro Ltd has generally adequately addressed the relevant environmental impacts as a result of its construction and project activities. Should there be any limitations they would be identified and further recommendations will be provided in the EIA for the contractor to take into account in its environmental management and planning.

Madam Speaker, as regards part (b) of the question, I wish to inform the House that the implementation of the project has reached 12%, as reported at the 2nd Joint Project Monitoring Committee held on 19 March 2018 -

- (a) Acquisition & Handover of land - of the 103 structures/land to be handed over to the Contractor, for the priority corridor, 90 have already been handed over and of the 7 construction sites, to be handed over to the Contractor, 5 locations have already been handed over;
- (b) 5% of earthwork has been completed;
- (c) Utility diversion and traffic management is being monitored on a weekly basis, I would say rather on a daily basis;
- (d) Geotechnical Investigation, Topographic survey, Traffic and Noise & Vibration surveys have been completed;
- (e) Utility diversion works of CEB have started as from the first week of February;
- (f) Design submittals: Preliminary Design submittals are in progress, Alignment, Stations, Viaducts, Depot observations have been communicated;
- (g) Establishment of Project Office at Phoenix, Worker's colony at Richelieu, Precast yard at Barkly are in progress;
- (h) Preliminary works, excavation works and initial preparatory works like barricading have started at various sites.

Madam Speaker, as regards part (c) of the Question, the Singapore Cooperation Enterprise is presently reviewing legislation, in fact, what we will call the Railway Bill, pertaining to the operation of the Metro Project and will propose legislation/regulations as required regarding noise and vibration.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I have two supplementary, Madam Speaker, being given the importance of the project. The Minister has not said whether the EIA report will be made public, at least, for the inhabitants. The project is being done in full opacity. Madam Speaker, I will ask the hon. Minister whether he has taken cognizance - or whether he has been there, even to go there at night - of the chaotic situation prevailing at the entrance of Rose Hill, Vandermeersch Street going down to Beau Bassin, where there are constant drilling, pollution, lack of lighting causing road accidents? People are not having water for three to four days even at Impasse Suffren and other streets. Can the hon. Minister inform the House

and the constituents of Constituency No. 19 – unfortunately, we have a Deputy Prime Minister and a Vice-Prime Minister, my good friends! - whether he intends to tackle the situation because Vandermeersch Street has become a danger and a nightmare not only for the inhabitants of Rose Hill but for the whole population going there?

Mr Bodha: Madam Speaker, in view of the complexity of the works and the number of *chantiers* that are on at the same time, I understand that there have been some problems, but we have a Committee sitting on a daily basis chaired by the Mayor of Beau Bassin/Rose Hill together with the TRMSU, the RDA, the CWA, the CEB, Larsen & Toubro to address this issue. I have been there myself a few times. The hon. Deputy Prime Minister has been there. The hon. Vice-Prime Minister has been there.

Madam Speaker, when we had the Wasterwater Project, which was only the laying of pipes as wastewater, we had a huge hassle for the population, but this is a massive problem. I understand what the hon. Member is saying. In fact, we are planning with the hon. Deputy Prime Minister and the hon. Vice-Prime Minister to go there, and to go on site and to see to it that problems are addressed and mitigating measures are taken. I think the water shortage was due to the leakage in one of the pipes which has been remedied.

The lighting, I have paid a particular attention, of course, because with the barricades we are having blind corners. I have addressed this issue with the TRMSU and the RDA, but this is an ongoing site of works and we will have to on a daily perspective manage all issues and we will see to it with the hon. Deputy Prime Minister and the Vice-Prime Minister that mitigating measures are taken.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, only words no action! Unfortunately, my good friend! Will the Minister agree - he would not be agreeable - in view of the prevailing chaos and the failure of the Coordination Committee presided by the Mayor to attend urgencies, as promised, that Government, through him, will review the operation of the Committee? Being given the importance of the project, the problems which are arising, the Minister, himself, should have chaired that Committee and instead of calling all these authority, at least, take them to task and have them worked and correcting measures be effected. The Mayor will not be able to take responsibility.

Madam Speaker: Don't make statements!

Mr Bhagwan: I know what I am saying.

Madam Speaker: Yes, you have asked your question.

Mr Bodha: I, personally chair a meeting every Monday for the proper planning of all the sites of works. The hon. Vice-Prime Minister, I think, has chaired one of the meetings in the Municipality, but I am giving my word to the hon. Member that together with the two constituent Members, I will go there and see to it that mitigation measures are taken. We understand that this is a huge project and it is an embarrassment. We have huge disturbance of traffic and the way people move. We will see to it that the Committee gives the proper results and I will look into the matter personally.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. My question pertains to the hydrology as stated earlier stemming from the Impact Assessment Report. Can I ask the hon. Minister what mitigating measures are being taken as regard to flooding because the trajectory of the train will be prone to flooding. We witnessed it over the last three months. Now, that the train is at grade level, that the operation of the train is not impeded at heavy rainfall time within the year.

Mr Bodha: That will require a specific answer. I think we have the issue of hydrology over the whole itinerary. If I have a specific question as regard to the hydrology problems, I can then come forward and say what are the mitigating measures which are being proposed in that particular area.

Madam Speaker: Next question, hon. Bhagwan!

(Interruptions)

I am sorry! Please!

(Interruptions)

Hon. Armanee, please sit down!

(Interruptions)

Would you please sit down? Let me just remind hon. Members that the relevance of questions and the number of questions which are being asked by hon. Members remain the authority of the Speaker. I have to find out...

(Interruptions)

Please, silence! It is the Speaker who decides as to the relevance and to the amount of questions which is being asked. It is up to the Speaker to decide whether a question has been sufficiently canvassed. It is according to the Standing Orders and I can quote you the Standing Orders if you want. Just go to Standing Order 26(1) and you will see that that Standing Order 26(1) is very clear on this issue. Hon. Members have been in this House for three years now and hon. Members should know by now that they should give an equal opportunity to all other Members whose questions are on the agenda to be taken. No more questions! I have passed on to the next question!

(Interruptions)

And please, no remarks on whatever I have said! Hon. Bhagwan, yes!

LAW AND ORDER - CRIME CONTROL STRATEGIES

(No. B/73) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to law and order, and following the recent cases of hold-up, theft, public aggression and crimes, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to any additional urgent and immediate actions taken in relation thereto as of late.

Sir Anerood Jugnauth: Madam Speaker, I have been informed by the Commissioner of Police that all cases of hold ups, thefts, public aggressions and crimes which occur every 24 hours are examined on a daily basis by a dedicated team headed by the Deputy Commissioner of Police (Operations).

(Interruptions)

Madam Speaker: No! Sorry! Excuse me Rt. hon. Minister Mentor, I just heard remarks which are being made to the Chair by the hon. Thierry Henry. I wish to remind him that he should not make remarks to the Chair and I am giving him a warning. Yes, please Rt. hon. Minister Mentor!

Sir Anerood Jugnauth: Factors such as the time and place of occurrence and the *modus operandi* of perpetrators are taken into consideration for crime control strategies and proactive measures.

Moreover, the Commissioner of Police also conducts Strategic Tasking & Coordination Group meetings with Divisional Commanders and Branch Officers on a

monthly basis. During these meetings, emerging policing issues such as crime prevention strategies are discussed. Short, medium and long term measures are formulated for the prevention and deterrence of crimes.

Madam Speaker, I wish to point out that the Police is continuously endeavouring to leverage crime control and prevention strategies in order to protect the community. Besides, its routine visible policing and strategic locations, the Police has taken several additional and proactive measures for the prevention and detection of crimes, namely –

- (i) Special Anti-Robbery Squads have been set up in all Police Divisions in order to prevent larcenies from public roads, buildings and commercial and residential areas. For the period January to March 2018, the Squads have, with the support of CID and FIU, so far detected around 325 cases relating to larceny and drugs, amongst others, and arrested as many as 318 persons;
- (ii) in its endeavour to protect passengers, elderly persons, school children, bus drivers and conductors, the Police has set up a Transport Squad under the Emergency Response Unit (ERS) from January to end of March 2018, the Squad has established 901 contraventions and sensitised some 2,840 persons;
- (iii) Police is keeping close watch over the movement of prolific offenders and prisoners recently released from jails;
- (iv) it is working jointly with Private Security Companies for the prevention of larceny in commercial and residential areas. These companies are sharing valuable information on suspicious characters and criminal activities, including larceny to the Police Information and Operation Room. This information is being disseminated in all Divisions for prompt intervention;
- (v) targeted crack down operations are being carried out in collaboration with all specialised Police units;
- (vi) foot and mobile patrols have been reinforced all over the island, especially in crime prone areas;
- (vii) Police has reengineered its concept of ‘Hot Spot Policing’ and ‘Sector-based Policing’ for more visibility in public places and enhancing Police proximity with members of the public;

- (viii) *Police du Tourisme* is working in close collaboration with the Ministry of Tourism to prevent cases of larceny or aggression against tourists in public places and at their places of stay. Owners of bungalows and security managers of hotels are being sensitised on measures to protect their belongings and private properties;
- (ix) five additional Police Family and Protection Units have been set up to provide protection to victims of domestic violence and sexual abuse;
- (x) Police is making extensive use of modern technology, namely CCTV cameras and drones to prevent and detect offences;
- (xi) under the Safe City Project, some 4,000 CCTV cameras will be installed at strategic locations around the island within the next 18 months;
- (xii) an alert code system has been put in place on the Police Facebook to trace out stolen vehicles. Public is also encouraged to make use of Police Hotline 148;
- (xiii) SMF and SSU are being deployed to carry out Road Blocks and Vehicle Check Points daily at odd hours where suspicious persons and drivers of vehicles are being questioned and systematically checked;
- (xiv) a Police Internal Assessment Cell has been set up at the Police Headquarters to attend to public complaints made via online Citizen Support Portal (CSP). From January 2018 to date, 130 complaints have been promptly attended to.
- (xv) aerial and sea surveillance patrols are being carried out for ensuring coastal and EEZ maritime security and surveillance, and
- (xvi) security at points of entry (Airport and Harbour) have been beefed up at Airport by the presence of SMF personnel and Tracking Team of Passport and Immigration Office on 24/7 basis.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. This is not the first time we are having such a reply on such a question. Unfortunately, despite the promises of the Commissioner of Police, things are getting worse day by day. Two days ago, there has been a holdup at Tamarin on one of the filling Stations.

Yesterday, in Rose Hill, there have been some cases where, *en plein jour, on a arraché des chaînes et des bijoux* des senior citizens going to the banks. Can I ask the Rt. hon. Minister Mentor whether he is satisfied with the top leadership of the Police being delivered, despite all the speeches, all the *fêtes*, all the *tam tam* which they are doing everyday, just to show the population on TV, that it is urgent that there is some *sakouye brans* at the Police? Things are getting worse day by day.

Madam Speaker: Okay, hon. Bhagwan! Yes.

Sir Anerood Jugnauth: I am satisfied that the Commissioner of Police is taking his responsibility and doing his work. It is the mentality of the people, it is the people's behaviour that is degrading day by day and maybe many of your own followers are acting in the same way.

(Interruptions)

Mr Bhagwan: It is a shame for the Rt. hon. Minister Mentor to give such a reply. I think he sits only in his car and in the office; he does not know what is happening outside.

Madam Speaker: Please, don't make statements!

Mr Bhagwan: Go and see what is happening outside and you will know. Ask your *chamchas* to tell you what is happening outside.

Madam Speaker: Please, do not use unparliamentary words!

Mr Bhagwan: Shame to such a reply! Shame!

Madam Speaker: Ask your question!

Mr Bhagwan: Madam Speaker, billions are being spent on the Police Force, there are recruitments, long replies in Parliament, but on the field, action is zero. I am sure it is live, the population is noting the tone, the way the Rt. hon. Minister Mentor is replying and everybody would draw their own conclusion about their security in this country.

(Interruptions)

Madam Speaker: No reply!

Sir Anerood Jugnauth: There is no question; he has made a statement.

Madam Speaker: Hon. Ms Sewocksingh!

Ms Sewocksingh: Madam Speaker, in line with the question, can the Rt. hon. Minister Mentor indicate to the House about the pilot Safe City Project, where in the last Budget Speech, the hon. Prime Minister mentioned that there is a sum of Rs440 m. that will be provided for this project?

Sir Anerood Jugnauth: It is an ongoing project. Works are being done. I cannot say more than that.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. In relation to the mentality of the offenders, particularly those who fail to get rehabilitated when they go to prison, can the Rt. hon. Minister Mentor state whether he would consider bringing legislation like Sentencing and Punishment of Offenders Bill in Parliament to deal specifically with the issue relating to punishment and rehabilitation of offenders in order to curb...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Mr Rutnah: ... in order to curb....

(Interruptions)

Madam Speaker: You have finished with your question?

Mr Rutnah: ... in order to curb the problem with law and order?

(Interruptions)

Madam Speaker: Please, silence on this side! Yes, you have finished with your question!

Mr Rutnah: I have a finished despite the fact that the Opposition Members have been making noise.

Madam Speaker: Okay.

(Interruptions)

Do not interrupt the hon. Member, please!

Sir Anerood Jugnauth: The hon. Member is talking of punishment and all that. Are people who are sent to prison now punished?

(Interruptions)

Madam Speaker: Please, no conversation!

Sir Anerood Jugnauth: On the pretext of human rights, they go there for merrymaking.

(Interruptions)

And I fully agree...

(Interruptions)

Madam Speaker: Please!

Sir Anerood Jugnauth: I fully agree with the hon. Member!

(Interruptions)

Madam Speaker: No interruption, please!

(Interruptions)

Sir Anerood Jugnauth: You, shut up!

(Interruptions)

Madam Speaker: Hon. Bhagwan, please, no interruption!

(Interruptions)

Hon. Shakeel Mohamed, please!

(Interruptions)

Please, no interruption, I have said!

Sir Anerood Jugnauth: I fully agree with the hon. Member that we must have new legislation to see to it that when people go there, they go there to turn into new leaf when they come out.

Madam Speaker: Hon. Mrs Selvon!

Mrs Selvon: Thank you, Madam Speaker.

(Interruptions)

Madam Speaker: Hon. Bhagwan, please! No crosstalking!

Mrs Selvon: Madam Speaker, we are talking about law and order. We are talking about hold-ups, thefts, public aggressions and crimes, and we all know that the Commissioner of Police has signed the passport of an alleged drug trafficker...

Madam Speaker: No, hon. Mrs Selvon, please! Hon. Mrs Selvon, sit down!

(Interruptions)

Sit down, hon. Mrs Selvon! Ask your question and do not make a statement on issues which do not arise from the main question!

(Interruptions)

Mrs Selvon: Madam Speaker, I am putting my question. Would the Rt. hon. Minister Mentor state if he will ask the Commissioner of Police to step down for the good maintenance of law and order in this country?

(Interruptions)

Madam Speaker: The hon. Member has got a question? Last question!

Mr A. Duval: Thank you, Madam Speaker. Finally! With regard to equipment of Police Officers - time and time again, this is coming; it came through PNQs. The hon. Leader of the Opposition put a PNQ to himself, I think, for the equipment. It is a fact that that the Police Officers cannot stop a hold-up or robbery that is being conducted...

Madam Speaker: Ask your question, hon. Adrien Duval!

Mr A. Duval: ...with weapons. Will the Rt. hon. Minister Mentor tell us whether or not he will now give due attention to the equipment of Police Officers, especially in the hotspots, Curepipe, for example, where there have been so many hold-ups in the recent past?

Sir Anerood Jugnauth: I will certainly do that. I will ask the Commissioner of Police to look into it and to give the necessary attention to that.

Madam Speaker: The Table has been advised B/94 has been withdrawn. I suspend the sitting for one and a half hour.

At 1.02 p.m., the sitting was suspended.

On resuming at 2.38 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Bhagwan!

TERRE ROUGE/VERDUN ROAD – REHABILITATION WORKS

(No. B/74) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the rehabilitation works of the Terre Rouge/Verdun Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- (a) the date of submission of the Report by the French Consultant appointed therefor, indicating the main recommendations thereof;
- (b) if an estimate of the cost thereof has been finalised and, if so, give details thereof, and
- (c) if a final decision has been taken in relation thereto.

Mr Bodha: Mr Deputy Speaker, Sir, I would like to refer the hon. Member to the reply I made to Parliamentary Question B/429 on 13 June 2017 wherein I elaborated lengthily on the various tests that had to be carried out before proceeding with the remedial works in respect of the embankment failure in view of the geological complexity of the site. I also informed the House that the contract for the “Repair to Embankment on Motorway M3 at Ripailles” was awarded to Transinvest Construction Ltd (TCL) on 28 March 2017 for a sum of Rs283,556,663.00. Pending the completion of the repair works, a diversion road has been constructed to allow traffic to continue along the Terre Rouge Verdun Link Road.

In July 2017, during execution of works, cracks were noted on the diversion road. Following site visits effected by the Road Development Authority (RDA) jointly with the Contractor, advice was sought from geotechnical experts from Korean Expressway Corporation (KEC), Japan International Corporation Agency (JICA) and ARQ in August 2017. Consequently, RDA took the decision to implement additional monitoring devices, namely piezometers and inclinometers to confirm any movement of the underlying strata along the stretch of the repair works. Readings from existing inclinometers showed deep-seated movement and this was supported in December 2017 by Dr. Kim, a geotechnical expert assigned by Korean Expressway Corporation. He was of the opinion that the movement could be attributed to a combination of different factors - presence of soft layers, water seepage and fault line, that is, undulating rock strata creating differential settlements. He recommended a reinforcement of the actual horizontal replacement method using piles.

In January 2018, the RDA had recourse to the services of Prof. Magnan who is the Head of the Geotechnical Engineering, Environmental and Risk Department of the French Institute of Science and Technology for Transport, Deployment and Networks. Prof. Magnan studied all the previous reports of Egis, ARQ, KEC and JICA and reviewed the recent

inclinometer readings taken as well as the recommendations of Dr. Kim. Prof. Magnan undertook site visits to assess the characteristics and location of the cracks and the surroundings. He thereafter confirmed that the site is of a very complex nature with soils of varying geological properties and that the topography of the site has an impact on the stability of the embankment.

In regard to part (a) of the Question, Prof. Magnan submitted his report on 08 February 2018. In his report, he considered that the failure potentially occurred because of –

- (a) a combination of high loading on a sloping topography;
- (b) high water pressures built up after heavy rainfall and extreme bad weather, and
- (c) the existence of less resistant layers inside the ground deep down below.

From the data collected from various tests carried out and the heavy torrential rainfall which led to the failure and the cracks, Prof. Magnan highlighted that the problem was multi-faceted in nature. In fact, there is not only the issue of the embankment failure but added to this, there is the risk of the instability of the slope itself, as well as the underlying soft strata weakened by underground waters brought about by the heavy rainfall. As confirmed by both Dr. Kim and Prof. Magnan, the site is complex and it has been necessary to go through all these steps, that included a series of reviews by the various experts coupled with investigations and data gathering over the time to build confidence and hence to have a robust solution, that is, a final solution. In fact, data gathering is still constant.

Prof. Magnan has recommended that this slide needs to be stopped by providing additional strengthening measures to the replacement of the fill material and upper soil. He has proposed a series of combining actions aiming at –

- (i) controlling the water pressures;
- (ii) controlling the surface water inflow;
- (iii) blocking the movement of the mass of soil and fill above the existing failure surface by means of piles anchored in the substratum, and
- (iv) stabilising the temporary excavation slope on the eastern side of the road to limit the development of fissures on the hill slope.

As regards parts (b) and (c) of the Question, I am informed that, under recommendation of Prof. Magnan, the RDA has enlisted the services of *CEREMA (Centre*

d'études et d'expertise sur les risques, l'environnement, la mobilité et l'aménagement), a French Public Body specialised in such types of works, to undertake the reinforcement designs.

At the request of *CEREMA*, presently, further specialised tests such as pressure meter tests, water levels have been sent to *CEREMA* to validate and to be used for the reinforcement design. Now that all the data about the site has been reconciled by Prof. Magnan, I am confident that the design of *CEREMA* will be the final solution to the problem.

A preliminary design is expected at the end of this week and a final design in the third week of April 2018. Upon receipt of the final design, the RDA will work on the cost estimates and on the best way forward about the piles. Prof. Magnan is expected to be back in Mauritius at the end of April. He will himself present the final design and then works will start.

