



LIKLIK STOA POLICY 2012



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LIKLIK STOA POLICY 2012

INTRODUCTION

Work on the formulation of the policy began in 2003 at the request of the then National Capital District Physical Planning Board (NCD PPB) to formulate a policy to address the uncontrolled operations of liklik stoas in the National Capital District (NCD).

An initial discussion paper was prepared and presented to the NCD PPB on the 26th June 2003 which sets out the background of the development of liklik stoas, puts forward the definition, looked at legislative implications, examined past liklik stoa policies, considered the recommendations identified in the PNG Informal Sector Study and concluded with recommendations of some specific components for the Board members to consider.

Based on the discussion paper the NCD PPB approved an Interim Policy for a 12 months period in 2005 at meeting No.10/2005 held on the 26th of October 2005. This policy required a review after a 12 months period from the date of approval.

However, the policy was not immediately reviewed after the approved period had lapsed but was delayed until 2007, the year in which the Strategic Planning section was tasked to undertake the review exercise.

The review consisted of discussions that focused on a wide spectrum of issues such as land use, physical planning, building and licensing requirements, trading hours and the sale and consumption of alcohol, from which the additional principles were derived.

In 2007, at Meeting No. 08/2007 held on the 29th of August a revised policy called **Policy No. 01/2008** was presented to the NCD PPB for consideration and was subsequently granted approval.

Policy No. 01/2008 retained the initial information contained in the 2005 policy with the inclusion of 6 new principles bringing the total number of principles up to 11 that should be observed when dealing with new applications for Liklik stoas.

Policy No. 01/2008 required another review after comments and concerns were raised during the awareness exercises that were carried out in 2008. A consensus was reached to accommodate some of those concerns that are considered relevant to properly reflect the intent of the policy.

This document constitutes a review of Policy No. 01/2008 and proposes a revised policy called **Liklik Stoa Policy 2012**. This policy also includes a

Monitoring and Enforcement Guide which is anticipated to assist Regulatory Service Officers to successfully implement the policy through regular surveillance and enforcement to ensure transparency, procedural fairness and justice is accomplished.

BACKGROUND

The economy of NCD comprises of both the formal and informal sector activities. The informal sector activities are those that exist outside the regulatory law of conducting business activities as determined by a governing institution. It is usually small scale, uncontrolled and in some cases less profitable and includes mostly the production and sale of market items, arts and crafts, etc. It is usually associated with those that have very little or no formal educational background. Whilst formal economic activities are those that exist within the regulatory laws of conducting business and are more or less profitable depending on the scale of production and the determination by the market forces. They range from large scale industries such as manufacturing, retailing, quarrying, mining, fishing, forestry, utilities, transport, commercial, to small scale business entrepreneurship such as PMV operation, second hand clothing sales or tucker/Trade store operations.

For the purposes of this study, the report only discusses the small scale business activities and specifically the Liklik Stoa operations in the National Capital District.

Liklik stoas operation is one of the main sources of income generating activity in NCD. It helps create job opportunities and enables the local population to be self-sufficient in their everyday livelihood. They also enabled individuals to gain business skills and pave way to enter into large scale business area.

However, the issue currently experienced by the small business sector economy is the laws and policies that are too stringent and hinders the progress of this sector.

These small scale business sector activities need to be supported through proper mechanisms rather than being hindered by restrictive laws, policies and negative attitudes as they also contribute to the economic growth of the country hence it is important to foster a positive attitude towards their growth.

One such mechanism is the establishment of appropriate policies, laws and regulations by relevant authorities, that are not too restrictive, but rather are flexible enough to create an enabling business environment.



One current effort in promoting small scale businesses especially the liklik stao operation in PNG was done Super Value Stores (SVS) group of companies. This is a pilot project which will be trailed out in Port Moresby and Lae which will be extended later into other centres depending on its successfulness. The SVS concept is not uniform with the Liklik Stoa concept as it is bigger in scale with the inclusion of bakeries,

whilst liklik stoa concept is small in nature and only stocks up to 30 items with a smaller operating space.

DISCUSSION

In NCD, the dilemma facing authorities including the NCD PPB, Licensing Committee and Building Authority is how best to promote small scale business activities without adverse impact on the environment, land use, road and public safety. There has to be a way of facilitating these activities whilst protecting public interest.