Mr Bhagwan: Let's hope it will be the end of this *calvaire!*

Mr Bodha: Yes, it is.

Mr Bhagwan: Mr Deputy Speaker, can the hon. Minister inform us whether Prof. Magnan or his other experts has/have given a rough estimate of works to be carried out so as to have an idea of what that would cost the public?

Mr Bodha: Mr Deputy Speaker, I would like to say that there have been different solutions which were proposed to us over time. ARQ proposed that we push into stone columns, that is, vertical columns, but we said no, because the columns did not go up to the base stone level – rock level. Then, the Korean proposed that we remove all the materials and we do the filling horizontally. What Prof. Magnan is saying is that we do this, but along the fracture line we put piles, about 100 piles, and these piles are being designed now. I cannot give a figure, but I would like to reassure the House on one thing. There was at one point in time in the Paper an article that would say that it is going to cost billions. I can assure the House, it is not going to cost billions. It would have cost billions if we had completely abandoned that alignment and taken one kilometre around, that is, to avoid that embankment failure. But now that we know that the piles are going to be there, I am very comfortable that we will have a final solution which is not going to cost a lot.

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: I have two questions; my friend will have one. During the course of his visit, did Prof. Magnan have the opportunity to have a full survey of this whole trench of Terre Rouge-Verdun, where it starts around St Pierre or Bagatelle to see whether there are no problems in the first part of this *parcours*?

Mr Bodha: I agree with the concern of the hon. Member. This whole segment between Ripailles and Crève Coeur is a very complex one; but, KEC has done that. Prof. Magnan did not come for long, so we had a matter of urgency because we had to address this issue. As soon he is here, we will also ask him to see what has been done so far with regard to the whole segment.

The Deputy Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: If it is not going to cost billions, it is going to cost hundreds of millions for sure.

Mr Deputy Speaker, Sir, in December last when we debated the fate of the suspended RDA engineers, I had asked an additional question to the hon. Minister. Now that they are cleared, the onus of the repairs should fall squarely on the consultant and the contractor that have constructed this road. Can I ask the hon. Minister, whether claims have been sent to the consultant and the contractor to undertake all the repairs that are necessary as he had undertaken in Parliament in December last?

Mr Bodha: Mr Deputy Speaker, Sir, we have an enquiry which is going on, and the enquiry is chaired by Me Avinash Sannasee. We still don't have the final report.

The Deputy Speaker: Hon. Ramful!

Mr Ramful: Thank you, Mr Deputy Speaker, Sir. In a PNQ that was asked by the then Leader of the Opposition, the hon. Minister stated to the House that there was a technical and financial audit that was supposed to be carried out by the RDA. May I know if this audit has been carried out, if the report has been finalised and is the hon. Minister going to make public that report so that we know who is responsible for these failures?

Mr Bodha: I do not know whether the hon. Member is referring to an audit of all the roads or on this...

(Interruptions)

All the roads? This one, in particular? Yes. What we have done as regards to this one, in particular, is that we have been cautious not to spend more than should be spent. I can assure the House on this.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Mr Deputy Speaker, Sir. The hon. Minister has not spoken about - I have not heard - the problem of landslide. The Terre Rouge/Verdun Road has been closed on several occasions during heavy rain and I have not heard what Prof. Magnan is saying about the landslide. Is there any guarantee that we will remedy the problem of landslide even in the future when the road is fully operational?

Mr Bodha: I have to explain, Mr Deputy Speaker, Sir. If we take the segment from Crève Coeur to Ripailles, on the left, the works that have been carried out during the last years, have given proof that even with the heavy rainfall all that has been done, all the mitigating measures, stabilising measures, the road has been dry all the time.

On the right side when we reach Ripailles, that is, the works which were done before 2014, one segment collapsed and we have repaired it. A second segment has collapsed again and we are repairing it. So, what I have asked, in fact, is to repair the whole segment from Ripailles coming to Crève Coeur, that is, the works which were carried out before 2014. Then, I am convinced that the road will be totally safe.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. My question is a follow-up on what hon. Osman Mahomed has stated. If there is a dispute between the Government and those who were supposed to do this road, we have to issue them a claim and then if they are not agreeable to repair and redo whatever Prof. Magnan is telling them, then we go for arbitration. So, I don't understand why the hon. Minister is saying that we are waiting for Me Sunassee's report on the RDA, etc. This has nothing to do with the RDA; it is between the Government and the consultant and the contractors.

Mr Bodha: The enquiry is *pour situer les responsabilités, la cause de ce qui s'est passé*. So, we are waiting for his report, otherwise once the works have been done, then we can say either we go by the report of Me Sunassee or we can just say that *la faute était à un tel et ça a coûté telle somme pour réparer la route et à ce moment là on peut faire un cas en Cour*.

The Deputy Speaker: Hon. Lesjongard!

Mr Lesjongard: Thank you, Mr Deputy Speaker, Sir. May I ask the hon. Minister whether the initial alignment of the road was changed and whether the reason for that change was because of acquisition of private land by some private companies and whether that portion of the road where we are having problems was meant to be on Stilts?

Mr Bodha: Well, this is what was said in 2011-2012. But what I can say today, from all the tests that we have done, this is not the correct alignment because we have two major issues: one is that the soil is too loose to bear such a road and the second thing is that the whole slope is unstable. So, we have to correct two things: the embankment failure and the stability of the slope.

The Deputy Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: What the population would like to know from the hon. Minister is: has he had the opportunity to have a look at the amount spent today on this Terre Rouge/Verdun road prior to 2014, after and what are we expecting for these repairs? Can the population have an idea? It is more than a billion. Can we have an idea of the total amount which it would cost to the Mauritian public, the taxpayers, the Terre Rouge/Verdun road prior to 2014 and even now and the forthcoming repairs?

Mr Bodha: What I can say is that in the past, it was supposed to cost Rs2 billion and it ended up costing Rs4 billion. And, the left side, the works which were carried out in 2015 and 2016 were supposed to cost Rs800 m. and they have cost Rs800 m., that is, what Sinohydro has done. We will have to compute the slides which we have repaired and the only expenses that we have incurred so far is the repair to the slides of the works carried out before 2014 and the repair works of the embankment failure.

I would like also to say that Prof. Magnan offered his services free and even in terms of consultancy, we have not spent a lot.

The Deputy Speaker: Next question, hon. Ameer Meea!

AGALEGA ISLAND – AIRPORT & JETTY PROJECTS

(No. B/75) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the Agalega Island, she will state where matters stand as to the proposed construction of an airport and jetty facilities thereat, indicating –

- (a) if the Detailed Project Report is available and, if so, table copy thereof;
- (b) the cost thereof, and
- (c) the expected start and completion dates thereof.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I am informed that the project for the development of sea and air connectivity in Agalega is of fundamental importance to the inhabitants of Agalega. The existing runway and jetty are in a deplorable state, thus making it difficult and hazardous for the Dornier aircraft to land and ships to berth.

In fact, the runway at Agalega is made of crushed coral. At each landing and takeoff of the Dornier aircraft, the loose coral on the runway tends to get dislodged, thus causing damage to the aircraft. Continuous maintenance of the runway has to be carried out. As far as possible, we try to limit the sortie of the Dornier to emergency purposes, including medical evacuation.

Moreover, the existing jetty cannot allow ships to berth as such embarkation and disembarkation of passengers and goods have to be made via barges. This is a very hazardous operation for everyone. Therefore, the need to improve air and sea connectivity at Agalega is long overdue and of paramount importance.

I wish to inform the House that this project is being fully funded and implemented by the Government of the Republic of India under a Government-to-Government agreement. This agreement is subject to a confidentiality clause binding both States. I can assure the House that the projects in Agalega are going forward and that they are in the best interest of the inhabitants.

Mr Ameer Meea: Thank you, Mr Deputy Speaker, Sir. I have a few supplementary questions on this important issue. Last year, answering to a past parliamentary question, the then hon. Minister, hon . Jhugroo, that is, on 04 April 2017, Parliamentary Question No. B/114, informed the House that the estimates and cost documents will be worked out by the Indian side and that the procurement processes will be carried out in India. And he also mentioned that the project is expected to be completed by next year. But in her reply, the hon. Vice-Prime Minister did not give us any advance of the work, any details as to whether the work which was supposedly to start since last year, now it is exactly one year, where matters stand. Has the work already started? When is it scheduled to be completed? We did not have any information on this.

Mrs Jeewa-Daureeawoo: I can say that we are still at the bidding stage. As I have said in my reply, there is a clause of confidentiality, so, I am not in a position to give more information. But the procedure has already started and we are at the bidding stage.

Mr Ameer Meea: Yes, Mr Deputy Speaker, Sir, please allow me to insist. We understand that there is a clause of confidentiality regarding I don't know what. But I am just asking whether the work has started or not because last year the hon. Minister stated to the House that the work will be completed in 2018, at least give us some information.

Mrs Jeewa-Daureeawoo: I have just said that we are at the bidding stage, so, the work has not yet started.

Mr Ameer Meea: Mr Deputy Speaker, Sir, according to my information, there will be no EIA requirement for these projects. Can the hon. Vice-Prime Minister confirm this to the House?

Mrs Jeewa-Daureeawoo: Well, as I have said, Mr Deputy Speaker, Sir, because of the confidentiality clause...

(Interruptions)

...I will not be able to give more information on this particular project.

The Deputy Speaker: Hon. Mrs Selvon!

Mrs Selvon: Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, according to a document from the High Commission of India, three militaries are working on the airstrip project and the jetty project in Agalega: Colonel Ashit Vangez, Commander Shakravarti and Colonel Koonalbath. Could the hon. Vice-Prime Minister state why should militaries work on civil projects in Agalega?

Mrs Jeewa-Daureeawoo: Well, what I can say is that there has never been any agreement between the Government of the Republic of India and the Government of the Republic of Mauritius for the use of Agalega as a military base.

The Deputy Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Mr Deputy Speaker, Sir, thank you. Many, many years ago, the airport strip was constructed by the then DWC and it failed. Again, for the jetty, because of *raz-de-marée*, it has failed before. I know there are confidentiality clauses. But can we know from the hon. Vice-Prime Minister who are the design engineers who are working on

this and what are the precautionary measures that are being taken - because we have signed a MoU and what not -, that we do not end up with similar situation that we had had in the past?

Mrs Jeewa-Daureeawoo: I do not think that we will end up with a similar situation. I am sorry; I do not have the information. If the hon. Member can come with a specific question, then I will answer.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Mr Deputy Speaker, Sir. With regard to the runway that is being built, can the hon. Vice-Prime Minister confirm the length of the runway and the types of aircraft that will use this runway?

Mrs Jeewa-Daureeawoo: I do not have the information.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. Can the hon. Vice-Prime Minister state whether, since time immemorial in Mauritian political history, any government, successive governments, whether pre-independence - if the Opposition Members shout, I cannot ask my question - and post-independence, successive governments have at all bothered about the welfare of the people of Agalega? And that they are, as...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Hon. Members!

(Interruptions)

Mr Rutnah: They do not want me to ask the question because they know...

(Interruptions)

The Deputy Speaker: Order!

Mr Rutnah: Mr Deputy Speaker, Sir...

(Interruptions)

The Deputy Speaker: Hon. Members, allow the hon. Member to put his question!

(Interruptions)

Mr Rutnah: They know they have failed the people of Agalega when they were in Government! They know...

(Interruptions)

The Deputy Speaker: Order! Hon. Rutnah!

Mr Rutnah: They know they have failed the people of Agalega when they were in Government!

The Deputy Speaker: Hon. Rutnah, put your question, please!

(Interruptions)

Mr Rutnah: Can you, today...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Hon. Baloomoody!

Mr Rutnah: They failed the people of Agalega when they were in Government!

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. Can the hon. Vice-Prime Minister confirm to the House that, during her tenure, she will ensure that the jetty and the airport will be constructed in order to maintain development in Agalega, unlike those who are in Opposition now and when they were in Government did nothing for the people of Agalega! And today they are shouting!

Mrs Jeewa-Daureeawoo: What I can say...

(Interruptions)

The Deputy Speaker: Order!

Mrs Jeewa-Daureeawoo: What I can say is that, since 2010, this project has been announced. But what I am saying today is that this project is in our programme. We are

concerned with the best interest of the people of Agalega, and we will come forward with this project.

(Interruptions)

The Deputy Speaker: Hon. Dr. Boolell!

Dr. Boolell: Since it has been established that there is a garrison of military personnel which is involved in the construction of the jetty and the runway, can I impress upon the hon. Vice-Prime Minister to state very clearly, first, whether there is a confidentiality clause, and second, whether Mauritius, as a Sovereign State, has a right to know what is going on on our territory?

Mrs Jeewa-Daureeawoo: Yes, but, Mr Deputy Speaker, Sir, I have never said that there are military workers who are working on this particular project. What I have said is that there is a confidentiality clause and I cannot say more on this particular subject.

The Deputy Speaker: Hon. Mohamed!

Mr Mohamed: Mr Deputy Speaker, Sir, thank you for letting me put my question. Could I ask the hon. Vice-Prime Minister the following question to pick up from where hon. Dr. Boolell left off. We are a Sovereign State, and my information is that there is no confidentiality clause whatsoever. At least, this is my information. And the same principle, as was adopted by the Indian Government when it comes to Seychelles, in other words, complete transparency, which has always been pushed forward by Prime Minister Modi and the Government of India, of being totally transparent, this was the same policy that they have adopted in regard to this particular matter with Mauritius. Therefore, I challenge the hon. Vice-Prime Minister to show us this document because there is no confidentiality clause.

Mrs Jeewa-Daureeawoo: Is the hon. Member doubting my words? I am saying that there is a confidentiality clause. So, believe me or not, it is up to the hon. Member.

The Deputy Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: May I just ask the hon. Vice-Prime Minister to read the confidentiality clause to us? What does it deal with? Does it deal with the infrastructure? Does it deal with the cost? Does it deal with who is going to do it? Please, just read out. That cannot be confidential, surely. The confidentiality clause that my colleague from the Labour Party is challenging her, please just read it.

Mrs Jeewa-Daureeawoo: Well, I do not have the document with me. If the hon. Leader of the Opposition comes with a substantive question, then I will look at it and see what answer I will give to Parliament.

The Deputy Speaker: Last question, hon. Ameer Meea!

(Interruptions)

We have already exhausted time on this issue!

(Interruptions)

Last question, hon. Ameer Meea!

Mr Ameer Meea: Yes, Mr Deputy Speaker, Sir. I will come back again to my PQ B/114 in April last, whereby I asked the then hon. Minister whether the Detailed Project Report that is being prepared will be placed in the National Assembly - and now, he is back. The hon. Minister, at that time, said –

“I will do the needful.”

We all remember what happened with “the needful”. But, now, I am asking the hon. Vice-Prime Minister whether this detailed project - because not to forget the MoU has been tabled. We are asking whether the hon. Vice-Prime Minister also will do the needful for the Detailed Project Report which the hon. Minister said he will do needful.

Mrs Jeewa-Daureeawoo: The hon. Minister Koonjoo tabled the general MoU of the developments to be carried out in...

(Interruptions)

Koonjoo! Just check the information. He tabled the general MoU with regard to the developments to be carried out in Agalega. Well, following the general MoU, a formal agreement has been reached between the Government of the Republic of India and the Government of the Republic of Mauritius. As I have said there is a confidentiality clause.

The Deputy Speaker: Next question, hon. Ameer Meea!

(Interruptions)

Mr Abbas Mamode: As MP of Agalega, I have been deprived to ask questions on Agalega!

The Deputy Speaker: We have already exhausted time on this question! Next question, hon. Ameer Meea!

ROAD ACCIDENTS (FATAL) – 2014 – 03.04.18

(No. B/76) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to fatal road accidents, he will state the number of reported cases thereof for each of the years 2014, 2015, 2016, 2017 and since January 2018 to date, indicating the number thereof –

- (a) being hit and run cases;
- (b) per types of vehicles involved therein, and
- (c) in which pedestrians have been the victims thereof.

Mr Bodha: Mr Deputy Speaker, Sir, I have been informed by the Police that the number of fatal road accidents from year 2014 as at date is 578. The breakdown is as follows –

Year 2014: 125 cases

Year 2015: 127 cases

Year 2016: 132 cases

Year 2017: 152 cases

January 2018 till date: 42 cases.

Coming to part (a), the number of reported hit and run cases from year 2014 as at date is 41.

The breakdown is as follows -

- Year 2014: 9
- Year 2015: 10
- Year 2016: 7
- Year 2017: 13
- Year 2018 up to date (for the three months): 2

As regards part (b) of the question, I am tabling the number and types of vehicles involved in fatal accidents.

With regard to part (c) of the question, I am informed that the number of pedestrians involved in fatal accidents was 39 in 2014, 43 in 2015, 44 in 2016, 48 in 2017 and 6 for the period January 2018 to date.

In reply to Parliamentary Question B/643 last year, I enumerated the various measures being taken to mitigate risks of accidents mainly on road user behaviour, on enforcement and on infrastructure including vehicles. These are summarised as follows -

- carrying out of road safety audits of hazardous roads, installation of road furniture, including construction, upgrading and rehabilitation of footpaths;
- strengthening of legislative framework and enforcement by the Police, and
- investing in road safety education and undertaking sensitisation on road safety.

Of late, Mr Deputy Speaker, Sir, it has been observed that there is a new pattern of road safety risks, namely, speeding by youth and of contract vans and driving under the influence of drugs besides being under the influence of alcohol.

Police is carrying out vigorous enforcement as well as sensitisation campaigns. I am informed the Police Sobering Cells are yielding good results.

Mr Deputy Speaker, Sir, my Ministry is coming up with amendments to the Road Traffic Act to provide for a more efficient regime for the Penalty system with increased fines as well as an increased number of cumulative road traffic offences from 11 to 24. A serial offender over a period of 20 months is to be disqualified and ordered to follow a rehabilitation course. The list of offences in relation to which a Fixed Penalty Notice may be served is being consolidated. Furthermore, new regulations on drug driving will be introduced soon.

The establishment of a Traffic Offence Court is also being envisaged for expedient settling of traffic offences because sometimes it takes 2 years or 3 years between the offence and the appearance in Court.

Mr Deputy Speaker, Sir, we have also noted that there are two categories of vulnerable road users who are the motorcyclists and pedestrians. My Ministry is pursuing sensitisation campaigns, particularly of motorcyclists with the opening of the two *moto écoles*, and we are going to open another two and the training of driving instructors and police examiners for motorcycles. My Ministry is also envisaging along with other stakeholders to restrict the standard of two wheelers to one conforming to European market, that is, motorcycles which are not at Euro Standard should not be brought into the country.

For road users, road safety devices are being installed following audits of existing roads. Safety features are being catered for in all new road projects being undertaken by my Ministry. Mr Deputy Speaker, Sir, this is a national problem today.

My Ministry will soon be undertaking the training of driving instructors and police examiners of motorcars, while the Federation of Driving Instructors will embark upon refresher course for existing driving instructors for motorcars. The training of instructors of heavy vehicles is also in the pipeline.

Mr Deputy Speaker, Sir, my Ministry is also considering a change in the insurance system as it is the case abroad, that is, we are proposing not to insure for the vehicles, but to insure the driver's and you have the option. For example, today you have one vehicle which is insured and it is driven by 4 people and abroad it is different. You insure the driver and not the vehicle. So, we will come with the possibility of an option and we are working with the insurance companies. We are having consultation with them, so that there is another stakeholder for the implementation of this measure.

It is recognised that the main factor causing road accidents is the driving behaviour and driving culture of Mauritius. There is also the fact that there is no road safety culture among road users. They believe that they have the right to do whatever they like on the road. The House will appreciate that change in human behaviour is a long-term process. Now, that we have put up the necessary institutional and legislative framework, we trust that positive results will be seen in the very near future. It is sad because every death is a tragedy and we have seen that there are young people out of the 40, there are about 20 of them who are less than 30 years old. It is a disaster for the person, for the family and for the country, but this is a fight and we have to fight it.

I am very open to all suggestions from both sides of the House to see to it that we win this battle.

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, it is very shocking and alarming the figures that the hon. Minister just gave to the House in relation to fatal accidents. It is good that the hon. Minister in his reply acknowledged that one of the causes of fatal accident is drug consumption. Therefore, can I ask the hon. Minister whether there has been any study, especially among youngsters, among consumption of synthetic drugs that has been carried out in relation to fatal accidents?

Mr Bodha: As I mentioned earlier, I understand the concern of the hon. Member. In fact, 26 victims out of 42 are less than 30 years old. When we see the pattern of young people driving at 2 o'clock in the morning on a motorcycle, in fact, there is no collision. It is that they lost control of the vehicles. We have been working on the drugs issue and we are coming with the legislation.

The Deputy Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Mr Deputy Speaker, Sir. Since the connection between fatal accidents and people driving under the influence of alcohol is now established, some European countries are toughing their legislation on the limit of alcohol permissible. Can we know from the hon. Minister whether this legislation will be amended?

Mr Bodha: We are contemplating such a measure. In fact, in some countries for young people, it is zero tolerance. No alcohol at all! So, we will consider the possibility of reducing this rate.

The Deputy Speaker: Hon. Ms Sewocksingh!

Ms Sewocksingh: Thank you, Mr Deputy Speaker, Sir. In the reply of the hon. Minister, I could understand that there is a lot of youth involved in road accidents, especially speeding and also there is a change in human behaviour. Can the hon. Minister consider having more sensitisation campaigns in social marketing and working in collaboration with the Ministry of Education for road safety educational programmes and having more traffic centres like we had previously?

Mr Bodha: I totally agree with the hon. Member. In fact, we have a continuum of education. I am contemplating the possibility of having retired policemen who could be mentors and to go to the schools. In fact, we have chosen four schools where we are going to have those courses because we should start with education. We should start with the young people. I have seen it in Singapore. You have the road safety circuit for children. A child would visit such a circuit, at least, four or five times in his school years.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Mr Deputy Speaker, Sir. With regard to the bad manners of drivers on the highway especially, which is every day the case in Mauritius, can the hon. Minister state whether there are unmarked cars...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Hon. Mrs Perraud!

(Interruptions)

Hon. Mrs Perraud, allow hon. Adrien Duval to put his question! Hon. Adrien Duval, please!

Mr A. Duval: Thank you. Is there at the moment an unmarked police car especially that monitors the traffic and, if not, shouldn't there be to give contraventions to those drivers that on a daily basis are flouting all the laws?

(Interruptions)

The Deputy Speaker: Hon. Mrs Perraud, you are disrupting the business of the House!

Mr Bodha: Mr Deputy Speaker, Sir, this is the strategy of entrapment. We are talking to the State Law Office to see whether this can be done by the police, in fact, in non-police cars.

The Deputy Speaker: Hon. Leopold!

Mr Leopold: Thank you, Mr Deputy Speaker, Sir. I just want to ask the hon. Minister a question. Out of the figures that he has given on fatal accidents, I just want to know whether it includes those people who have sustained very severe injuries while having accidents and then they died in hospitals one day, two days or a week out of complications?

Mr Bodha: Law provides for that, that is when you have an accident, then you have a number of days and if that person dies within that period, the legal cause of death is going to be the accident.

The Deputy Speaker: Hon. Baboo!

Mr Baboo: Mr Deputy Speaker, Sir, it is good that the hon. Minister is talking about the Training School, but the number of accidents are increasing day by day. So, can the hon. Minister consider seriously strengthening the existing regulations and secondly, forbidding certain main roads for two-wheelers and the possibility of constructing a special lane for them?

Mr Bodha: The solution would be, for example, to have special lanes, cycle lanes, but the roads are very narrow in Mauritius. So, this is what we are going to consider in the new projects, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Lesjongard!

Mr Lesjongard: Thank you, Mr Deputy Speaker, Sir. With regard to dangerous driving, may I ask the hon. Minister whether he is aware of regular car races which are organised on the highway, that is, the Terre-Rouge/Ébène Highway between Côte D'Or roundabout and Bagatelle roundabout with hundreds of cars parked on both sides of the road and not only male drivers participate in those car racing, now it's also female drivers participating in those car racing?

(Interruptions)

Mr Bodha: At the level of the Police,...

(Interruptions)

The Deputy Speaker: Order!

Mr Bodha: ...we have discussed this matter because some videos came to us, so we have talked to the Police. Now, at Ring Road Phase 1 which is not being used, you have these rallies as well, so, we are contemplating to put temporary speed breakers on the Ring Road Phase 1 so that this cannot be done there and we'll ask the Police to monitor the situation at Côte D'Or.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. In relation to bad driving habits, behaviour and culture, would the hon. Minister consider introducing CCTV cameras operated from a command and control centre to ensure that drivers who drive dangerously are captured and they are dealt with by the Law backed by the real evidence so that we deal with fatal road accidents properly?

Mr Bodha: Mr Deputy Speaker, Sir, this is being considered at the level of the Safe City Project.

Mr X. L. Duval: One of the main reasons for accidents, especially with pedestrians, is a total lack, in Mauritius, of pavements. Can the hon. Minister tell us what efforts he is

making to ensure that all roads in Mauritius have a pavement as a respect to other citizens and especially pedestrians, of course?

Mr Bodha: The Leader of the Opposition is right, but the Minister of Finance, last year, in his Budget came with a budget specifically for kilometres, but there are areas, for example, like Grand Baie, there is a lot to be done. In fact, we need about 2,000 miles of pavement. So, there is a budget which has been put up and every year we are building what we can.

The Deputy Speaker: Next question, hon. Ramano!

TOURISTS – ASSAULT – INQUIRIES

(No. B/77) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the tourists, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof as victims of assault or any other type of violence, since January 2015 to date, indicating the –

- (a) outcome of the inquiries carried out in relation thereto, and
- (b) number of convictions secured as at to date.

Sir Anerood Jugnauth: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that from January to March 2018, 126 cases of assault and other types of violence against tourists have been reported.

As regards parts (a) and (b) of the question, relating to the outcomes of the enquiries and convictions secured, I am tabling the information requested.

I wish to inform the House that Government is making every effort to prevent assault and other types of violence against tourists. In fact, I chaired several meetings with stakeholders concerned, including representatives of the Hotel Industry to come up with measures to ensure the safety and security of tourists.

So far, several actions have been taken which involve –

- (i) daily foot and mobile patrols are carried out by *Police du Tourisme*, NCG, ERS, regular Police, DTP, DSU, local CID and other adjuncts of the Force near hotels, tourist sites, public beaches and other places frequented by tourists;

- (ii) the staffing of *Police du Tourisme* has been strengthened from 38 to 48 officers;
- (iii) sensitisation campaigns have been carried out by the Police and the Tourism Authority in hotels and tourist sites. As such, in 2017, 2,338 staff as well as some 50,000 tourists have been sensitised through field tourist counselling and at tourist sites;
- (iv) hotels have been encouraged to employ their own security guards rather than contracting out to third parties;
- (v) CCTV surveillance cameras are monitored on a 24/7 basis at control rooms of hotels;
- (vi) several hotels have introduced the electronic locking system to control access to hotel rooms;
- (vii) close monitoring and control is being exercised by the Tourism Authority on tourist residences and guesthouses to comply with safety and security measures, and
- (viii) the activities of canvassers and hawkers operating on public beaches are being closely monitored by the Tourism Authority and Beach Authority. These operators are now requested to wear identification badges whilst on duty.

The Deputy Speaker: Hon. Ramano!

Mr Ramano: Merci, M. le président. M. le président, dans les questions précédentes relatives aux agressions des touristes, il a été question de la lourdeur des poursuites judiciaires. Est-ce que les autorités sont en train de considérer des *fast tracks* concernant les agressions contre les touristes que ce soit au niveau du système judiciaire et aussi de la force policière ?

Sir Anerood Jugnauth: Well, I have already said there are a number of steps that are being taken and I hope soon we will start having the results.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. Based on the information that has just been tabled, out of the 126 complaints, there have been only 25 cases which were prosecuted and the persons sentenced. So, may I know from the Rt. hon. Minister Mentor whether the Government is considering setting up a scheme to allow tourists to come back to depone whenever their case come to Court because most of these tourists, after their vacation, they go back to their country and we don't have them to come and depone against the suspects?

Sir Anerood Jugnauth: Tourists to come back and depone in cases, there is no law preventing them from doing that.

The Deputy Speaker: Hon. Baloomoody!

Mr Baloomoody: Just to follow from what my learned friend has said, can't we arrange for a fast track in the Judiciary so that we can have the accused, because tourists are easy victims for the aggressors? They know that the victims will go and there will be no conviction. So, can't we ensure for a fast track? In many countries, there are, like in Spain and even in England, there is a fast track, especially when the accused is being caught by the Police that he is brought for trial within hours or even within days.

Sir Anerood Jugnauth: Whenever it's possible to do that, we always try to do it, but then the Courts are not always available to have a fast track like this.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Mr Deputy Speaker, Sir. On the same line with regards to the prosecution of the offences in Court, whether the hon. Minister Mentor can perhaps plead to the Prime Minister and to the Attorney General that they speak to the Judiciary so that video link can be arranged as in the case of Boskalis. The Privy Council now hears cases through video link. It must be possible to arrange - in certain countries, the hotspots like the UK and France - for these tourists who have made a deposition to be able to come and depone by video link.

Sir Anerood Jugnauth: Well, we may consider that.

The Deputy Speaker: Hon. Ms Sewocksingh!

Ms Sewocksingh: Thank you, Mr Deputy Speaker, Sir. If I could follow the reply of the Rt. hon. Minister Mentor, where he mentioned that from 38 Police Officers in the *Police du Tourisme* Department, it has been increased to 48. Considering that there is approximately one million tourists who visit the country annually, will the Rt. hon. Minister Mentor consider to increase the amount of Police Officers in the concerned department?

Sir Anerood Jugnauth: We will have to recruit plenty more Police Officers to be able to do that.

The Deputy Speaker: Next question, hon. Osman Mahomed!

CEB – METISS CABLE - FEASIBILITY STUDY

(No. B/78) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities

whether, in regard to the METISS cable, he will, for the benefit of the House, obtain from the Central Electricity Board and/or any of its related subsidiaries, information as to –

- (a) if a feasibility study has been carried out prior to them proposing to invest therein;
- (b) the proposed stake thereof in relation thereto, and
- (c) if any risk assessment thereof has been conducted in relation to the said proposed investment.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, with your permission, I will reply to PQ B/78 and B/79 together.

The METISS project was initiated by the Indian Ocean Commission in early 2015. In furtherance of that initiative, the IOC carried out a feasibility study on the improvement of high-speed broadband in the Indian Ocean. The outcome of the study was discussed with stakeholders of the ICT sector in Mauritius in April 2015. On 20 May 2015, the Council of Ministers of the IOC confirmed the leadership role of the IOC for the launching of the new submarine cable project.

The objective of the project is to improve connectivity in the region by reinforcing and increasing the resilience of the inter-connectivity infrastructure. This would facilitate regional economic integration as even short-lived breakdowns of the submarine cables greatly disturb economic activity in our islands. Two submarine cables currently serve the region. One of them, SAFE, will be phased out by 2025.

The IOC was the facilitator of the project. It participated in the project structuring and enlisted the participation of potential ICT operators in the region. In June 2016, a Memorandum of Understanding was signed in Madagascar to establish the METISS working group.

Mr Deputy Speaker, Sir, METISS stands for MELting poT Indianoceanic Submarine System. It is a submarine cable 3,000 kms in length. It will, at very high speed, link Mauritius, Reunion and Madagascar to the coast of South Africa. This digital infrastructure with 24,000 Gigabits connection speed per second is expected to become operational by 2019. This is more than 20 times faster than other submarine cables of the region.

The Indian Ocean Commission appointed a consultant, Mr Eric Lefevre, who approached CEB and other telecom operators in the region. A consortium was established with the participation of Telma of Madagascar, CEB (FiberNET) Co. Ltd, Emtel Mauritius,

Canal Plus, Telecom, SFR and Reunion ZEOP. CEB (FiberNET) signed the Memorandum of Understanding in October 2016.

With regard to part (a) of the question, I am informed by the CEB that in September 2015, it appointed a consultant, Arteria, to carry out a technical feasibility study on the optimisation of CEB's optical fibre network to provide bandwidth to the existing telecom operators. The consultant confirmed the potential of CEB's network to deliver telecom services, but the consultant also recommended investment in a third submarine cable as a key to the success of the wholesale telecom market.

In September 2016, CEB appointed another consultant, IDATE Consulting, a reputed consultancy firm based in France, to undertake a business model evaluation of the optical ground wire network of CEB. IDATE recommended that it was imperative for CEB to be involved in the launch of a new submarine cable as a significant revenue stream.

CEB opted to join METISS rather than the other submarine cable initiative known as IOX. METISS is backed by the Indian Ocean Commission and is supported by the European Union.

With regard to part (b), in line with the capacity needs of the Consortium members, CEB's minimum stake will be 15.3%. The IDATE commercial feasibility report was delivered to the steering committee of the CEB in December 2016. It recommended that CEB invest in METISS. The report includes the METISS investment in its financial model and a risk matrix as part of its deliverables. The IDATE recommended this investment as being very profitable.

With regard to the procurement of equipment and material, CEB (FiberNET) Co. Ltd is not undertaking any procurement for the METISS project. METISS has set up a governance structure based on international submarine cable best practice consisting of a Management Committee and several sub-committees with members from each investing party for the successful implementation of the cable system in each country. The sub-committees deal with the financial, technical, legal, and operational aspects of the project. All procurement is, therefore, carried out at the level of METISS Management Committee.

Mr Osman Mahomed: Mr Deputy Speaker, Sir, two questions of mine are being combined into one reply. So, I hope I will have enough opportunity to canvass if there is a need to. I understand that the feasibility study was done by IOC, but for CEB per se, whose core business is not internet provision, does the project make financial, technical and

economic sense, and if that is the case, can we have an idea of the internal rate of return of the CEB on this project?

The Deputy Prime Minister: The first question is whether ...

(Interruptions)

No, it is telecommunications! The first question is what is CEB doing with optical fibres. That is the very first question. Everybody asks this: why are they doing FiberNET? The answer is quite simple. Some 13 or 14 years ago, CEB started investing in a network which was going to link all its stations and sub-stations for the purpose of its own IT system. This is why, today, when there is a breakdown in the South, in Curepipe, within one second, they know that there is a breakdown, because everything is linked. They have put in optical fibres to link all this, and this fibre is operating at very low capacity. This is why when we took over, we said, well, there is – not me, of course, people who know, people like Mr Hébrard, Mr Naidoo, these are people who know these things. They said we are underutilising this network.

So, we have got to use it for economic value, and since this is already here, all that had to be done was to upgrade, put in all the little stations everywhere so that we could connect communication from the fibre system to the pole. But then, when the consultants came in, IDATE told CEB, what you are doing is very feasible, but if you want to maximise your profits, then you have to link to an international cable and there were two options: IOX which Mauritius Telecom is trying to start, and METISS which the Indian Ocean Commission was starting. CEB looked at the consultancy report and decided to go on METISS.

And to answer your second question, yes, all the views that have been given, are to the effect that this is a very profitable initiative. The forecast is a cumulative revenue of 41.9 million USD in the first five years; 109.4 million USD in ten years, 248.3 million USD in 20 years. But we must not look only at the economic viability; we must look at the broader question of providing fast communication service. I mean, we all know when you come back after three days in Dubai, you use your computer, you find it so slow you think your computer is attacked by a virus. It's because here it's too slow. So, we have to go faster, we have to do things and that is what we are doing.

Therefore, we are going to have better access - I hate to use this term 'democratic access', but this is what it is essentially - and increased competition in that market which will

give lower prices, of course. Already the initial investment cost which was forecast to be 79 million euros has now decreased to 40 million euros, because the price of these equipment have gone down worldwide. So, it is going to be very profitable, we hope so.

I am sorry to have been a bit lengthy in the answer.

Mr Osman Mahomed: Yes. Thank you.

In his original reply, the hon. Deputy Prime Minister has said - if I have heard correctly - that no equipment or materials have been purchased, so far. Is that correct? Now, in earlier Parliamentary Questions, we learned that CEB (FiberNet) Ltd has procured equipment from ECT Telecom Ltd of Israel for active equipment contract and Telecom Shelter supply contract. Are these not related to this project?

The Deputy Prime Minister: I am sure the hon. Member knows better than I do, in fact. We are talking of two different things.

First of all, the FiberNet – the internal system of Mauritius where you need the equipment which has been supplied by ECT. But your question to which I replied, it was on equipment purchased by METISS for the purpose of the international cable like the LION Cable, or the SAFE Cable.

(Interruptions)

No, we are going to have an internal communication system in Mauritius. For this, there is of course procurement. But your question is not on FiberNet, your question is on METISS. We are not going to be involved with the procurement of equipment and materials for METISS. Indirectly, yes, because, on the Managing Committee of METISS sits one member from each of these countries. The IOC has insisted that everyone who puts in his money should have a member, so there will be a Mauritian normally from CEB (FiberNet), who will sit on the Managing Committee. He will be involved with the procurement, but that is very indirect and not a direct procurement. I hope I am clear enough on that.

Mr Osman Mahomed: Well, thank you for that. I should have phrased it otherwise. Now, the agreement for METISS cable between the different stakeholders was signed on 13 December 2017. PQ's on the purchase of – I am going to phrase it correctly, the internal inland connection which is related to the project, CEB (FibreNet) have been purchased way before the agreement have been signed. Now, was that prudent from the part of CEB?

Because, if this agreement was not concluded in December 2017, what would have happened to the Rs200 m. or so of equipment that we had bought prior to the signing of the agreement?

The Deputy Prime Minister: It would not have made much difference, except that the profits would have been different. The vaster picture would have been completely different. When we started FiberNet in 2015, it was only a local enterprise, and these shelters, whatever stations which were put, were only for the local communication.

Then, when IDATE came and said, look here, what you are doing is profitable, but if you want to maximise, then you need to go international, invest in a third cable - I have got the exact wording here, but I don't want to take much time. They said, invest in a third cable, especially as SAFE is going dead in 2025. This is when, at the same time, Indian Ocean Commission came in and suggested – so it was all a coincidence of things which resulted in what we have today. We have been lucky, it was coincidental, but it is good.

Mr X. L. Duval: Doesn't the hon. Deputy Prime Minister think that it's highly dangerous and risky for an electricity company, which has done nothing else in its life but supply electricity, to suddenly invest upwards of Rs1.2 billion in an internet, completely different from the activity it is doing? If it makes a profit, fine. If it loses the money, then the taxpayers and the consumers will be responsible. Why has CEB found it necessary to do so, and rather than perhaps give it to some sub-contractor, if the opportunity existed?

The Deputy Prime Minister: Oh dear, I am glad you are no longer in Government! Because, what you are suggesting is that this valuable asset of CEB should go to the private sector. That, I am sorry, there is a great philosophical divide between you and me. We know this, because we have been working together, and I shudder at the thought of you having to control this country, because this is what you would have done. This is an investment.

(Interruptions)

I am sorry, this is an investment which was done, which was planned in 2000. There was somebody who planned this, and I don't know whether he did it on purpose, or whatever. But he put a fibre cable all around Mauritius when you needed only one sixth, it is only one sixth of the capacity which CEB was using, the rest was being left to rot. At that time that he did it, he did not know that there was going to be internet development as we have today, and it is. We could have just sold it IBL and told them to give us 10 million dollars and operate it, then they would have come within our network, they would have used our fibre cables, gone into our IT Sector. This is folly!

Mr X. L. Duval: One last thing. The hon. Deputy Prime Minister himself is confirming that the CEB had no knowledge and installed their inappropriate fibres to connect itself. This is just proof, Mr Deputy Speaker, this CEB has no business - and look at the colleagues agreeing with me at the back – in going into internet and should have allowed, maybe Mauritius Telecom, or some other for a fee, for a higher cost to make that investment.

The Deputy Prime Minister: We shall continue to debate endlessly, but that is the decision and, I think, it was a good decision. There was the asset which is highly valuable. We discussed this. I was not going to allow somebody else to use valuable assets and make profits on the head of CEB.

Now, about this argument that CEB knows only how to do electricity and does not know the Internet, but CEB is doing Internet within its own network of stations. That is what it is doing and yes, it does not know provider, but it will employ people. It has got consultants. It has got engineers. It has got brilliant people to do the work. What you need is imagination. You need to forecast. You need to know what is going to happen in the future. Whatever my political differences with some people, I must acknowledge when they did things which were good. Perhaps they did not even think of this at the time, but they did it in a way that was good.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. The hon. Deputy Prime Minister himself stated that there is excess capacity in the fiber network around the island and that is where he got the idea of optimising it. Now, he wants us to believe that CEB is now going to compete with the like of the State Investment Corporation Ltd which has people who are trained to invest money on behalf of the Government in international projects. Now, CEB, whose main activity is to generate electricity, is going to be a direct competitor of the State Investment Corporation Ltd. of Mauritius when it comes to international projects?