Various efforts have been made in the past to have control over small scale business activities. One such effort is the formulation of the Liklik Stoa Policy in 2005. This policy has been continuously reviewed to date to encompass new improvements to minimize/ control business activities particularly liklik stoas operations in order to achieve the above stated intention.

One important consideration which the Board should support is to revisit the restriction of liklik stoa operation in the high cost areas. Previously the Board only allowed liklik stoa operations in the low cost, traditional villages and formal settlements with the intention to maintain the high value of the properties in such areas together with the reduction of traffic impacts and health problems of operators and customers being away from toilet facilities. Research of liklik stoas operations in high cost areas has now revealed that high level customer convenience is also required in such areas and needs be facilitated as long as they are appropriately located at the corner of the streets with proper structures that fits well into the streetscape. Research revealed that corner of the streets is appropriate and safe and may not cause unnecessary traffic issues. A diagram of corner is indicated below to better enable a better understanding of the concept corner.

Where 2 or more streets meet or where there is a bend



The idea to have liklik stoas operate within a 100 meters radius of an existing stoa nor a commercial zone is revived from the original policy of 2005 as it is seen as necessary to have control over liklik stoas popping up close to each other without market demand. Such control may allow for sustainability which is economically viable.

It was also noted that some liklik stoas do not provide sufficient customer spaces whilst others provide excessive spaces for both the customer and operators, hence defeats the purpose or concept of liklik stoas. It is appropriate that controls must be placed on such situations to enable a better operating environment which safeguards both the operator and the customer.

Another issue that the Board should consider is the type of materials that are used for the construction of the liklik. Previously the Board allowed the use of containers with the intention to have the structure for temporary uses only. This policy maintained that, however, it proposed to add attractive design elements such as colour or painted pattern or image to raise the quality and standard of the structures.

Research also revealed that most liklik stoas have commercial signage with some of them inappropriately attached to the structures without planning permission. It is appropriate for the Board to place restrictions on such signage without planning permission so as to encourage compliance with the Interim Policy on Advertisements in NCD.

Poor health standard and cleanliness in preparation and sale of food together with the uncleanliness of stoa fronts has been an ongoing issue with all liklik stoas throughout NCD. One way of improving such situation will be through the compliance of Health standards proposed under Principle 7 of this policy.

In some instances it was observed that some liklik stoas have shut down and the use has been converted to residential. This defeats the purposes of liklik stoa concept and questions the safety of use. One way to control this is to restrict the extensions and the conversion of use.

POLICY CONTEXT

DEFINITION

Liklik Stoas are normally small structures, sometimes shipping containers, used for retail sales. They are often located in front of residential allotments. These stores would normally stock less than 30 goods, such as rice, tinned fish, tinned meat, soft drinks, cigarettes, biscuits and sugar. These goods are often basic items regularly purchased. They rarely include durable goods

PHYSICAL PLANNING LEGISLATION

Liklik stoas fall under the definition of a **%building+** and their erection falls under the definition of **%development+** in accordance with Section 3 of the Physical Planning Act 1989. Since the entire NCD is a Redevelopment Zone this means that wherever they are located within the NCD, they require planning permission under Section 73 of that Act as **%Development in a Redevelopment Zone+**

Where liklik stoas are sited within any zone apart from commercial zone, they also need planning permission under Section 72 of the Act as a **+Non-Conforming Use+**

APPROVAL OF OTHER RELEVANT AUTHORITIES

Nothing in this document negates the requirement for the applicant, owners or developer of a liklik stoa to obtain the separate written approval of the NCD Building Board to erect the building/structure and the NCD Trade Licensing Committees for a trading license to operate

Advantages of Liklik Stoas

- They enabled business skills to be acquired;
- They may enable individuals to gather sufficient reserves of capital to enter into the more formal business arena;
- They provide job opportunities;
- They provide a higher level of customer convenience.