The Deputy Prime Minister: Don't tell me the hon. Member has been contaminated! CEB...

(Interruptions)

The State Investment Corporation Ltd. does not have State monopoly in investment! There is nothing to stop CEB investing in whatever. It has liquidity,...

(Interruptions)

The Deputy Speaker: Order!

The Deputy Prime Minister:...which it has invested. This is at the...

(Interruptions)

Well, please! I can stop talking if the hon. Members wish!

(Interruptions)

I mean...

(Interruptions)

The Deputy Speaker: Hon. Members, please allow the hon. Deputy Prime Minister to answer to this question!

The Deputy Prime Minister: Therefore, there is absolutely nothing wrong in CEB investing. Now, I see the argument is shifting from the technical matter to the investment arm of CEB. Yes, the hon. Member has got a point that CEB should not invest and it should go through the SIC. It could be a point. But CEB has so decided, it has got its committees, it has got representative of the Ministry of Finance and Economic Development who sits on the Board and all this has been dealt with properly in compliance with all technicalities.

I am given a note that it is quite common for power utilities to invest in telecoms, for instance, we have Eskom in South Africa, Power Grid Corporation in India, Power Grid Corporation which I have invested myself...

(Interruptions)

Power Grid in India is a powerful electricity network. See what it is doing in India!

(Interruptions)

Go to India, you will see!

(Interruptions)

The Deputy Speaker: Last question, hon. Osman Mahomed!

Mr Osman Mahomed: One last question, CEB is putting its valuable asset which is, maybe underutilised, but valuable asset at the disposal of the Consortium. So, therefore, because CEB is using it, I believe CEB will be responsible for its maintenance as well. Over and above, CEB is investing in inland equipment. Can I ask the hon. Deputy Prime Minister whether the stake that CEB has obtained in this venture is fair and reasonable according to

him and that he is satisfied with the stake that CEB is getting out of this deal? Because we are talking about public funds here!

The Deputy Prime Minister: Let me get it right! According to the hon. Member, CEB is making its assets available to the Consortium? This is...

(Interruptions)

No! He is mixing issues completely! There is the fiber optic cable which is going to remain hundred per cent CEB. This is inland. Forget about it! We are talking about METISS. This is the question of the hon. Member.

Now, METISS – CEB is not going to make its fiber available to the Consortium METISS. No! The Consortium is going to make its assets available to CEB because CEB is going to pay, of course, I think, it is 10,000 USD – the hon. Member forces me to check now – it is going to pay. It has got a CAPEX of 15.3 per cent of the total investment which for today is 40 million euros, easy to calculate. Then, there is an OPEX of some 200,000 dollars per year. That is the OPEX, 200 something. I would need to check this.

The Deputy Speaker: Next question, hon. Osman Mahomed!

CEB – METISS CABLE – EQUIPMENT PROCUREMENT

(No. B/79) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the METISS cable, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if any equipment or material has already been procured by Central Electricity Board and/or any of its related subsidiaries and, if so, indicate

–

- (a) the procurement process followed therefor;
- (b) the date of purchase thereof;
- (c) the types of equipment and materials, including country of origin and associated costs thereof, and
- (d) if same have been used as at to date and, if so, indicate the percentage thereof and, if not, why not and the expected date of use thereof.

(Vide reply to PQ No. B/78)

**CENTRAL ELECTRICITY BOARD (FIBERNET) CO. LTD. - BOARD OF
DIRECTORS - COMPOSITION**

(No. B/80) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board (FiberNET) Co. Ltd., he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) composition of the Board of Directors thereof, indicating in each case, the qualifications held and remuneration drawn;
- (b) name and nationality, qualifications, date of appointment, remuneration and benefits drawn by the Chief Executive Officer thereof, and
- (c) organisational structure thereof.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, in my reply to Parliamentary Question No. B/212 on 11 April 2017, I provided information on the composition of the Board of Directors of Central Electricity Board (FiberNET) Co. Ltd. I am once again tabling the names together with their qualifications.

I am informed by the CEB that since the setting up of the company, the Board of Directors have not been paid any remuneration or fee. However, this may soon change and a remuneration committee may soon be appointed to determine the quantum of fees to be paid to the Board members.

Would the hon. Member like me to read the names?

Mr Osman Mahomed: No, I have them.

The Deputy Prime Minister: You have them?

Mr Osman Mahomed: Yes.

(Interruptions)

The Deputy Prime Minister: Why did you ask the question then?

(Interruptions)

Mr Osman Mahomed: I looked at the reply of the hon. Deputy Prime Minister and in there, there are six members, can I ask the hon. Deputy Prime Minister who is the Managing Director, the CEO, whatever name we call him, on that list because normally the General

Manager or the CEO sits on the Board, but it does not appear to me that there is a CEO at this moment in time?

The Deputy Prime Minister: I do apologise. I missed one page in my answer. I will read it. The hon. Member is quite right to ask that question.

I am informed by the CEB that CEB (FiberNET) Co. Ltd is in the process of appointing a Chief Executive Officer. In the meantime, Mr Rajesh Kumar Babu, of Indian nationality, a Project Consultant in Telecommunication is acting as Officer in Charge.

He is supported by a Business Development Executive as well as by Engineers seconded from the CEB as required. Mr Babu was recruited by CEB on 09 May 2016 as the Project Manager of the FiberNet Project. I am tabling a copy of his qualifications.

With regard to part (c), I am informed by CEB (FiberNET) Co. Ltd that it has appointed BDO to develop its Strategic Business Plan including the required organisational structure for the operation of the company.

I am sorry for the last omission. Mr Babu's CV is also with me.

Mr Osman Mahomed: The Chairman of CEB (FiberNET) Co. Ltd is Mr Mootosamy Naidoo also known as Seety Naidoo. In fact, Mr Seety Naidoo chairs all CEB subsidiaries. Decisions are taken at the Board level of the subsidiaries and brought to the CEB main Board for approval and the CEB main Board is also chaired by Mr Seety Naidoo. Does the hon. Deputy Prime Minister not consider this a direct violation of basic good governance principle?

The Deputy Prime Minister: Perhaps not of basic good governance principle. We have discussed this from the beginning, but at first, in order to launch these two subsidiaries, it was considered desirable that the Chairman of CEB be, on a temporary measure, the Chairperson of these two committees. That is changed, of course, because it is against the principles of the new Code of Corporate Governance, which, although it does not apply to parastatal bodies, I have myself organised a workshop for all the parastatals falling under my Ministry to get to grips with the new Code of Corporate Governance. So, in the very, very immediate short-term, Mr Naidoo will stop being the Chair of these subsidiaries, but there is a transition period, of course.

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister who is the Secretary of that subsidiary CEB FiberNET, and whether there was a change of Secretary

recently for complaint? Is the hon. Deputy Prime Minister aware of that? There was a change of subsidiary Secretary because of poor performance of that Secretary?

The Deputy Prime Minister: Because of poor performance, I do not know. I do not go into that sort of thing. Perhaps there has been, but if it had been a question of poor performance, I would have known that there was.

The Legal Officer of the CEB was acting as Secretary to the subsidiary. Now, is she still there or no? No, she is not there. She is looking only after the legal business of CEB. But that is the subject of another question about Corporate Secretaries in all these parastatal organisations.

The Deputy Speaker: Next question! Hon. Osman Mahomed!

**CENTRAL ELECTRICITY BOARD FIBERNET CO. LTD –
PROCUREMENT COMMITTEE**

(No. B/81) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board (FiberNET) Co. Ltd., he will –

- (a) for the benefit of the House, obtain therefrom information as to the
 - (i) name;
 - (ii) designation of the members sitting on the procurement committee thereof, and
 - (iii) internal and external auditor thereof, if any, and
- (b) table copy of the latest audited report thereof.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed that the CEB FiberNET Co. Ltd has developed its own procurement procedures manual based on the Public Procurement Act. As a start-up subsidiary company, CEB FiberNET Co. Ltd is operating as a lean organisation with the support of CEB for operational matters. Since the setting up of the company, all procurement has been carried out by the Supply Chain Department of the CEB. For each procurement exercise, an ad hoc committee is set up with the approval of the Board.

With regard to part (a) (iii), I am informed by the CEB that the internal auditor of CEB is carrying out internal audit functions of CEB FiberNET Co. Ltd. The external auditor

is the National Audit Office, which is currently examining the accounts of the company. As required by law, the audited report will be filed at the Registrar of Companies.

Mr Osman Mahomed: Thank you. According to the list that has been circulated by the hon. Deputy Prime Minister, which I have from the previous PQ, Mr Kesnalall Balgobin, who is the Chief Finance Manager of CEB, also sits on the Board and happens to - information that has come to me - be the Chairperson of the Procurement Committee and the Tender Evaluation Committee. Is that correct?

The Deputy Prime Minister: I do not know. He is probably the Chairman of the Tender Evaluation Committee and the Procurement Committee. But there is nothing wrong with this, according to me.

The Deputy Speaker: Last question! Hon. Leader of the Opposition!

Mr X. L. Duval: The CEB is subject to the Public Procurement Act, up to a certain amount, and from then on, it goes to the CPB. Is this also the case for CEB FiberNET or FiberNET will just make any purchase completely?

The Deputy Prime Minister: This is a very old debate. The hon. Leader of the Opposition knows this.

(Interruptions)

He does not know? Let me start then. When the hon. Leader of the Opposition raised this matter one day in Parliament, he put in a piece of paper, in which it was written in the Finance Bill...

(Interruptions)

Please! The hon. Leader of the Opposition asked a question which does not make sense! Let me try and make sense out of it, if I may!

(Interruptions)

It is not arrogance! It is explaining! It is being pedagogical! The hon. Leader of the Opposition said that the procurement legislation would not apply. That is not the law. The law says that the CEB - all the regulations state that the Central Electricity Board is an exempt organisation. An exempt organisation is defined in the Public Procurement Act. It does not mean that the CEB can fall foul of all rules of procurement. It means that it does not

need to go to CPB, except for certain matters; for instance, when it buys machines for St Louis. Because this is not a good ...

(Interruptions)

The hon. Leader of the Opposition knows! Why does he pretend that he does not know? It is when you purchase goods for resale. Like when you buy electricity from the Independent Power Producers, you do not need to go to the CPB.

(Interruptions)

So, if he knows, then there is no use...

Mr X. L. Duval: Mr Deputy Speaker, Sir, we are not buying for resale. Here, we are buying equipment. My question is exactly this. What is the limit that CEB FiberNET - if it was CEB, it would need to go, when it buys a power station, to the CBP. What is the situation with CEB FiberNET? It will invest billions of rupees and never go to CPB? This is my question. Is it same as CEB or is it different? Because you have so organised it that is it completely 100% out of procurement legislation.

The Deputy Prime Minister: That is not correct. The CEB FiberNET cannot just buy billions of dollars...

Mr X.L. Duval: That is what I am asking the hon. Deputy Prime Minister!

The Deputy Prime Minister: Then, that is what I am replying!

The CEB cannot just, because the Board wishes to buy CEB FiberNET, because it wants to buy Rs1 billion of nuclear capacity, buy one and bring it to Mauritius. It cannot do that.

(Interruptions)

Of course, it goes to CPB!

Mr X. L. Duval: From what value?

The Deputy Prime Minister: I do not know from what value. I do not know the limit.

The Deputy Speaker: Last question, hon. Osman Mahomed!

Mr Osman Mahomed: In the light of the last question raised by the hon. Leader of the Opposition - I understand it is an old debate - would it not be more prudent - I know the

hon. Deputy Prime Minister has said he is ok with that - to have different persons instead of only one person, Mr Balgobin, chairing those three committees; Tender Evaluation, Bid Evaluation Exercise and at the same time, he is the Chief Finance Manager of the CEB? Should there not be a disconnect, for the sake of scrutiny and for the sake of good governance, and for the sake of CEB, in fact?

The Deputy Prime Minister: I am not too sure whether this disqualifies him from being a member of the Board, but since the hon. Member has raised this point, I will consider that with the officers of my Ministry and see what is the issue.

The Deputy Speaker: Hon. Members, the Table has been advised that the following Parliamentary Questions have been withdrawn: B/97, B/99, B/115. Next question, hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. I dedicate this question to the memories of Winnie Mandela.

(Interruptions)

The Deputy Speaker: Order!

**RIVIERE DU REMPART/PLAINE DES ROCHES/ROCHES NOIRES -
WATER SUPPLY**

(No. B/82) **Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water supply in Rivière du Rempart, Plaine des Roches, Roches Noires and the surrounding areas, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the –

- (a) expected completion date of pipe replacement works thereat, and
- (b) construction of a Reservoir in Mon Loisir.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Central Water Authority that it has awarded two contracts in the region of Rivière du Rempart as follows –

- (i) a contract for the replacement of 15 kms of pipes in Rivière du Rempart, which was awarded on 12 April 2017, and works are expected to be completed by November 2018;

- (ii) a contract for the replacement of 17 kms of pipes in the regions of Roches Noires, Plaine des Roches and surrounding areas was awarded on 12 April 2018 under the Roches Noires/ Plaine des Roches Project. Works are expected to be completed by August 2018.

As regards part (b) of the question, I am informed by the CWA that the construction of a 3,000 m³ service reservoir in Mon Loisir, Rivière du Rempart and pipelines from the reservoir to the network will be completed by September 2018.

On completion of the projects, the hours of supply to the 3,200 customers in the region will increase by about 4 to 8 hours per day.

Mr Rutnah: Mr Deputy Speaker, Sir,

(Interruptions)

No! The inhabitants of my Constituency have asked me to express my gratitude to the hon. Deputy Prime Minister.

The Deputy Speaker: Hon. Rutnah, please, address the Chair!

(Interruptions)

Order, please!

Mr Rutnah: Mr Deputy Speaker, Sir, the inhabitants of my Constituency have asked me to express my gratitude to the hon. Deputy Prime Minister for the work he is doing. Given that most of the pipe laying works have already been done, is the hon. Deputy Prime Minister's Ministry actually liaising with other agencies, so that the roads could be brought back to their original states so that traffic can flow properly?

The Deputy Prime Minister: Yes, of course. That is the same issue we face all over the country. The CWA and the CEB are doing lots of development works in this country. The hon. Minister of Finance who is now the Prime Minister is looking personally into all these. But, of course, there are ancillary issues such as the resurfacing of road in front of the house of hon. Bhagwan. We have this problem of road. We have to wait sometimes for the road to subside before we can do a good resurfacing and that is Government at work.

GRAND'BAIE SEWERAGE PROJECT - IMPLEMENTATION

(No. B/83) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether,

in regard to the implementation of Phase 1B of the Grand' Baie Sewerage Project, he will state where matters stand.

(Withdrawn)

The Deputy Speaker: Hon. Members, the Table has been advised that the following PQs have been withdrawn: B/93, B/95 and B/96. Hon. Jahangeer, next question!

**MINISTRY OF HEALTH AND QUALITY OF LIFE - BUILDINGS - LIGHTNING
PROTECTION SYSTEM**

(No. B/84) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the buildings owned or leased by his Ministry, he will state the number thereof which are equipped with a lightning protection system.

Dr. Husnoo: Mr Deputy Speaker, Sir, the services provided by my Ministry are accommodated in a total of 178 Government...

(Interruptions)

The Deputy Speaker: Hon. Members, order!

Dr. Husnoo: ...and rented buildings located throughout the island.

With regard to the Government-owned buildings, presently 10 of them are equipped with a lightning protection system, namely the five regional hospitals: Brown Sequard Mental Health Care Centre, Subramania Bharati Eye Hospital, Souillac Hospital, Yves Cantin Community Hospital and Goodlands Medi Clinic. However, I am informed that the system at Jawaharlal Nehru Hospital has recently been damaged and necessary provision has been made for its placement.

I wish to inform the House that my Ministry is considering to equip all the Government buildings it is occupying with a lightning protection system after appropriate advice from the Electrical Service Division of the Ministry of Public Infrastructure and Land Transport. Moreover, provision for the system will be made in the design of all new buildings to be constructed by my Ministry in future.

As regards rented buildings occupied by my Ministry, only two of them are equipped with a lightning protection system, namely the Flacq Area Health Centre and the Ayurvedic

and NCD Clinic in Flacq. We are liaising with the owners of the remaining rented buildings to make necessary arrangements for the installation of same.

The Deputy Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir. On 10 January 2018, lightning stroked on such a building in Flacq. I appreciate what the hon. Minister said regarding his action, but is there a timeframe that he will implement such action?

Dr. Husnoo: As I have mentioned, we have to liaise with the Electrical Service Division. It does not depend on the Ministry of Health, it depends on other Ministries as well. So, we have to liaise with them and see how soon we can do it.

INDIAN OCEAN ISLAND GAMES - FLIC EN FLAC & BALACLAVA - VILLAGE DES JEUX

(No. B/93) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the 10th Indian Ocean Island Games to be held in Mauritius in 2019, he will give a list of the hotels selected to constitute the *Village des Jeux* in Flic en Flac and Balaclava, indicating the cost thereof, in each case.

(Withdrawn)

MAURITIUS SECONDARY SCHOOL SPORTS – BUDGET ALLOCATION

(No. B/94) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Secondary School Sports Association, he will state the budget allocated by his Ministry from 2015 to 2017 thereto, indicating if his Ministry is still financing same.

(Withdrawn)

CONSTITUENCY NO. 20 - CYCLONE BERGUITTA -AFFECTED REGIONS

(No. B/95) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to Constituency No. 20, Beau Bassin and Petite Rivière, she will give a list of the regions affected by the recent cyclone Berguitta and the heavy ensuing rainfalls, indicating the remedial actions taken in relation thereto in each case.

(Withdrawn)

METRO EXPRESS PROJECT - JOGGING & LEISURE PARK

(No. B/96) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state where matters stand as to the –

- (a) proposed construction of a jogging and leisure park in Ebene in replacement of the Promenade Roland Armand, and
- (b) identification of an alternative site for the Jardin Bijoux in Beau Bassin-Rose Hill.

(Withdrawn)

LA COLOMBE SHELTER - INCIDENTS

(No. B/97) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to La Colombe Shelter, she will, for the benefit of the House, obtain therefrom, information as to the number of violent incidents that have occurred thereat in 2015, 2016 and 2017, respectively, indicating in each case the actions taken to prevent the recurrence thereof.

(Withdrawn)

SMALL AND MEDIUM ENTERPRISES DEVELOPMENT AUTHORITY – STAFF - REDEPLOYMENT

(No. B/99) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the staff of the former Small and Medium Enterprises Development Authority, he will state the number thereof who have –

- (a) been transferred to SME Mauritius;
- (b) redeployed, and
- (c) retired, indicating the aggregate amount paid thereto in connection with the closure of the Authority.

(Withdrawn)

MINIMUM WAGE - CONTRAVENTIONS

(No. B/115) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the minimum wage, he will state the number of –

- (a) employers who are not adhering thereto, and
- (b) contraventions booked as at to date.

(Withdrawn)

The Deputy Speaker: Question Time is over!

MOTION

SUSPENSION OF S. O. 10(2)

The Prime Minister: Mr Deputy Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

STATEMENTS BY MINISTERS

MOODY'S INVESTORS SERVICE – MAURITIUS RATINGS

The Prime Minister: Mr Deputy Speaker, Sir, with your permission, I have the following statement to make. On Tuesday 27 March last, the rating agency Moody's Investors Service issued a Communiqué in which it has affirmed the Government of Mauritius Baa1 long-term issuer and senior unsecured ratings and maintained the stable outlook. The affirmation of the Baa1 ratings is supported by two main factors –

- (i) strong economic growth and good macroeconomic resiliency to shocks, and
- (ii) that expectations for Government debt to stabilise.

According to Moody's, growth will continue to be supported by strong performance in the tourism sector, continued growth in financial services and further expansion of information and communication technology.