Disadvantages of Liklik Stoas

- Adverse impact (poor appearance of structures & surrounds and noise pollution)
- They increase traffic hazards, especially when located in or on the boundary of road reserves;
- Poor standards of cleanliness in the preparation and sale of food;
- Illegal sale of beer and when consumed on site results in social disturbance

- Social disturbance due to the operation of pool tables and amusement or gambling machines;
- Social disturbance due to card playing, television and videos

Proposed Changes to Policy No. 01/2008

The policy is completely revised with the inclusion of the principles that should be met through the mandatory requirements which are categorized into 3 different categories for which all intending liklik stoas operators must comply with before approval is given by the NCD PPB. The categories are shown on the map attached in this report.

These principles ensures the liklik stoas are subordinate in purpose, area and extent whilst minimizing/controlling impacts on environment, and amenity and ensuring public interest and safety

P #	Principles	Categories		
		A	B	C
1	Liklik stoas should be permitted to operate under appropriate zones	Residential zone	Residential zone	Residential zone, formal settlements, settlements identified for upgrading, traditional village
2	Building design to be of good quality and standard	Small structures with appropriate building materials that blends in well with the existing residential structure and the streetscape	<ul style="list-style-type: none"> • Small structures with appropriate building materials that blends in well with the existing residential structure and the streetscape or shipping containers with attractive design elements such as color or painted pattern and image 	Small structures with appropriate building materials that blends in well with the existing residential structure and the streetscape or shipping containers with attractive design elements such as color or painted pattern and image
3	Appropriate dimensions that caters for both the trader and the customer spacing needs.	<ul style="list-style-type: none"> • Liklik stoa should not exceed 10m² in floor area(5m in length x2m in width) • Maximum of 1meter space from the siting of the liklik stoa structure should be providing for customer to use. 		
		Liklik stoas should be sited 3meters away from the main residential house so as to protect the devaluation of the residential structure	Liklik stoas must be attached to the main residential structure	Liklik stoas must be attached to the main residential structure
4	Liklik stoa must be sited in such manner that does not attract passing traffic	<ul style="list-style-type: none"> • Liklik stoas should not carry out business within a minimum distance of 3meters from the edge of the road for safety reasons. 		

	that poses safety risk.	<ul style="list-style-type: none"> Liklik stoas must be located at the corner of the streets
5	Liklik Staos must be for the purposes of serving the public within its own neighborhood	Liklik stoas will not be permitted to operate within a 100 meters radius of one another, nor within 100 meters radius of a commercial zoned allotment operating as a retail shop.
6	Signboards must be appropriately sited on the liklik stoa structure and must not pose traffic hazards	All signboards must comply with the requirements of the Interim Policy on Signage.
7	The liklik stoa fronts must be aesthetically pleasing and free from attracting anti-social behavior	<ul style="list-style-type: none"> All liklik stoa operations must meet the health standard requirements. The sale and consumption of alcohol at or within the vicinity of the liklik stoa is prohibited Snooker tables and amusement machines are not permitted in or adjacent to liklik stoas
8	Likli stoa must be subordinate in purpose and scale and must not change to a major retail shop	Liklik stoa must not exceed 30 items and should include the following: rice, tinned fish, tinned meat, soft drinks, biscuits, sugar, salt, soap, laundry powder, bleach, toilet roll, cigarettes, matches, twisties, mosquito coils, lollies, cordial, oil, curry, noodles, diaper,
9	Liklik stoa must be subordinate to residential use and must not be converted to any other use.	<ul style="list-style-type: none"> Once established no further extensions will be permitted Under no circumstances should the liklik stoas be used for residential purposes
10	Requirements of other relevant laws that contributes to the physical development up keep of the area should be complied with	<ul style="list-style-type: none"> Liklik stoas should be constructed to conform to the requirements of the Building and Licensing regulations. Trade License will be immediately suspended if the above are not complied with
Operating hours of all liklik stoas should be restricted from 6am to 12 mid night		

NOTES

- Trading License will ONLY be issued once the Planning Approval is granted and should be renewed annually on the 30th of June.
- Case Officers from the NCDC Physical Planning Office are expected to quotes this Policy in case reports for liklik stoa application for NCD PPBqdetermination
- In the event that the operation of the liklik stoa is deemed to disturb the harmony of the environment posing danger to public safety then Stop work notice will be issued to the operator under section 99 of the Physical Planning Act.
- Similarly if the trading license is expired and not renewed the trading license will be suspended.

CONCLUSION

The successful implementation of this policy is currently a challenge for all officers concerned. In the past most policies have not been successfully implemented due to a variety of reasons, one of which is the non-effective monitoring and enforcement of physical planning decisions due to shortage of both human resources and logistics for the section responsible. Another reason

would be lack of proper guidance and direction. It is preferred that another approach must be taken to ensure this policy is successfully implemented hence the formulation of the Monitoring and Enforcement Guide which is prepared to assist the enforcement officers to conduct a regular monitoring and enforcement exercise to ensure the policy is successfully implemented. Attached in Appendix B is the Monitoring and Enforcement Guide

APPENDIX A

Monitoring and Enforcement Guide

Introduction

Enforcement and monitoring is an integral component of managing and controlling physical developments in any city that practices urban planning. It ensures that development is undertaken in accordance with approved plans and policies, investigates and reports developments that are in breach of development control plans and polices and exposes the non-complier to possible enforcement actions.

Definition

For the purposes of this Guide, the definitions are provided below to assist one to better understand and appreciate the application of the terms monitoring and enforcement in relation to unauthorized developments.

Enforcement is the process of ensuring development is carried out in accordance with planning permission and that unauthorized development is brought under control/ dealt with accordingly. If someone carries out development, including a change of use of premises or land without planning permission, or where development is not in accordance with approved plans or the planning conditions of granted permissions, then this is considered to be a "breach of planning control". For instance, if someone operates a liklik stoas/tuck shop without planning permission then this development is considered to be in breach of the Liklik Stoa Policy. Such developments are offenses which exposes the owners/operator to possible enforcement action.

Monitoring is a planned sequence of observations/surveillance to assess whether a policy/activity is under controlled. For the purposes of this policy monitoring is defined as process to observe or provide surveillance to assess or track the operation of the liklik stoa and determine whether the operation is controlled through the application of this policy.

Purpose

This Guide sets out the approach in which the Enforcement Unit of the Regulatory Services Department should undertake in relation to unauthorized developments especially noncompliance of liklik stoa operations in the National Capital District (NCD).

Desired Outcome

It is intended that once this Guideline is implemented it will provide consistency in the monitoring and enforcement of liklik stoa operations to ensure transparency and procedural fairness and justice is accomplished.

Legal Basis

The Enforcement Section, a support unit of the Development Control Section of the Regulatory Services Department is empowered with Section 52, 53 and 54 of the Physical Planning Act 2005 to carry out enforcement actions against unauthorized developments including those that do not comply with the requirements of approved plans and policies.

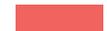
Provided below is the monitoring and enforcement guide which was developed in consultation with the enforcement unit of the Regulatory Services, the section responsible to ensure compliance on all development plans and policies.

Monitoring and Enforcement Guide

Activity	Target	Timeframe	Indicator
Map out all liklik stoas in the formal areas of NCD using blank maps prepared by GIS Unit	All liklik stoas are mapped by end of 2014	January to June 2014	Maps printed out for all liklik stoas operating in NCD
Conduct thorough site Investigation LPA by LPA once a week and record details of owners/operators using formal forms attached as Appendix C	Details of all operators recorded in the formal forms by 2014	January - June 2014	Number of details of operators
Determine whether or not their operations is in compliance with the Liklik Stoa Policy	About 50% status of compliance is established by	July - December 2014	Number of liklik stoas both that are complying and non-complying are known

Advise operators who did not comply with the policy to apply for planning permission within a period of 6 months	50 % of the non-compliers are advised to apply for planning permission	July - December 2013	Number of non-compliers who have been advised are established
Serve notices based on Section 52 and 53 of the Physical Planning Regulation 2005 if they refuse to comply with the action above.	50% of the notices are served to non-compliers	January . June 2015	Number of notices served are known
Charge fines or conduct demolition exercise	50% of the work is done by end of 2015	July . December 2015	Number of demolition exercise and fines are known