Mr Deputy Speaker, Sir, Moody's also expects a recovery in private investment and that the Government's Public Investment Programme envisions public investment, supporting urban development and the improvement of transportation networks which includes the

expansion of the Port Louis Harbour and the Road Decongestion Programme. This will give additional support to growth. Moody's also sees Government's proactive economic policies to address challenges to important sectors of the economy as a key element of the Mauritian economy success. As an example, mention is made of the global business companies sector which is in the process of adjusting to international efforts against tax avoidance.

According to Moody's, we have heightened global and bilateral scrutiny on tax evasion and financial transparency. Government has had to adjust their regulatory framework, including amending the country's existing Double Taxation Avoidance Agreement with India. This has not brought any negative pressures on the balance of payments or the GBC sector. Instead, Moody's believes that Government has been proactive in supporting the industries' ability to adapt, to heighten global and bilateral scrutiny on tax evasion and financial transparency by adjusting the regulatory framework accordingly.

Moody's also expects Government debt to decline to around 55% of GDP in 2018 and expected to stabilise. Under the rating agency's baseline scenario, the fiscal deficit will remain at around 3% of GDP and that will be sufficient for Government debt to remain broadly stable over the next few years.

Mr Deputy Speaker, Sir, according to Moody's risks associated with the level of Government debt are mitigated by several factors –

- (i) the exchange rate risk due to the small share of foreign currency denominated debt accounting for less than 20% of total debt and compose entirely of official sector debt;
- (ii) 95% of domestic debt has a fixed interest rate;
- (iii) the average time to maturity of domestic debt has increased to 5 years as of June 2017 from 3.3 years as of June 2012, and
- (iv) the average time for refixing of total Government debt, a measure of interest rate risk has steadily increased and reached four years as of June 2017.

Finally, the stable outlook reflects Moody's expectation that economic policies will gradually address ongoing challenges, including those related to global efforts against tax avoidance and that Government debt will remain broadly stable. Moody's is of the view that the strength of the country's institutional framework supports the Government's capacity to carry an elevated debt burden.

Thank you.

(4.18 p.m.)

**CWA - MOBILE CONTAINERISED WATER TREATMENT PLANT -
PROCUREMENT**

The Deputy Prime Minister: Mr Deputy Speaker, Sir, ...

(Interruptions)

The Deputy Speaker: Order!

The Deputy Prime Minister: ...with your permission, I would like to make a statement on the procurement of mobile filtration plants by the Central Water Authority with particular reference to Parliamentary Question B/23 of last Tuesday.

In my reply to that Parliamentary Question, I informed the House that on 22 December 2017, the Central Water Authority had awarded a contract bearing No. 124 for the supply and installation of 10 mobile water containerised filtration plants to Chemco Ltd for Rs56,719,000, excluding VAT.

In his supplementary questions, the third Member for Rivière des Anguilles and Souillac made certain statements which may have left the impression that the bidding exercise had been improperly conducted.

I would like to provide the correct facts for the information of the House.

Firstly, the hon. Member mentioned that, I quote –

“One of the unfortunate bidders went to IRP, won the case (...).”

The Central Water Authority has informed me that no aggrieved bidder has won any case in relation to contract No. 124 for the supply of 10 mobile filtration plants. I have personally consulted the website containing decisions of the Independent Review Panel and this is confirmed.

In fact, two bidders EDCC Co Ltd and Pipeline Utility Solutions Ltd had applied to the IRP to pursue of their challenges against the decision of the CWA to award contract No. 124 to Chemco Ltd.

The IRP found no merit in either of these two cases and set them aside. The IRP reports - Cause No. 28/17 dated 23 March 2018, that is, well before last Tuesday and Cause

No. 29/17 dated 15 January 2018, even well before last Tuesday, are available for consultation on the Public Procurement Portal.

Secondly, in the same supplementary question, the same hon. Member stated that EDCC -

“(...) actually supplied same equipment to the CWA at Salazie (...).”

And –

“(...) a manufacturer who is not compliant technically, how come they bought the same equipment from the same supplier and it is still in use?”

Mr Deputy Speaker, Sir, on 28 March 2016, CWA awarded a contract (number 44) - that is a different contract - to EDCC for the amount of Rs50,531,407.29 (Excluding VAT) for permanent works for abstraction and treatment of pumped raw water from a new intake at Rempart River to Salazie Reservoir. The supply of water filtration plant was one component of this broader works contract, which includes pipe connections.

The contractor supplied the water filtration plant on 13 January 2017 at Salazie, but the plant is not being used, contrary to what the third Member for Rivière des Anguilles and Souillac stated. It will be put into use only after the pipe connections and ancillary works are completed. It will be used permanently on site and it is not a mobile filtration plant. Contract No. 124, on the other hand, is for mobile and not for permanent filtration plants.

Thirdly, the specifications for the filtration plant at Salazie under Contract No. 44, did require that there should be an appropriate fiber glass or polyethylene tank for automatic backwashing of the filters. The location of the tank was not specified. For contract No. 124, however, that is, the supply of 10 mobile filtration plants, there is provision of appropriate size pure water tank for backwashing twice daily. It is also specified that the tank should be located outside the container.

Mr Deputy Speaker, Sir, before the Independent Review Panel, the representative of EDCC was at pains to explain that a separate tank for automatic backwashing was not necessary. Whatever the views of anybody, the fact is that the specifications required such a tank and strict compliance was required.

Fourthly, the third Member for Rivière des Anguilles and Souillac stated that the bid from the aggrieved bidder was Rs5 m. lower in price than Chemco Ltd which “has never

supplied such equipment to the CWA for at least once for the past ten years as stipulated in the tender document.”

There was no requirement in the bid that the “supplier should have supplied such equipment to the CWA at least once for the past 10 years.” The requirement of the tender was that –

- (i) evidence that the manufacturer - I stress on the word ‘manufacturer’ - has at least five (5) years of experience in the manufacturing of containerised pressure filtration plants, and
- (ii) the bidder should have been involved in a similar activity during 5 years.

The selected bidder satisfied both these requirements by submitting a list of projects undertaken by the manufacturer, B&P Water Technologies, SRL, Italy. It also satisfied the Bid Evaluation Committee that it had been involved in water treatment activities, i.e., “similar” activities. In any event, nobody, not even EDCC, raised this point before the IRP and it is only in the Assembly that this matter was raised.

Fifthly, the hon. Member also mentioned that “such plants require precise maintenance because of the public health risk that is involved, that it is stipulated in the contract for after-sales service and that Chemco Ltd does not have any electromechanical workshop for such servicing.”

The selected bidder has provided to CWA documentary evidence that it has an electrical and mechanical workshop at Fort George with qualified technical personnel.

Mr Deputy Speaker, Sir, the procurement legislation provides for aggrieved bidders to apply to the IRP if they consider that they have been unfairly disqualified from the bid exercise. In this case, the bidders have applied and the Panel has set aside the applications. It suffices that I conclude by reading an extract of the ruling of the IRP –

“The Applicant did not convince the Panel at all its mechanism in the water treatment and backwashing. If the Temak-Twin filtration plant is used, it is not found to produce hygienic and pure water. Certainly, this could arouse the risk of the filters without a separate automated backwash to get clogged which would undesirably result in the plant to stop its daily filtration of water.”

Even now, should EDCC still be unhappy, their recourse is to apply to the Supreme Court for judicial review.”

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Minister of Tourism!

(4.28 p.m.)

**DIGITALISATION AND SUSTAINABLE TOURISM – INTERNATIONAL
CONFERENCE**

The Minister of Tourism (Mr A. Gayan): Mr Deputy Speaker, with your permission, I have a statement to make.

I wish to inform the House of the holding of an International Conference on Digitalisation and Sustainable Tourism, which is being organised in the context of the celebration of our 50 years of independence at Le Meridien Hotel, Pointe aux Piments from 23 to 24 May 2018.

The two-day conference will bring together high-level policymakers, including Ministers of Tourism, CEOs of Tourism Boards, specialists, academics and experts to reflect on the challenges and opportunities of digitalisation for the tourism industry. It aims to be interactive and a proper forum for exchanging views and sharing of best practices. High profile speakers will make presentations on the following topics -

- (i) technology transformation and tourism;
- (ii) redefining destination marketing strategy in the digital era;
- (iii) challenges to digitalisation of the tourism sector;
- (iv) tourism and the SDGs;
- (v) enhancing destination competitiveness through technology and innovation;
- (vi) fostering sustainable tourism development in the digital era, and
- (vii) future orientation of the tourism industry.

Originally, this project was to be implemented by IC Publications, a UK-based firm in collaboration with the MTPA. However, that arrangement was cancelled as that firm failed to honour its commitments and meet the set milestones.

Consequently, my Ministry has taken over the project and, in collaboration with the MTPA and the Tourism Authority, it is currently making all the necessary arrangements for

the holding of the conference on the initial days, that is, from 23 to 24 May 2018 on the same theme, i.e “Digitalisation and Sustainable Tourism”.

Thank you.

(4.29 p.m.)

NATIONAL WAGE CONSULTATIVE COUNCIL - NATIONAL MINIMUM WAGE

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn): Mr Deputy Speaker Sir, with your permission, I wish to make the following statement.

The House will recall that on 24 May 2016, Government took the decision, in line with its programme, to introduce a National Wage Consultative Council Bill. Subsequently, the Council was set up with the objective of submitting recommendations for the introduction of a national minimum wage in the private and public sectors with a view of improving the living conditions of the lowest paid workers.

The Council, which is a tripartite composition, is an independent institution and came into operation on 01 September 2016. It submitted its recommendations in November 2017 after consultation with the social partners. In December 2017, Government decided to fix the national minimum wage at Rs8,140 a month for all workers in both the private and public sectors. The national minimum wage was then introduced by way of Regulations with effect from 01 January 2018.

The workers in the non-EPZ sector were also granted an additional remuneration of Rs360 a month plus an allowance of Rs500 paid by Government through the Mauritius Revenue Authority. As regards to EPZ sector, the national minimum wage is inclusive of the additional remuneration 2018, and workers are being paid an allowance of Rs860 a month by Government through the MRA.

Thus, all full-time workers of this country are being guaranteed a monthly revenue of Rs9,000.

Similarly, all part-time workers are also benefiting from the payment of a national minimum wage on a *pro rata* basis.

Mr Deputy Speaker, Sir, we have witnessed a historic example of participative social dialogue between representatives of workers and employers, in spite of their differences.

The Council submitted its recommendations to me before the prescribed period of 12 months, and the national minimum wage became a reality as from 01 January 2018.

Government, in consultation with the social partners, has done better than the Council by ensuring a monthly revenue Rs9,000 a month to all workers.

Today, 120,000 workers of this country are benefiting from national minimum wage.

Mr Deputy Speaker, Sir, with a view to enforcing the payment of the national minimum wage, my Ministry has set up that a Flying Squad. As from 30 March 2018, a total of 2,678 inspections were carried out covering some 40,000 workers. Today, I am glad to inform the House that nearly 80% of the enterprises visited are complying with the payment of the national minimum wage. The remaining has agreed, as a matter of principle, to pay the national minimum wage and have requested for a short delay to adjust their payroll system. With a view to maintain sound industrial relations, my Ministry has agreed to provide a grace period up to 31 March 2018. I would like to inform the House that *Compliance Notices* have already been issued to the employers concerned and legal actions would eventually be initiated against those employers who fail to comply with the Regulations.

I wish to reassure the House that my Ministry will continue its island wide inspections in order to ensure compliance.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: I suspend the sitting for half an hour.

At 4.34 p.m., the sitting was suspended.

On resuming at 5.08 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please, be seated! Hon. Jhugroo!

PUBLIC BILL

Second Reading

POUCE STREAM (AUTHORISED CONSTRUCTION) (AMENDMENT)

BILL (NO. II OF 2018)

Order for Second Reading read.

The Minister of Housing and Lands (Mr P. Jhugroo): Madam Speaker, I move that the Pouce Stream (Authorised Construction) (Amendment) Bill (No. II of 2018) be read a second time.

The main object of this Bill is to amend the Pouce Stream (Authorised Construction) Act in order to provide for the construction of a cantilevered multi-storeyed building over part of the Pouce Stream by Caudan Development Ltd.

Madam Speaker, the Pouce Stream (Authorised Construction) Act was passed in the National Assembly in the year 1992 to allow construction of a car park and a landscaped pavement over specific section of the Pouce Stream by MEDCOR. A first amendment was brought to the Act in 1996 to allow the construction of a car park by Rogers Company Ltd. over that part of the Pouce Stream adjoining its property.

The proposed amendment to the Act will allow Caudan Development Ltd to undertake the development of a cantilevered multi-storeyed building over the Pouce Stream in the context of Phase 3 of its development project.

Madam Speaker, the proposed project consists of a theatre and arts building, part of which have a cantilevered structure projecting over part of the Pouce Stream. The Development does not, in any way, cover the Pouce Stream. I repeat, the development does not, in any way, cover the Pouce Stream. I am circulating a picture of the development so that hon. Members can see that the cantilevered structure is an enclosed balcony which will protrude over the Pouce Stream, and also one copy for each Member of the National Assembly.

A general set back of over three metres has been kept alongside the water edge in accordance with existing Guidelines. According to the provisions in the schedule, the balcony shall be at a minimum height of 8.75 metres above mean sea level, and protrude over the stream by 5.23 metres. The total area of the cantilevered structure will not exceed 49 m².

Even though the development is not on the bed of the Pouce Stream, my Ministry has made it a point to seek the views of the National Disaster Risk Reduction and Management Centre and the latter has raised no objection to the development project. The Ministry of Public Infrastructure and Land Transport and the City Council of Port Louis have, *inter alia*, given their consent to the proposed development.

With these words Madam Speaker, I commend the Bill to the House.

The Deputy Prime Minister rose and seconded.

Madam Speaker: Hon. Members, the hon. Minister has been very brief. This being an amendment Bill, I expect hon. Members will confine themselves within the parameters of the Bill.

Hon. Armance!

(5.12 p.m.)

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Madam. Thank you for giving me the opportunity to comment on the amendment that Minister Jhugroo is bringing to the House today. I will need some piece of introduction, but I am not going to enlarge the debate.

Few days ago, we were on the 30th of March...

Madam Speaker: Hon. Armance, I am sorry to interrupt you. But, please, I am just asking you to confine yourself within the parameters of the Bill. You can have one sentence, but if you open the debate, then everybody will open the debate. I have listened carefully to hon. Jhugroo, and I find that he has confined himself to the amendment, that's why I made the remarks before I start. I am just drawing your attention to this.

Mr Armance: I will just stick to the Bill, and I am just going to stick to the Pouce Stream as well. Because, what I was referring to is that on 30th March, the obstruction happened that day because of favorance. So, it is related to the Pouce Stream.

Donc, Madame la présidente, l'île Maurice a connu ses pires moments ce fameux 30 mars. Cependant, aujourd'hui, le ministre apporte des amendements au Pouce Stream pour permettre au promoteur de construire un *cantilever* de 8.75 mètres au-dessus du ruisseau du Pouce.

If I refer to the amendment in Clause 3 (1) (a) it specifies that –

“(...) such conditions as the Minister may determine, construct a cantilevered multi-storeyed building over the land (...)”

Je répète, c'est dit '*over the land*'.

In Clause 4, we also note an amendment to insert the words “car parks” and “and cantilevered multi-storeyed building”.

This project, Madam Speaker, was announced in year 2016, if I am not mistaken. Yet, I believe that the construction has already started on the site, and now we are in 2018. It is only now that the Minister is bringing this amendment to the House. My concern is: when did the promoter apply for the building permit? Was he aware at the time of the application that there should have been an amendment to the Bill to allow him to start the construction, and has he already started the construction on site? Has the Municipality of Port Louis given the go-ahead? He just mentioned now that the Municipality gave the go-ahead. How come the Municipality gave the go-ahead to the promoter to start the construction, and yet, the amendment has not been approved by this House? So, for me, there is something wrong. The legislation has not yet been amended, but the Municipality of Port Louis is giving the go-ahead. Maybe the hon. Minister can inform the House what is the extent of the on-site work?

To build a cantilevered building, the contractor will have to use support work; he will have to use scaffolding during the construction period and for the whole construction period. One will need to support underneath the building. So, at all point of time there will be scaffolding into the stream. I fail to understand now, how he is coming to tell that there won't be any obstruction in the stream because, to my understanding, there will be a potential danger. I want to go back to this famous 30th March, where we had obstruction to the river, where the river cannot take all the water that was coming to Port Louis. And if ever now the contractor start putting scaffolding inside the stream to hold the building, so we all fear that we have the same problem that we had again on 30 March.

I am not against any development, Madam Speaker, and I am not against any project for Caudan development. But, I would like the hon. Minister to assure the House that the promoter and the construction company adhere to all safety guidelines led by the Ministry of Labour, that the contractor uses appropriate scaffolding falsework or foamwork to ensure that there is no obstruction in the stream, that all procedures for obtaining the clearance from all authorities be adhered to before he continues with the work.

To be on the safe side, I would also suggest that an officer or an engineer from the Minister of Labour go and assess the site, go for regular site visits. We don't want to have another 30th March. So, let's now try to avoid it and go and visit the site all along the construction period. And lastly, that the Minister of Environment requests an EIA assessment or any report from the promoter and the contractor to ascertain that there is no cause of pollution in the river.

Madam Speaker, as a responsible Member of this Parliament, let's make sure that no more *construction sauvage* is being done and that we care for the safety of our citizen.

Thank you.

Madam Speaker: Hon. Shakeel Mohamed!

(5.18 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Thank you, very much, Madam Speaker. I have listened very carefully to the hon. Minister. It was not very difficult since he was very precise as you, Madam Speaker, put it and he was very direct to the issues at hand, specifically what is provided for in the Bill.

However, and that 'however' I say it because I have had a conversation and I am sure he will not object that I share it with the House today and I have asked him before saying it first. I had a conversation with him this morning because, at one point in time, I, myself, witnessed approximately four metal piles made out of seriously strong metal being plunged into the course and the bed of Le Pouce Stream. And I have, here, photographs which I will table. The photographs that show clearly that this - and I took these photographs myself this afternoon, so, we will not get into an issue as to how to certify the photographs. I myself took it. I myself witnessed that it was being put in the streambed in front of that building.

Now, when the hon. Minister presenting the Bill shows us this beautiful artist design of a 3-D impression of what the building will be, it is indeed a beautiful structure. I totally understand that all of us are in awe or should at some time admire this beautiful structure. But then, again, the devil is in the detail.

The purpose of us coming to this august Assembly with a piece of legislation is not simply to be a rubber stamp for any process that would facilitate construction or facilitate a wrongdoing. If there is something unlawful that is being done by any company, by any private individual, it is our duty not to come and make what is unlawful lawful.

So, if someone, for instance, to simplify it for Mauritians to understand for posterity what I am trying to mean is, if someone is doing something which is unlawful such as taking over public domain, State land for himself, we cannot come to quote here, after he has taken it over, after he has built onto it, come and say what he has done is right because that would be making as though we are *des* accomplices of this company that is doing something wrong.

In this particular instance, everyone knows that the company that is concerned, if not mistaken, is Caudan Development and everyone knows that it is a listed company. And, I underline that fact - it is a listed company. That listed company - and that is the information I shared with the hon. Minister this morning - has decided upon itself, without any authorisation from the Municipal Council of Port Louis, I obtained that confirmation from the hon. Minister, without having complied with the Rivers and Canals Act, I informed the hon. Minister and the hon. Minister has confirmed to me through his Permanent Secretary after he verified and I thank him for that - that they did not even comply with the Rivers and Canals Act when they proceeded to have the four metal piles placed in the riverbed.

But then people will say: Are we not as honourable Members of Parliament and friends, Madam Speaker, are we not here, as elected Members of this House, to ensure that we give the good example? And I am calling out, Madam Speaker, to each and every Member of the Opposition and of Government, specifically Government, we are all here on equal footing. We are all here elected to ensure that we give the good example that we show respect for our laws.

Section 25 of the Rivers and Canals Act of the Republic of Mauritius states the following, and I quote –

“(1) Except with authority from the Supreme Court, no person shall —

(b) make or place any dike, dam, basin, or construction of any kind in the course of, any river, stream, or run of water that is public property.”.

First question: Is the Pouce Stream public property? Answer: yes. Has Caudan Development, which is a listed company, obtained authorisation of the Supreme Court to place those metal piles in the riverbed? I ask the hon. Minister. And I have no doubt in him giving me the right information and he himself verified that this company never obtained the authorisation from the Supreme Court. This is what he told me and I believe what he tells me.