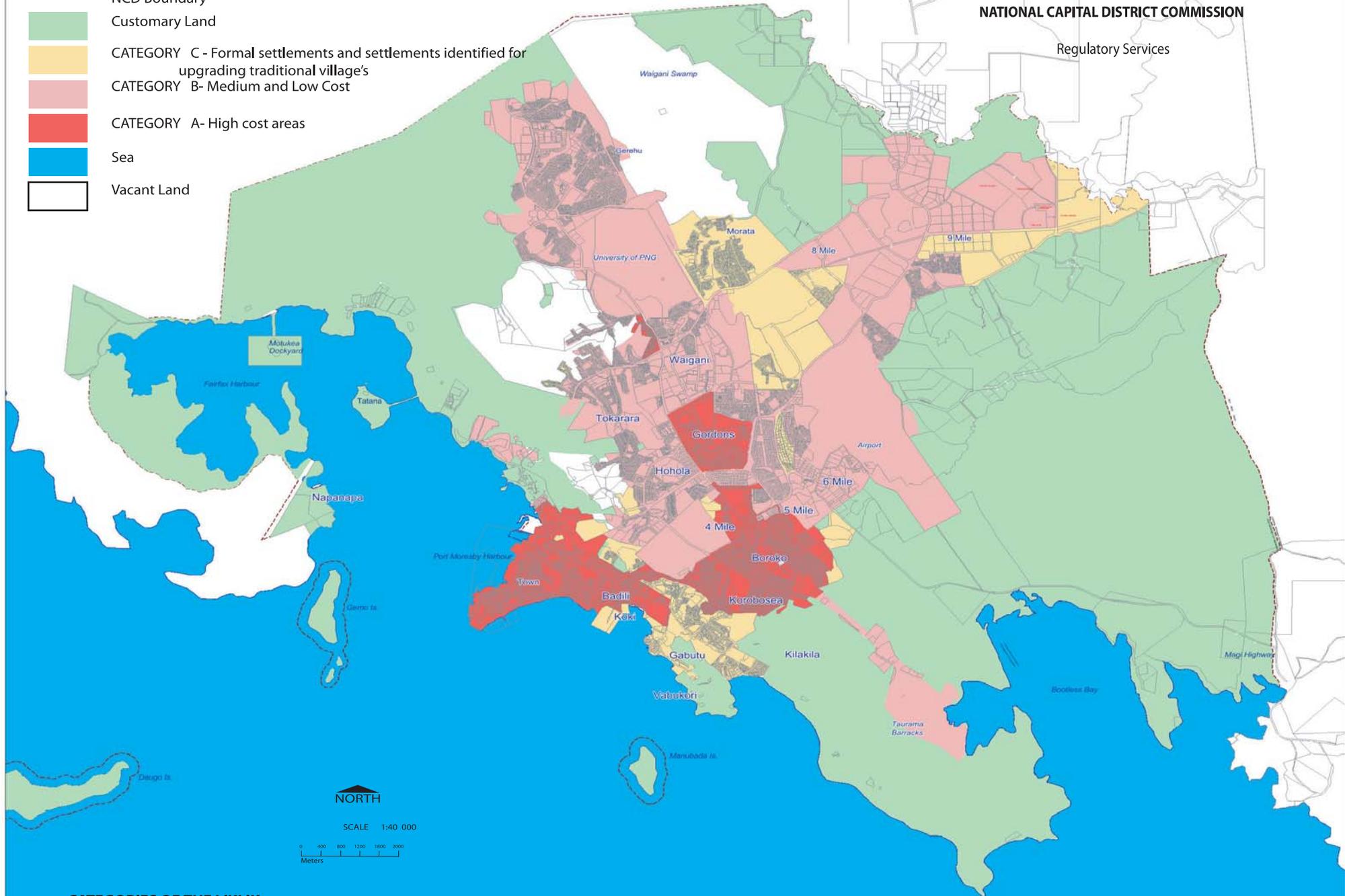
LIKLIK STOA POLICY LEGEND

-  NCD Boundary
-  Customary Land
-  CATEGORY C - Formal settlements and settlements identified for upgrading traditional village's
-  CATEGORY B- Medium and Low Cost
-  CATEGORY A- High cost areas
-  Sea
-  Vacant Land



NATIONAL CAPITAL DISTRICT COMMISSION

Regulatory Services



NORTH

SCALE 1:40 000



CATEGORIES OF THE LIKLIK STOA POLICY, 2013.