So, if this company has not even obtained authorisation from the Supreme Court and has violated section 25 of the Rivers and Canals Act, we are here called upon today to vote a piece of legislation that will, in some sense, come and give credence to an unlawful situation. We are here to help a private listed company to continue development when this company is in violation of the laws that us, Parliamentarians, have voted!

When the persons, *lambda*, outside this House, go to the Municipal Councils, they are told: “we will not give you any authorisation or clearance unless you have all clearances”,

and one of the clearances required is here: the authorisation of the Supreme Court in line with section 25 of the Rivers and Canals Act. But the Municipal Council *malgré qu'il n'y avait pas cette autorisation comme confirmé, et je remercie M. le ministre pour cela, malgré qu'il n'y avait pas eu l'autorisation de la Cour suprême, cette société*, a public listed company went ahead and violated section 25 of the Rivers and Canals Act.

Now, what is our role today? Do we close our eyes and pretend that this violation never happened? Because if we are to simply vote this law, what we are saying is that we are saying to this company: “you can be a public listed company but because you are a big company, because you are a strong company, because you are a rich company, we will shut our eyes and pretend you have done nothing wrong.” This is what we will be saying, friends!

To be fair to the hon. Minister, he himself was not aware of this wrong. I am sure had he been aware of that, he most probably would never have moved for the First Reading. That is how much I know him. But now that he knows it, I do not think he should have moved for the Second Reading.

So, how do we act in a situation like this? Because, as my hon. friend speaking before me, has said rightly so, how did the Municipal Council give them the permission to go ahead with this construction even before the hon. Minister came to make a motion to that effect for a First Reading or Second Reading. This means they gave it without bearing in mind that the permission of the National Assembly was required. Double wrong! And what are we asked, Madam Speaker, today is to come and to vote to allow this company which is going to construct a beautiful building that we are all in awe of and admire its structure and we are just going to be asked today by our vote to close our eyes, as I have said, and to pretend that this wrong never happened because they are Caudan Development and they are a listed company!

Is this the message we are going to send to the people out there, Mauritians listening to us today *que l'on peut ici, à l'Assemblée nationale, Madame la présidente, oublier l'essentiel? Et ce n'est pas quelque chose de simple, c'est la loi de ce pays*. Are we to put it aside to satisfy the might of this listed company?

Now, I base myself and I say it, on all the information that the hon. Minister has shared with me and I am happy that he has been nodding there with approval, he has been acquiescing. But there is something even most important and the hon. Minister talked about the car parks of 1992 and the car parks of 1996. I am not trying to open the debate, but sticking to what he has said.

There was this judicial inquiry that happened, and my good friend from the PMSD stated earlier on about the floods - very sad occasion - of 2013. But the judicial inquiry came up with a beautiful report, and in that report, there is reference made to some very important lacunas pertaining to the Pouce Stream, and I would like to invite the hon. Minister to take that into consideration in line with the car parks that he has made reference to. The Director of Public Prosecutions issued a statement, a communiqué, following this judicial inquiry, and his communiqué is dated 06 January 2015. And more specifically at paragraph C of that communiqué from the Director of Public Prosecutions, following the judicial inquiry in all the deaths that ensued the tragic day when there were the flooding in the Capital City, I read –

“Structures on Le Pouce Stream and Le Pouce Canal which have been allowed by the Authorities have reduced the cross-sectional area of the canals, for instance the construction (...)”

And here, that is important –

“(...) of KFC building on Chaussée Street on Le Pouce Canal. The foundation of KFC building is on the drain and it creates an obstacle for the water flow.”

Madam Speaker, it goes on to talk about not only KFC building, but it talks about the covered spaces of Air Mauritius Parking, Rogers Parking, Hawkers palace and Garden Tower. The report says –

“Columns have been casted on the river course.”

Le Pouce, the one that is the subject of today’s legislation.

Now, I am not here to go into who was at the time in power, because that is irrelevant. I am not here to go into who is to blame; that is irrelevant. I am simply going to say that we, as Parliamentarians, are all responsible, whatever be the side of this House that we are sitting on, because we are all duty bound. I humbly say so. I am not, in any way, trying to give lessons. Some may think I am, but I am not. I am simply saying that I take responsibility as well. We are all, together, brothers and sisters, hon. Members responsible for what we do today in this House. If we are to vote, we are, therefore, going to say that we are accomplices of wrongdoing.

In fact, what I am going to do, today, Madam Speaker, is maybe something which would surprise the hon. Minister. It would surprise my good friends on all sides, both sides of

this House. I am going to ask him not to proceed with this Bill because I want, and I would humbly request, I beg of him to send a message to all the country outside, send a message to the rich, to the one who is not rich, to Mauritians who are all equal in our eyes and in the eyes of the law. Send a message out there that you shall not be allowed to violate the law. Send a message that you will not be taking time of the august Assembly to satisfy a public listed company that we do not know has, yes or no, breached section 25 of the Rivers and Canals Act, unless the Minister comes and shows us, because he said to me they have not obtained Supreme Court permission. But if they have, fair enough! But if they have not, how, in the name of reason, how, in the name of the people of this country, can we proceed with this Bill today? I beseech him; I implore him not to proceed with this legislation because it would be sending a message out there that we are ready to condone what should never be condoned.

Thank you.

Madam Speaker: Hon. Rutnah!

(5.32 p.m)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. It would have assisted me greatly in my intervention if my very able and learned friend, hon. Mohamed, could have provided me with a picture that he has taken this afternoon in relation to the four poles, because if he is raising a question in relation to section 25 of the Rivers and Canals Act, it is very important that we deal with this area of law. Because the law relating to the Rivers and Canals Act does not cover - as I see it, these are scaffolding that have...

(Interruptions)

Is the hon. Member talking about these?

(Interruptions)

Madam Speaker: Please! No crosstalking! If you have something to say, please stand up and say it.

Mr Rutnah: Very well. I have to be fair to my friend. I have to have a look at it. Because as I read section 25 of the Rivers and Canals...

(Interruptions)

Madam Speaker: Hon. Thierry Henry!

Mr Rutnah: It reads as follows –

“No one to stop or alter river or stream”

And subsection (1) of section 25 –

(1) Except with authority from the Supreme Court, no person shall –

- (a) stop or change the course or level of; or
- (b) make or place any dike, dam, basin, or construction of any kind in the course of,

any river, stream, or run of water that is public property.”

So, if these pillars have been placed, at the moment, in order to assist in the construction of the building and then, later on, they will remove them - I do not know because when I see the picture that has been circulated by the hon. Minister, I do not see those poles actually coming into the bed of the river, but they are actually outside the river. So, if these two poles have been fixed on a temporary basis simply to allow the construction, then I do not think it breaches section 25 because it does not form part of a construction. I am not defending it. I am saying, because we cannot come here and just criticise the company because it is a listed company. Everybody will recall, those who have gone to see the law previously amended in 1992, when hon. Jayen Cuttaree brought this Bill into the House, there...

(Interruptions)

Madam Speaker: Can we have some order in the House, please? Yes, hon. Rutnah, please continue!

Mr Rutnah: Thank you, Madam Speaker. In 1992, when hon. Jayen Cuttaree brought the Bill in the House, there were lots of criticisms about the same issues; that the House is going to give authorisation to private companies, then MEDCOR, that they are not going to pay appropriate fees to the parking. And then, in 1996, when hon. Alan Ganoo was Minister, same criticisms were levelled in the House by hon. Jeewa, if you would remember. And then, eventually, what it was and what it is all about? It is all about whether we want to develop our city or not. If we want to develop our city, if we want to make progress, we have to do, what we call, a give and take; it is an opportunity cost. So, we have to sacrifice something if we want to develop. And one of the sacrifices was to allow constructions on the bank of the Pouce Stream.

Now, if in those days we would have succumbed to the criticisms, we would not have had Caudan Waterfront, we would not have had all those development there. We would not have had a Kentucky, we would not have had Air Mauritius Building, we would not have had those parkings. So, we have to have an opportunity cost on every development. Similarly, if these two poles, Madam Speaker, have been placed in order to allow the construction of this cantilever, because when I see the picture, there is a cantilever and there are no poles outside. But the poles that I see from the three dimensional picture are all on the bank of the river. So, if now they have placed those two poles, then those poles will not stop or alter the river or the stream.

(Interruptions)

Yes!

Madam Speaker: Please, no crosstalking!

Mr Rutnah: When I say, if those poles have been placed temporary in the bed of the river, they are not altering or they are not stopping the river or the stream. Now, if we look at that subsection (a) of the Act –

“(a) stop or change the course or the level of”

Again the two poles temporarily put will not change or stop course or level of the river. Subsection (b) -

“(b) make or place any dike, dam, basin, or construction of any kind in the course of, any river, stream or run of water that is public property”.

So, the law is very clear. If it is put there simply to aid the construction, then, in my opinion, there is no breach of section 25 and there is no need for an order from the Supreme Court of Mauritius. But if my reading is wrong and if really - and this is where the point is - those who are developing that site are planting poles into the bed of the river, then clearly there is a breach of the law and they ought to have gone and seek authorisation first from the Local Council, that is, the Municipality of Port Louis and also they should have got an Order from the Supreme Court. That is the law. We cannot bypass that.

At the end of the day, I am not in total agreement with my friend, hon. Osman Mohamed, to say that because of the two poles that have been fixed in the water, the hon. Minister should not do the Second Reading of the Bill. Now, the Second Reading of the Bill can still continue with an amendment. The amendment being subject to authorisation either

retrospectively or subject to the demolition of the intended pole, the pole which is intended to stay there on a permanent basis subject to those condition, the Bill can still proceed and we can still vote. But we, as a Government, we should not allow either a public company or a private company, whether it is listed on the Stock Exchange or not, to breach the law of the land and we are here to endorse that breach. I am not going to accept that and I am sure Members on this side of the House as well will not accept. But there are reasonable steps that Government can take to ensure that at the same time we do not cause impediment in the development of our city and in the progress of our city, so that the next generation of Members of Parliament who will come into this House will not have to actually come back to correct a mistake that we have done today. I am sure that for the sake of progress, we should allow the construction, but if there are any amendments to be made, if there is any report to be made, that should be made subject to those amendments.

On this note, Madam Speaker, thank you very much.

Madam Speaker: Hon. Osman Mahomed!

(5.42 p.m)

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. Madam Speaker, Port Louis starts from the mountain and ends with the sea and in between there is a lot of developments that have intensified over the years. So, how is water channelled from the mountains to the sea is through major drains that have been constructed by the French during the colonial days and subsequently by the British. So, what happens today is that the permeability of the soil in Port Louis has been dramatically reduced, so much more water flows into those drains than it used to be once upon a time.

Now, I agree that construction have occurred at Rogers, KFC and MK, but these have not been without consequences. Consequences have been the damaging effects of the flash floods; this is well captured in a report, but the consequences are health issues as well. Because we have covered these drains, how do the people that are responsible for cleaning waterways go underneath to clean these drains? Now, just only recently, I have read in the Papers that there were very foul smells in the region of St Denis Street where the drains have been covered. This is precisely because ...

Madam Speaker: Hon. Member, are you referring to Le Pouce Stream?

Mr Osman Mahomed: Yes, Le Pouce Stream.

Madam Speaker: You are referring to Le Pouce.

Mr Osman Mahomed: Yes. Madam Speaker, if there is one feature that passes through my Constituency, that is, Le Pouce Stream, from Le Pouce itself through Tranquebar, to Bangladesh to St Denis Street, to Gayasing Street, to Jardin de la Compagnie and all the way to the sea. So, I have no choice but to intervene into the minor details because it affects the livelihood of the people in my Constituency.

As a matter of fact, Madam Speaker, I am going to read to you a message that a lady has sent to me this morning following the press article and it reads as follows –

« Je travaille en face du Pouce et à côté du Ruisseau, aux moindres pluies, le Ruisseau se remplit à une vitesse incroyable. Alors, si le gouvernement veut battre le record du flash flood de 2013 en nombre de décès, continuez à persister dans vos bêtises. »

This can be read on my Facebook page as a comment this morning.

Now, I have to express the views of the people who have contacted me once they have known that we are going to intervene at the very spot where the flash flood took the lives of people five years ago. Exactly 5 years ago, in March 2013! Hon. Shakeel Mohamed has raised the issues of the four piles. True enough, they have been constructed without permission, but to me, they raised two issues, Madam Speaker. The first one is, as far as I know, Le Pouce Stream has been covered with masonry or concrete throughout. So, by digging these piles, have we not damaged that concrete soffit of that drain? This is my first issue. The second issue, if we keep on piling at the wrong time of the year, what will happen if tomorrow - God forbids! -, there is a major flash flood, what will happen is these piles will act as obstruction to the wastes that get carried upstream and downstream and they get blocked with those piles and then the water builds up and this is where the flash flood will flood Port Louis. These are the uncalculated consequences of piling or doing all kinds of structures in the Pouce Stream.

True that hon. Shakeel Mohamed has raised the issue. I can summarise it as follows: when in doubt don't, but I think we have to look carefully. If ever this Bill passes in the House today, at what period in time are we going to allow the supporting structure to the cantilever being constructed to go ahead? By that I mean, if we do it now, we have not passed the heavy rainfall period, so we have to do it in a period where there is least rainfall so as to minimise the risk of flash flood – not knowing for sure. I think that the hon. Minister has not

given precision in his speech, how long will this construction take place, for example. How long will the supporting structure be in Le Pouce Stream? I understand from him that there is going to be a balcony, a cantilever, but like hon. Armance has said, there will need to be supporting structures to allow for the concreting operation. So, we need to know how long these structures are going to be in Le Pouce Stream and at what period during the year. This is a moot point I would like to raise today.

Of course, if the Bill passes in the House, we need to take all the precautionary measures so as to prevent such occurrence as we have had in March 2013. There is one point that I would like to end with, it is the *usurpation de pouvoir* that has been demonstrated throughout the speeches of my colleague. So, we have to forbid this because if we allow such things to pass in this House, we are going to open up - and I am going to use a term - open the floodgate to abuse in the future.

Thank you for your attention.

Madam Speaker: Hon. Lesjongard!

(5.48 p.m.)

Mr G. Lesjongard (Second Member for Savanne & Black River): Thank you, Madam Speaker. We are today debating on a small amendment to the Pouce Stream Bill, that is, the Pouce Stream (Authorised Construction) (Amendment) Bill in order, as it is stated in the Explanatory Memorandum, to provide for the construction of a cantilevered multi-storeyed building over part of the Pouce Stream.

I have listened carefully to what has been said by Members of the Opposition who have intervened before me and I will try to bring forward arguments that will explain why we have this piece of legislation in front of the House today. And I believe that with regard to what hon. Shakeel Mohamed has stated in his speech, that is, the piling works that are ongoing and what later hon. Osman Mahomed has referred to as a supporting structure which is there on a temporary basis.

But let me say something on what we are debating today, because I, myself, when I first read the Explanatory Memorandum, I thought that the construction of that cantilevered multi-storeyed building was being done over part of the Pouce Stream because it has been stated earlier that whatever legislation that we have brought in this House regarding construction on the Pouce Stream has been done with regard to the construction of parkings or the construction of underpasses. This is a totally different case, that is, the permanent

structure will be a cantilevered structure which will hover in the air. It has got no physical contact with the Pouce Stream, this will be the permanent structure of that building, but we have to agree that. Until we reach the final phase of the construction of the building, we have to have temporary structures to be able to carry out the construction.

As it is stated, this is a modern type of construction where the columns will not be on the Pouce Stream; it will be on firm land. So, I think I have to make this point for the House to understand what type of construction we are dealing with.

Because, as I have stated, both in 1992 and 1996, when we amended the Pouce Stream Bill, it was for construction over the Pouce Stream, and it is good that hon. Shakeel Mohamed referred to the communiqué in relation to the tragic events of March 2013 because it was related to the Pouce Stream whereby it is true that in the past we have allowed construction to be made on the Pouce Stream that has caused problems during heavy rainfall.

But we should also bear in mind that today, because of climatic changes, we have to ensure that the construction which is taking place at Caudan, will not cause any obstruction with regard to the flow of water in the Pouce Stream, that is, flow on both sides, flow coming down from the Pouce Mountain and flow of water coming also from the sea. So, in both cases, we have to ensure that this will not cause any problems with the flow of water in the Pouce Stream.

Having said that, Madam Speaker, I think it is clear that those temporary pilings, I think, the Minister will check whether permission was granted to the building company to put those temporary piles. If no permission was granted, then I think Government will have to act, but, nevertheless, this should not prevent us from voting this piece of legislation because this piece of legislation, it is clear, as stated in the Explanatory Memorandum, will give permission for the construction of that cantilevered building above the Pouce Stream.

With regard to development in the Port Louis area, one should not forget that whatever is taking place in the Caudan area is being carried out on reclaimed land and the purpose of reclaiming land in that area is to be able to develop that area. But what we should ensure is that whatever construction will be done in that place, we should make provision, not only with regard to Pouce Stream, we should not forget that the Pouce Stream was constructed at the time of Mahé de La Bourdonnais so many years ago and like we say, it is still going strong that stream and we should take into consideration that whatever construction now which is being taking place in that area, whether it is construction of

buildings or construction of roads, adequate provisions should be made for drainage works to be carried out so that whatever excess water that we have in that area, especially like I said today with heavy rainfall that we are witnessing, that water, that additional, that excess water can be carried out to the sea.

With these words, Madam Speaker, I am done.

Madam Speaker: Hon. Uteem!

(5.57 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Madam Speaker, the question I asked myself when I read the Bill last week is: why are we, this House, being called upon to vote this Bill? The object, as explained in the Explanatory Memorandum, is to provide for the construction of a cantilevered multi-storeyed building over part of the Pouce Stream.

Now, who is going to construct that cantilevered multi-storeyed building, is it the Government, is it a Government-owned enterprise, is it a joint venture between the Government and the private sector? No! It is a private promoter. And what we are called upon to do today is to allow a private promoter to build over property that does not belong to him. We are going to vote a law to allow a private promoter to build a multi-storeyed building over a stream; a stream which, by virtue of the Civil Code and by virtue of the Rivers and Canals Act, is what we call ‘public domain’.

So, what we are doing today - and let make no mistake about it -, we are privatising public property. We are privatising part of the Ruisseau du Pouce, the Pouce Stream, and I have not heard a word from the hon. Minister, from anyone intervening on the other side of the House, which is supporting this Bill, telling me why this House must vote a law, must amend the law to allow a private promoter to be able to construct, and no doubt, commercially exploit what belongs to the nation, what belongs to every one of us, what is public domain. Why? Why are we doing this largesse? Who is this promoter? What is he bringing to Mauritius? This is what I expected the hon. Minister to tell me. He is telling us, “please, amend the law and allow - not the Government, not Landscape, not a property belonging to the Government - to build over public space”; allowing a private promoter to construct on top of a private domain. And why now?

Hon. Armance rightly pointed out. We need to know. At the time this private promoter applied for a building permit at the Municipal Council of Port Louis, did he state

that he is going to construct a cantilevered multi-storeyed building over public domain, over property that does not belong to him? And did the Municipal Council and all the Councillors - because today there are more Councillors than technical people in the committee approving building permits - say anything, that he cannot build over property that does not belong to him? Or did he not mention anything about the cantilevered building, and now, after the change in Government, this promoter is asking this House to amend the law so that he may now be able to build a cantilevered multi-storeyed building? I ask again why. Why are we being asked to give such largesse to that private promoter? And not a word from the hon. Minister! I hope, in his summing-up, he will address this point, because the nation needs to know why we are changing the law to please one promoter.

Hon. Shakeel Mohamed made a fair comment; section 25 of the Rivers and Canals Act. It is worth saying it again –

“Except with authority from the Supreme Court, no person shall –

- (b) make or place any dike, dam, basin, or construction of any kind in the course of, any river, stream, or run of water that is public property.”

So, the law is very clear. No one, except with the authority of the Supreme Court, can place any construction of any kind. Now, what is the construction? The hon. Members from the other side seem to make a lot about temporary structure. But, if you go and apply for building permit, if you look at the building and land use permit guidance, construction works include permanent or temporary structure. A construction does not cease to be a construction just because it is temporary. What is the purpose? Why do we need to go to the Supreme Court? It is because we are going to interfere with the natural course of water, with nature. Therefore, the Supreme Court, as guardian over all our property, to make sure that the law is respected, tells you, “come and see me and ask me authorisation before you put any construction.” Even a temporary construction! But this has not been done. This has not been done. But, unlike my hon. friend, I think the hon. Minister has the power to correct this. If we look at section 3 (b) of the proposed amendment Bill –

Section 3 of the principal Act is amended –

- (b) by inserting, after subsection (1), the following new subsection –

(1A) The company specified in item 3 of the Schedule - that is, Caudan Development Ltd - may, subject to such conditions as the Minister may

determine, construct a cantilevered multi-storeyed building over the land.”

So, if we vote this amendment, the hon. Minister still has the power to impose whatever conditions he may deem fit, he may determine, before allowing this private promoter from constructing a cantilevered multi-storeyed building. And I would urge the hon. Minister that when he is going to impose the conditions, he makes sure that no construction is made until and unless all the permits have been obtained. If there is any permit that needs to be obtained from the Municipal Council of Port Louis, that is done; if there is any permission to be obtained from the Supreme Court, that is done; if there is any Environment Impact Assessment that needs to be done because of the area where it is found, that be done, and then, only when he is satisfied that all these conditions have been satisfied, can he allow the development of the construction.

Madam Speaker, my question remains. Why are we privatising this portion of Pouce Stream? So, I am going to ask the hon. Minister, in his summing-up, to tell me what are we, as a nation, as a State, getting in return. What is the State getting in return for allowing a private promoter to be able to construct over public domain?

Now, under the principle Act, section 5 states that –

“The Company shall on 01 April or July of every year pay to the Government of Mauritius and to the Municipal Council of Port Louis such fees as the Minister may determine.”

So, I am asking the hon. Minister to enlighten us. What is the fee which this private promoter is going to pay to the Government of Mauritius and to the Municipal Council of Port Louis to be able to erect this cantilevered multi-storeyed building? How much money? What is the fee? How much? I am sure, before coming to Parliament and asking us to vote this law, the hon. Minister must have thought how much money the Government will get in return because, in a way, we are leasing. It is not State land, it is private domain. So, we are leasing Government property, and we want to know how much money we are going to get; how much money the Government is going to get; how much money the Municipal Council is going to get.

Then, if we look at this section 5 (2) it states -

“(...) fees provided (...) may be revised every 5 years.”

Again, why every five years? That was an opportunity. We are amending the law and the hon. Minister could have come and said, “instead of waiting every five years, we are going to index the rental, we are going to index the fee to the inflation so that we are not worse off every year.”

Madam Speaker, having established that we are amending the law today to please one promoter, the question I want to ask the hon. Minister of Housing and Lands, and through him the Government, is: is it now Government policy to privatise all our streams and rivers all over the country or is this law being made only for one person over only one stream in Mauritius? Because I know a lot of people who will be very happy to construct on other rivers and canals and streams that we have outside of Port Louis, and even in Port Louis itself.

So, I would like to know whether this tailor-made legislation is to suit only one private promoter, or has it been and will it be the policy of Government going forward to privatise our rivers and streams. Because let’s make no mistake, Madam Speaker, once we vote this law, the hon. Minister does not have to come back to Parliament if he wants to give another promoter permission to do another cantilevered multi-storeyed building, he can do it by regulation. This is what Section 6 of the main Act said –

“The Minister may, by regulations, amend the Schedule.”

So, once we vote the law to allow Caudan to be able to do its cantilevered multi-storeyed building over the Pouce Stream, the hon. Minister, without the scrutiny of the Parliament, without having to come to Parliament, without having to get a debate as we are here, he can, by simple regulation, amend the schedule and allow anyone, any company to be able to construct a cantilevered multi-storeyed building over le Pouce Ruisseau. And then the question that we ask: if this is the case, what will be the criteria which the hon. Minister use in allowing people to construct? *Petits copains, petites copines*, relatives, friends, families, political activism, we don’t know! There are absolutely no guidelines, no objective criteria which is being laid in this Bill to curb the power of the Ministry to allow anyone to construct over the Pouce Stream.

Madam Speaker, reading through Hansard, I found a quote by hon. Ahmed Jeewa who was then backbencher, intervening on the Bill, the amendment in 1996. I think this really sums up what I want to say. Who will stop new comers now to come and ask for their pound of stream? Once we amend this law, who would stop new comers to come and ask for their

pound of stream? How would you be able to tell someone in Port Louis you can't build under that stream, but Caudan can? That company can, but not you! You may have a nice project, but I am not going to allow you! How are you going to stop the flood gate, how are you going to say who can and who cannot build over the Ruisseau du Pouce? Have we thought about the impact on the environment, have we thought about the impact on urbanism? Have we thought about how this can literally transform Port Louis into another concrete jungle? Because this is what we are doing, we are allowing the Minister, by regulation, to amend the schedule.

Madam Speaker, in his summing-up, when presenting the first amendment to the main Act in 1996, hon. Alan Ganoo, who was then Minister of Housing, Lands and Town and Country Planning raised the issue. Hon. Members should know that when the law was debated in 1996, there were opposition, there were a lot of concerns raised about allowing Rogers to do a car park, and in order to reassure everyone, hon. Ganoo stated, and I quote -

“It is only in exceptional circumstances that the Government would legislate to allow the covering of Pouce Stream or any other stream in Port Louis.”

Only in exceptional circumstances! That was said in this House in 1996. So, may I ask, Madam Speaker, what is the exceptional circumstances which justified legislating today to allow a private promoter in Caudan to construct a cantilevered multi-storeyed building over Ruisseau du Pouce?

And if this Bill is voted, what would be the criteria which Government and the hon. Minister would use before allowing other people to construct? Will he also do like what hon. Ganoo stated, that in only exceptional circumstances would he allow other people to do so?

So, I need to get a commitment from the Government, from the hon. Minister that this is not going to open the flood gate, allowing people to construct only in exceptional circumstances.

Madam Speaker, when the main Act was voted in 1992, as the hon. Minister reminded us, the purpose was to allow Medcor to construct a car park, but Medcor was owned indirectly by the Government through its ownership in Air Mauritius, State Bank of Mauritius and State Investment Corporation. So, there was a public element involved.

Similarly, in 1996 when the law was amended to allow Rogers to construct a car park, it was in a way compensating them for allowing a pedestrian use next to the underground – underpath to Caudan – and again Rogers allowed Government to use 25 per cent of the car

park. So, in both the case of the 1992 Act and the 1996 Act, there was a public element, there was a reason why Government allow people to construct on top of a public domain, because Government was getting something in return. But I am yet to be convinced, Madam Speaker, of the public element in allowing a private promoter to build a cantilevered multi-storeyed building over part of Ruisseau du Pouce in Le Caudan.

Madam Speaker, I would end by recalling also the very sad commemoration of the eleven people who passed away on 30 March. As hon. Shakeel Mohamed stated, there was a judicial inquiry and the Director of Public Prosecutions, in a Press release, set out the conclusions of the Learned Magistrate. I would like the hon. Minister to just listen to what the Learned Magistrate stated, the recommendation he made at paragraph (g), and I quote –

“As per the recommendation of the consultants all structures over the water waste must be removed to facilitate water flow.”

And I would urge the hon. Minister to come with appropriate amendment to this piece of legislation so that for car park to be constructed over the Pouce Stream, the construction be an over elevated area, so that it does not cover the stream, but it is constructed on an elevation so that people can go and clean beneath the car park.

Thank you.

Madam Speaker: Hon. Jhugroo!

(6.17 p.m.)

Mr Jhugroo: Madam Speaker, first of all I want to thank all hon. Members who have contributed to the debates and shown such vivid interest in the amendment being brought to the Pouce Stream (Authorised Construction) Act.

It is true, Madam Speaker, that this morning my very good friend, hon. Shakeel Mohamed, whom I wish to thank heartily, has drawn my attention to the fact that the promoter has placed four temporary supports in the Pouce Stream. So, I am tabling a photograph taken by officers of my Ministry this morning.

Immediately upon my instructions, officers of the Ministry of Housing and lands, and the City Council of Port Louis have carried out a site visit, which have confirmed that there are indeed four temporarily supports placed in the Pouce Stream. The State Law Office has further confirmed that Section 25 (1) (b) of the Rivers and Canals Act stipulates that –

“Expect with authority from the Supreme Court, no person shall make or place any structure of any kind in the course of any river or stream that is public property.”

And this constitutes a breach. Caudan Development Ltd. has given an undertaking that needful will be done to have the supports removed.

Furthermore, the Commissioner of Police has been informed of the contravention and has been requested to act under section 84 of the Rivers and Canals Act which stipulates that contraventions can be taken by the Superintendent of Police within whose jurisdiction the offence took place.

Now, I am going to reply to some of the comments made by hon. Members. To reply to hon. Armanee, in fact, the City Council of Port Louis has issued, on 09 March 2017, a Building and Land Use Permit (BLUP). One of the conditions of the BLUP is that no construction shall take place over the Pouce Stream until and unless necessary legal procedures, to deproclaim the part of the public domain, has been proclaimed. I can table a copy of the BLUP.

To answer to my hon. friend Shakeel Mohamed, necessary action has been taken to have these four supports removed by the Superintendent of Police under section 84 of the Rivers and Canals Act, as I mentioned earlier.

Now, to reply to my friend, hon. Osman Mahomed, I think that he is getting confused on the two Acts and the Bill. The 1992 Act and the 1996 (Amendment) Act have caused the Pouce Stream to be covered but not this Bill, which brings only a cantilever on this stream.

My hon. friend Rutnah rightly pointed out that there is an opportunity cost in all developments and we must work for the socio-economic welfare of our population. The cantilever only protrudes on the stream and does not cover the stream.

To reply to my friend hon. Uteem, the issue raised by the hon. Member, has lengthily been debated when the Act of 1992 and the Amendment of 1996 were passed in the National Assembly. This is called development. We are a service provider and a facilitator and not a project developer. Did the promoters tell the Municipal Council about the cantilever? Yes. It is in the BLUP as a condition that the cantilever shall not be erected until the Pouce Stream Act be amended.

Also to reply to my hon. friend Uteem, as per existing provision sections under section 5 of the Pouce Stream (Authorised Construction) Act, Caudan Development Ltd. will

be called upon to contribute a yearly fee to my Ministry and the City Council of Port Louis, the quantum of which will be assessed by the Valuation Department.

I have listened carefully to what hon. Mohamed has said and I have been advised by the SLO that, as the Bill is rightly now, it will come into operation on the date it is gazetted. However, we are moving for an amendment at Committee Stage to add a new clause 6 so as to provide that the ‘Act shall come into operation on a date to be fixed by Proclamation.’

Thank you, Madam Speaker.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

POUCE STREAM (AUTHORISED CONSTRUCTION) (AMENDMENT) BILL

(No. II of 2018)

Clauses 1 to 5 ordered to stand part of the Bill.

Mr Jhugroo: Madam Chairperson, after clause 5, I move that a new clause 6 be added as follows –

“6. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.”

New Clause 6 brought up and read a first time.

Mr Jhugroo: Madam Chairperson, I move that new clause 6 be read a second time.

Question put and agreed to.

New Clause 6 read a second time and ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded, the Pouce Stream (Authorised Construction) (Amendment) Bill (No. II of 2018) was read the third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 10 April 2018 at 11.30 a.m.

Mr Sawmynaden rose and seconded.

Madam Speaker: The House stands adjourned.

Hon. Ganoo!

MATTER RAISED

(6.26 p.m.)

LA VALETTE SOCIAL HOUSING COMPLEX – MONTHLY PAYMENT

Mr A. Ganoo (First Member for Savanne & Black River): Madame la présidente, le 28 juin 2016, j'avais interpellé le ministre d'alors sur un problème concernant le complexe résidentiel de La Valette où se trouvent 199 maisons dont environ 198 sont occupées. Par le biais d'une question parlementaire numéro B/655, j'avais alors soulevé le problème aigu et principal des résidents de La Valette, c'est-à-dire la mensualité qu'ils devaient s'acquitter envers le *Mauritius Housing Company Ltd.*

En vérité, le contrat qui liait les résidents de La Valette était un contrat atypique, un « contrat social » incorporant un cahier des charges opaque. Les résidents avaient commencé à payer une somme initiale de R 800 et chaque année une augmentation de R 200 frappait sur cette mensualité initiale. Les résidents de La Valette considéraient ce contrat comme étant oppressif car l'augmentation annuelle était lourde pour eux et ce contrat leur promettait un emploi qu'ils n'avaient jamais eu et, entre autres, les interdisait d'accueillir leurs proches. Ils avaient, en plusieurs occasions dans le passé, essayé de frapper à toutes les portes pour mettre au clair cette situation incertaine dans laquelle ils se trouvaient. Ils voulaient mettre de l'ordre dans cette situation opaque et avaient de tout temps exprimé leur volonté de payer leurs mensualités et avaient demandé aux autorités que la situation s'éclaircisse et souhaitaient une nouvelle structure de remboursement et que le nouveau arrangement soit juste et *abordable*.

Le ministre de l'Intégration sociale, à ce que je comprends, a déjà rencontré beaucoup de représentants, des habitants de ce complexe de La Valette. Et j'ai cru comprendre, Madame la présidente, qu'il a été ouvert, sympathique à leurs demandes. Et aujourd'hui, le premier volet de ma demande est de précisément faire un appel au ministre de bien vouloir trouver une solution, de proposer une formule pour mettre un frein à cette situation stressante dans laquelle vivent les habitants de La Valette. Ils occupent ces maisons depuis maintenant neuf ans. Mais, à La Valette, il y a encore d'autres problèmes ; de multiples difficultés auxquelles font face ces résidents.

En premier, ce complexe résidentiel se trouve trois à quatre kilomètres à l'arrière de Winner's de Bambous. Et savez-vous, Madame la présidente, que cette agglomération est desservie par deux autobus le matin, à six heures et à sept heures du matin, et deux autobus dans l'après-midi, à dix-huit heures et à dix-neuf heures ? Donc, si un habitant ou un élève veut rentrer chez lui pendant la journée, soit il rentre à pied, soit il doit obligatoirement faire les frais d'un taxi marron. Donc, que deux autobus le matin et deux dans l'après-midi pour servir 200 familles à La Valette.

Deuxièmement, il n'y a aucun abribus, aucun *shelter* pour protéger et couvrir les usagers qui attendent à l'entrée de la voie d'accès pour rentrer chez eux. Je demande donc au ministre de bien vouloir contacter les autorités pour construire cet abribus.

Troisièmement, Madame la présidente, à l'intérieur de ce complexe qui se trouve à Bambous, comme je viens de le dire, il n'y a aucun terrain de foot pour permettre aux jeunes de s'adonner au sport le plus populaire des Mauriciens, avec pour résultat que ces jeunes ont pratiqué leur sport préféré sur l'unique terrain de jeu qui s'y trouve, c'est-à-dire un terrain de basket qui est maintenant dans un état délabré et qui demande à être rénové de toute urgence. Je fais encore un appel au ministre de faire de son mieux pour aider ces jeunes pour que La Valette soit pourvue d'un terrain de foot.

Quatrièmement, Madame la présidente, il n'y a aucun centre, aucun lieu de rencontre, aucun centre polyvalent pour permettre aux jeunes, aux dames, aux *senior citizens* de se rencontrer et pour s'adonner à leurs activités de leur choix ; des cours de danse, de Zumba pour les dames, une école de musique pour les jeunes, une école de danse, des *indoor games*, etc.

Last and not least, Madame la présidente, les habitants de ce complexe sont des familles à revenus moyens et modestes. La quasi-totalité n'a pas de voiture pour pouvoir faire

leurs courses dans les grandes surfaces quand ils doivent s'approvisionner d'urgence. Donc, il y a un petit commerce à La Valette. Mais où se loge ce petit commerce pour aider ces 198 familles pour acheter leurs provisions ? Dans un *container*. Un conteneur, Madame la présidente, qui malheureusement, au fil du temps, se plie aux intempéries. La Valette est un beau complexe, certes. Elle a le potentiel de devenir encore plus attirante, plus attractive, mais elle demande à être mieux maintenue, éclairée. Ses aménités demandent, de temps en temps, un coup de pinceau.

Je terminerai, Madame la présidente, en exprimant ma confiance au ministre Wong, parce que je sais qu'il a déjà discuté avec les habitants. Je fais un appel à son sens d'humanisme, pour qu'alors que nous célébrons dignement nos 50 ans d'anniversaire d'indépendance de notre pays, à déployer tous les moyens à sa disposition, de démontrer que Maurice est un pays arc-en-ciel, que la République de l'Ile Maurice est un pays solidaire, *inclusive*, et ne souffre pas de citoyens de deuxième catégorie.

Je vous remercie.

Madam Speaker: Hon. Minister!

(6.34 p.m.)

The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong): Madam Speaker, I wish to thank the hon. Member for giving me the opportunity to update Members of the House on the social housing complex at La Valette in this august Assembly.

Let me at the very outset refer to the reply made to Parliamentary Question B/655 on 20 July 2016, where the House was informed of the terms and conditions of the lease agreement between the Mauritius Housing Co. Ltd and the occupiers of the individual housing units at La Valette.

It was reported at the time that only 12 out of the 197 beneficiaries have abided by the terms and conditions of the agreement, and none of them has signed the option to buy the units.

In my reply to PQ B/937 of 05 December 2017, I had also informed that officers of the NEF (National Empowerment Foundation) effect regular visits to La Valette to monitor the implementation of empowerment projects and to provide accompaniment to the beneficiaries. Whenever there are illicit activities that mainly get a heavily impact on the

social harmony and security, neighbourhood and physical environment, same is reported to the relevant authorities for appropriate actions.

Madam Speaker, I take this opportunity to invite hon. Members who, in one way or another, are made aware of such illicit activities, to report same to the relevant institution.

I am informed that with the collaboration of NEF, a community policing had already been set up at La Valette. Sensitisation programmes on domestic violence, teenage pregnancy and drug trafficking as well as empowerment programmes, namely on adult literacy, leadership courses, life skill training for both adults and children, provision of ICT training courses, youth empowerment, backyard gardening, poultry rearing, training in pastry and housekeeping, and job fair have been carried out.

Moreover, the NEF has funded the construction of a day care centre and kindergarten at La Valette to the tune of Rs13 m. The day care centre and kindergarten are fully operational. Facilities for a children's playground and basketball pitch have also been provided at La Valette, and I am taking note that it needs to be upgraded.

I had also announced the setting up of a community-working group for the district of Black River on 22 November 2017. The community-working group, which has already been set up in each district in Mauritius and Rodrigues, will serve as a common platform regrouping all stakeholders, with the private and public sectors, NGOs and beneficiaries themselves to identify their mobilised resource for a specific target intervention in region highly affected by poverty and its associated social ills.

Once again, I seek the collaboration of Members of the House for their active engagement in identifying problems within the community with a view to improving the living conditions of our vulnerable groups.

Madam Speaker, with regard to the ownership for the housing units, one of the conditions contained in the lease agreement and which has to be honoured by the beneficiary is that the latter has to pay an amount of Rs36,000 representing the first three years rental before he can have the option to buy and the conditions to perceive the said housing unit.

However, it is good to note that 144 out 197 beneficiaries have already met this requirement. But it is noted with concern that, at a certain point in time, they have stopped paying the monthly rental, and this has accumulated in arrears totalling some Rs9 m. Only seven of the 197 beneficiaries have no arrears as at 31 December 2017, and two of them have not made any payment at all.

Madam Speaker, it is good to note that the beneficiaries are themselves victims of some irresponsible persons, who, for some time, embark and encourage them not to pay their dues and do give them hope that the housing units will be allocated to them free of charge. I strongly condemn such irresponsible attitude.

Madam Speaker, I wish to inform the House that at the level of this Government, we are exploring all options to facilitate the repayment of the outstanding dues by the beneficiaries so that they can eventually become owners of the said housing units. I am also having regular meetings with NGOs and inhabitants of La Valette. It is in this context, that the transfer of the assets of La Valette from Landscape Ltd to the NEF is underway.

The *Morcellement* permit and the Parcel Adding Fiction Number (PIN) for all individuals in individual lots have already been obtained and the National Empowerment Foundation is in the process of appointing a public notary to draw the deeds of sales for the transfer of all lots from Landscape Ltd to the Foundation to allow the latter to eventually lease or sell the housing units to the beneficiaries.

Madam Speaker, I wish to reassure the House that I am personally following the matter.

Thank you.

At 6.40 p.m. the Assembly was, on its rising, adjourned to Tuesday 10 April 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

TRADE DEFICIT – 2015-2017

(No. B/67) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the trade deficit, he will state, for each of the years 2015-2016 and 2017, the amount thereof, indicating the measures being taken to improve the balance thereof.

Reply (The Minister of Industry, Commerce and Consumer Protection): The trade deficit for Mauritius stood at Rs74.7 billion in 2015, Rs81 billion in 2016 and is estimated at Rs99.5 billion for 2017. The increase in the trade deficit, particularly in 2017, is explained by lower exports of textile and clothing products, and lower re-exports of telecommunications equipment. On the other hand, there was an increase in imports of

petroleum products, seafood products, road vehicles, and electrical and power generating machinery and equipment.

First, several measures have been taken to improve the balance of trade. When our export sector was hit by the BREXIT, this Government came up with the Speed to Market Scheme to forestall the negative impact of a depreciating pound sterling against our rupee. The Scheme which has been implemented since 01 April 2017 provides a refund of 40% of air freight cost. The Scheme has benefitted about 52 companies and Rs52.6 m. approximately has been disbursed.

Second, the depreciating U.S dollar against our currency could have taken a heavier toll on our export sector as the U.S. is our second largest market. This Government took a bold measure by setting up the Exchange Rate Support Scheme (ERSS) in September last year to cushion exporting companies against the depreciation of the dollar.

The third measure, the Freight Rebate Scheme, announced as part of our Africa Strategy allows a refund of 25% of freight costs to 45 African Ports. The Scheme has benefitted 53 companies and an amount of Rs43.4 m. has been disbursed.

Fourth, a number of trade agreements have been entered into. Mauritius has signed the Tripartite Free Trade Agreement and recently the African Continental Free Trade Area. The Tripartite FTA itself will certainly boost our exports to Africa.

We are also negotiating the Comprehensive Economic Cooperation and Partnership Agreement (CECPA) with India and we are now engaged in talks with China for a Free Trade Area.

A fifth measure was taken in March 2017. The National Export Strategy was launched to create a new dynamism in exports. A number of initiatives under this strategy have been taken such as the setting up of SME parks in Rodrigues, Industry-Academia linkages and Innovation as well as SME Internationalisation.

Sixth, members would have noted that the last budget of this Government contained breakthrough measures to create a conducive business environment. Some such measures are

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- An 8-year income tax holiday for new companies engaged in high tech sectors, as well as for innovation-driven activities and SMEs.
- Reduction of 15% corporate tax to 3% on export of manufactured goods.

This has made of Mauritius a low tax jurisdiction and, in fact, among the lowest in the world. No Government has done this before.

Seventh, we have introduced the Business Facilitation Act 2017 and accompanying measures such as the Single Window and the E-Licensing Platform.

Our efforts to redress the trade deficit have not stopped here. We have strengthened institutional capacity through the setting up of the Economic Development Board and enhanced economic diplomacy for the promotion of exports.

We are pursuing a medium term strategy to reduce import of fossil fuels by increasing the share of local renewable energy in the energy mix. This will have the double benefit of significantly reducing our import bill while at the same time addressing environmental issues.

We expect these measures, among others not cited, to have a positive impact on our trade in the medium term. In fact, our exports are expected to grow by about 3.3% in 2018 compared to a contraction of 3.7% in 2017. Imports as a percentage of GDP are expected to decline to 38.6% in 2018 from 39.3% in 2017. As regards the trade deficit which rose from 18.6% of GDP in 2016 to 21.6% in 2017, we are expecting it now to go down to 21.5% in 2018.

POMPONETTE BEACH – DE-PROCLAMATION

(No. B/86) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to the Pomponette Beach, he will state if consideration will be given for the retrieval of part thereof that was initially de-proclaimed, following protests from the public.

Reply: The beach commonly known as Pomponette Public Beach, forming part of P.G. Bel Air, of an extent of 16A57P was declared public under G.N. 608 of 1991.

In October 2003, Government approved an Integrated Plan for Tourism and Leisure Development, commonly referred to as Master Plan. The Master Plan was the result of public and private sector partnership following the intended dismantlement of the 1975 sugar protocol with likely massive land abandonment and loss of job in the sugar sector. In this context, there was an urgent need for reforms to diversify the economy and identify new land uses on redundant land to encourage new development.

The Master Plan consists mainly of 3 Hotel Sites and other related facilities. The decision to de-proclaim the PG Bel Air public beach commonly known as Pomponette Public Beach of the extent of 16A57P was approved in the Master Plan in year 2003.

In view of the fact that there were no major projects which materialised at that time, the de-proclamation was not effected.

The de-proclamation was effected on 03 September 2016 as per GN 1246 of 2016. With a view to offset the de-proclamation of the 16A57P, an alternative site of an extent of 15A74P with all facilities and amenities was proclaimed and declared as public Beach under GN 214 of 2005 and same was annexed to the remaining part of St-Felix beach of the extent of 1A50P declared public under GN 495 of 1991. The new St Felix Public Beach is located at about 713 metres from the de-proclaimed Pomponette Public Beach and is of an aggregate extent of 17A24P.

In addition, a new public beach of an extent of 10A39P was proclaimed on 18 February 2017, under GN 222 of 2017, at Pomponette located at about 163 metres from the de-proclaimed public beach.

As at date, the public beach in the region of Pomponette and St Felix has increased to 27A63P with a sea frontage of 1,657 metres, as compared to the de-proclaimed public beach of the extent of 16A57P with a sea frontage of 915 metres. Moreover, the new public beach has increased '*en longueur et profondeur*' after the re-alignment of the coastal road.

As already indicated in PQ B/879, there is an application before the Supreme Court for a judicial review pertaining to the decision to de-proclaim the Pomponette Public Beach. At this stage, it is premature to consider retrieval of part of the land which was de-proclaimed as there is a Court case and we need to await the outcome of the judicial review.

POLICE CELLS – DISTRICT-WISE

(No. B/89) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) ask the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the police cells, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof available, district-wise, indicating the number thereof –

- (a) in use, and
- (b) not in use, indicating the reasons therefor and when same will be put to use again.

Reply: I am informed by the Commissioner of Police that there are a total of 269 Police cells across the island and I am tabling a list thereof, division wise. The list also gives a breakdown of Police cells in use and those not in use.

As regards part (a) of the question, out of the 269 Police cells, 192 are operational and are being used to detain suspects. Concerning part (b) of the question, 77 Police cells are not

being used, as they are not in conformity with human rights standards which include adequate natural lighting aeration and sufficient floor space for the detainees to move around.

Given the existing design of the cells within the Police Stations, no infrastructural work can be carried out to upgrade same. These cells are already being used as exhibit rooms, stores and archives.

In light of the foregoing, a new detention centre which will cater for 24 cells is being constructed at Piton. Tender procedures are under way and it is expected that the construction works will take about eighteen months.

POLICE MEDICAL OFFICER - VACANCIES

(No. B/92) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the post of Police Medical Officer/Senior Police Medical Officer, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the present number of vacancies thereof, indicating –

- (a) when they will be filled, and
- (b) if consideration will be given for the creation of new posts thereof in the near future and, if so, indicate the number thereof.

Reply: I am informed by the Commissioner of Police that, at present, there are four vacancies in the post of Police Medical Officer/Senior Police Medical Officer.

Regarding part (a) of the question, I am informed that three Trainee Police Medical Officers were enlisted in December 2016/January 2017. As such, three of the four existing vacancies will be filled in, when the Trainee Police Medical Officers become eligible for appointment as Police Medical Officer/Senior Police Medical Officer on their successful completion of the three years' training, leading to a Master's Degree in Forensic Medicine and their registration as Specialist in the field of Forensic Medicine.

Concerning the fourth vacancy, consideration is being given for its filling in due course.

As regards part (b) of the question, I am informed that there are at present five Police Medical Officers in post. With the filling of the four existing vacancies, the number of doctors will be sufficient to cater for services to be provided by the Police Medical Unit in the short to medium term. Consideration for the creation of any new post in that Unit could be given thereafter.

FISHERMAN REGISTRATION CARD – ISSUE & CANCELLATION

(No. B/104) Mr J. C Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Fisherman Registration Card, he will state the number thereof which have been issued and retrieved, respectively, since January 2015 to date.

Reply: I wish to inform the House that no Fisherman Registration Card has been issued since January 2015.

Furthermore, I am informed that the last issue of Fisherman Registration Card was effected in 2009.

Regarding the second part of the question, I am informed that a total of 196 Fisherman Registration Cards have been cancelled between January 2015 to date for the following reasons -

- (a) 98 fishers passed away;
- (b) 24 fishers surrendered their card due to inability to go fishing as a result of old age;
- (c) 4 net fishers have relinquished their cards;
- (d) 69 fishers have voluntarily surrendered their cards for personal reasons, and
- (e) 1 fisher has proceeded abroad.

SPECIAL EDUCATION NEEDS AUTHORITY – SETTING UP

(No. B/110) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the proposed setting up of a Special Education Needs Authority, she will state where matters stand, indicating the –

- (a) proposed structure and functioning thereof, and
- (b) expected date of implementation thereof.

Reply: I wish to inform the House that in line with the measure enunciated in the Budget 2017/2018, my Ministry has come up with a Policy Framework and Strategy Document on Special Education Needs. This Policy Document was developed by an International expert in Special Education Needs. A Validation Workshop was held in October 2017 whereby all stakeholders, including NGOs running SEN Schools, participated. In keeping with Strategy Goal two of the Policy Framework and Strategy Document, my Ministry is currently working on the setting up of a Special Education Needs Authority.

A first draft of the Bill has already been worked out and is being fine-tuned prior to its presentation to Cabinet.

The structure and functions of the Authority will be elaborated in the Bill which will be introduced in this House during this present session.

It will be mainly be a regulatory body responsible for spearheading programme and projects in SEN sector.

POLICE CUSTODY - MR E. P. - DEATH

(No. B/111) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Mr E. P., who was in Police custody and died on 26 March 2018, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the date of arrest thereof and name of the officer who effected the arrest;
- (b) place of detention thereof;
- (c) circumstances of the death thereof, and
- (d) if an independent inquiry is being carried out thereinto, indicating if any Police Officer is being suspected of Police brutality.

Reply: Following credible information gathered and in possession of a search warrant, Police searched the premises of Mrs J. H. at Temple Road, Rivière du Rempart, on 24.03.2018 around 18.25 hrs.

During the course of the search, Police found one E. P., son of Mrs J. H., seated on a chair in front of a table. He was in possession of certain implements and actually fumbling some substances suspected to be synthetic drugs. On seeing Police, the latter grabbed part of the substances and swallowed them. Police had no time to prevent him from doing so, as it happened in a matter of seconds.

I am informed by the Commissioner of Police that Mr E. P. was arrested on that instant at the residence of his mother, by Mr D. Kookoor, Police Sergeant and Messrs R. Jogalu and K. Rungapen, Police Constables posted in the Northern Division.

As regards part (b) of the Question, I am informed that Mr E. P. was detained in a Police Cell at Rivière du Rempart Police Station.

With regard to part (c) of the Question, I am informed by the Commissioner of Police that on 25.03.2018 at 18.31 hrs, whilst E. P. was in detention in the Police Cell in Rivière du Rempart Police Station, he complained of pain. He was subsequently conveyed to SSRN

hospital for medical treatment and was admitted in Ward 4, where he passed away on 26.03.2018 around 07.00 hrs.

On the same day at 15.15 hrs, the Chief Police Medical Officer carried out an autopsy upon the body of Mr E. P. at Dr. Jeetoo Hospital mortuary and the cause of death was attributed to 'Acute Cerebral Oedema'.

Given the circumstances surrounding the death of E. P., the Major Crime Investigation Team (MCIT) has immediately initiated an investigation.

As regards part (d) of the question, I am informed by the Commissioner of Police that pursuant to Section 8 (2) (c) (ii) of the Police Complaints Act 2012 and as per established procedures, on 29.03.2018, the Police referred the matter to the Police Complaints Division (PCD) of the National Human Rights Commission for an independent enquiry.

As the investigations into the above cases are still in progress, the exact facts and circumstances into the death of E. P. would only be established after the completion of the enquiry.

SOCIAL HOUSING UNITS - ALLOCATION

(No. B/114) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Housing and Lands whether in regard to the social housing units, he will state if consideration will be given for a review of the procedures for the allocation thereof.

Reply: I wish to refer to the reply I made to PQ B/16 at the last sitting of the National Assembly where I elaborated on the list of criteria and procedures for the allocation of a housing unit of the NHDC.

I wish to inform the House that these criteria and procedures were established in 2007 following recommendations made by ICAC after investigation of alleged malpractice whereby minors had benefitted from housing units at Trou aux Biches and Mont Choisy.

These criteria have been improved over the years. For instance, as I had mentioned in the last sitting of the National Assembly, it is now no longer possible to allocate housing units to minors.

I am open to any proposal from my hon. friend and any other member of the public to improve the set of criteria and procedures.

PORT LOUIS MARITIME AND PORT LOUIS EAST - SOCIAL HOUSING

(No. B/117) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Housing and Lands whether, in regard to Constituency No.

3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the NHDC Ltd., information as to the number of –

- (a) people thereof –
 - (i) presently on the waiting list for the allocation of a social housing unit, and
 - (ii) who have been allocated with a social housing unit over the past three years, and
- (b) social housing units built thereat since January 2015 to date.

Reply: With regard to part (a) (i) of the question, I wish to inform the House that in my reply to PQ B/16 at the last sitting of the National Assembly, I mentioned that as at 21 March 2018, there were 20,776 applicants who have registered themselves for an NHDC housing unit.

I wish to inform the House that in the application form, the applicants are not required to state the constituency from which they come from and also the database of the NHDC Ltd does not contain any information constituency-wise.

However, according to records available at the NHDC Ltd, the number of residents of Port Louis registered as at 28 March 2018 is 2,947. The eligibility of the applicants is assessed by the NHDC Ltd according to a set of criteria, prior to the allocation of a housing unit.

As regards part (ii) of the question, last week I informed the House that a list of 1045 beneficiaries who have been allocated a housing unit from January 2015 to 21 March 2018 with details pertaining to the initial address of the beneficiaries had been placed in the Library of the National Assembly. The hon. Member may wish to extract information relevant to his constituency.

Notwithstanding the above, according to information provided by the NHDC Ltd, 85 housing units have been allocated to residents of the district of Port Louis as at 28 March 2018.

Regarding part (b) of the question, I am informed that no housing project has been implemented in the district of Port Louis in the past three years.

Due to scarcity of suitable State land in the region of Port Louis, eligible applicants residing in Port Louis are being proposed housing units in Notre Dame, Montagne Longue and Calebasses where construction works are in progress.

Moreover, an Expression of Interest was launched for acquisition of freehold land for social housing projects and for the region of Port Louis two sites over an extent of approximately 26 Arpents, have been shortlisted; namely at La Cure (2A18P) and Ste Croix (24A05P). I am informed by the NHDC Ltd that soil test will be carried out shortly on these sites to ensure their suitability for housing projects, prior to acquisition procedures being initiated.

AGRICULTURAL MARKETING BOARD - RECRUITMENT

(No. B/118) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Agro-Industry and Food Security whether, in regard to the Agricultural Marketing Board, he will, for the benefit of the House, obtain therefrom, information as to the number of people recruited thereat since January 2015 to date, giving details of the respective posting thereof.

Reply: The House may wish to note that since January 2015 till date, there have been 40 new recruits at the AMB, out of which 7 resigned and 2 opted to part from AMB, at the end of their contracts despite same were proposed to be renewed as follows –

Year	Grade	Total	Status
2015	Operations Officer (1)	1	-
2016	General Manager (1) Assistant General Manager (1) Operations Officer (2) Health and Safety Officer (2) Accounts Clerk (3) General Worker (1) Internal Auditor (1) Computer Support Officer (1)	12	Health and Safety Officer (1)- resigned Operations Officer (1)- resigned
2017	Electrical Engineer (1) Operations Officer (10) General Worker (10) Internal Auditor (1) Technical Operator (3) Human Resource Officer (1)	26	Operations Officer (2)- resigned Operations Officer (1) – contract lapsed General Worker (1)- resigned Internal Auditor (1) -resigned
2018	General Worker (1)	1	Electrical Engineer (1) – resigned General Manager (1)- contract lapsed
Grand Total		40	7- resigned 2- contract lapsed

**EASTERN HIGH SECURITY PRISON, MELROSE –
CCTV SURVEILLANCE SYSTEM**

(No. B/121) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the CCTV Surveillance System at the Melrose Prison, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to if –

- (a) he is aware that some of the cameras thereof are out of order since 2016, and
- (b) if any maintenance contract therefor has been entered into and, if so, indicate when the contractor was informed that the cameras were damaged and if remedial actions have been taken.

Reply: I am informed by the Commissioner of Prisons that he is aware that some of the CCTV cameras at the Eastern High Security Prison, Melrose were not operational since June 2016.

As regards part (b) of the question, I am informed that a five-year Maintenance Contract was signed on 10 February 2016 with Beijing Zhuzong/Hyvec Partners Joint Venture, which constructed the Prison and installed the CCTV camera system. In early June 2016, the attention of the contractor was drawn on several faulty cameras due to poor or no images. The cameras were not damaged as such.

Since then, the Mauritius Prisons Service has been closely monitoring the situation and has taken remedial actions, in collaboration with the relevant stakeholders, to especially address the following issues -

- (a) damage caused to fibre optic cables by rodents, and
- (b) frequent power loss and faulty Uninterruptible Power Supply (UPS).

The House may wish to note that, in June 2016, there were 73 faulty cameras. With the implementation of remedial measures, the situation improved significantly and the figure dropped to 21 faulty cameras on 17 October 2017. However, following the recent heavy rain, thunder and lightning over the region of Melrose, many circuit breakers have tripped, affecting 190 cameras. The Prison Electrical Unit has progressively restored around 100 cameras. As at 29 March 2018, 84 cameras were not displaying any image. Work is ongoing for the restoration of these cameras. The Commissioner of Prisons has, however, pointed out that security has not been compromised as more Prison Officers have been deployed across

the Prison and the areas not captured by the faulty cameras have been covered by the other existing cameras.

I am tabling a comprehensive report on the remedial actions taken in respect of the CCTV system at the Eastern High Security Prison, Melrose.

CUREPIPE CID – MR D. G. - ARREST

(No. B/122) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Mr D. G., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) if he has been directly taken to the Curepipe CCID following his arrest on 26 January 2018, and
- (b) if Mr D. G. or any of his relatives has complained of police brutality and, if so, indicate the actions taken in relation thereto as at to date.

Reply: I am informed by the Commissioner of Police that Mr. D. G. was strongly suspected to be involved in a number of cases of larceny in various regions across the island. He was arrested on 26 January 2018 at his place of residence, Pailles. After his arrest, he accompanied the Police to look for his brother P. L. G, at three places namely at Coromandel, La Tour Koenig and Pointe aux Sables. The latter was eventually arrested at Pointe aux Sables. In view of his violent character and his antecedents for crime committed with violence, he was hand and foot cuffed.

Subsequent to these arrests, both Messrs D. G and P. L. G, were brought to Curepipe CID on the same day.

As regards part (b) of the question, I am further informed by the Commissioner of Police that two complaints of police brutality have been registered. On 26 January 2018 at 23.23hrs, Mr. P. L. G registered a complaint against Police Officers of CID Curepipe at the Line Barracks Police Station. The case was referred to the National Human Rights Commission on 28 January 2018.

On 29 January 2018 at 00.02 hrs, Mr D. G. reported a case at the Curepipe Police Station against Police Officers of CID Curepipe. This case was also referred to the Chairperson of the National Human Rights Commission for investigation on 30 January 2018.

I am informed by the Commissioner of Police that no arbitrary violence was inflicted on Mr. D. G. I wish to add that the report of the National Human Rights Commission of 08 March 2018 has further concluded that there was no police brutality against Mr D. G.

The National Human Rights Commission has concluded that the search was not carried out in a reasonable way. The Commission has therefore recommended to the Disciplined Forces Service Commission that disciplinary action be taken against the three police officers involved. The decision of the Disciplined Forces Service Commission is awaited. In the meantime, the three officers have been posted to other units of the Police Force.