

**AN ANALYSIS OF THE PHYSICAL PLANNING ACT OF 2010 IN THE
DEVELOPMENT OF KAMPALA CITY. A CASE STUDY OF KAMPALA
CENTRAL.**

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**A RESEARCH SUBMITTED TO THE SCHOOL OF LAW IN PARTIAL
FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF
BACHELORS OF LAWS DEGREE OF KAMPALA INTERNATIONAL
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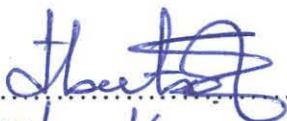
MARCH 2016

DECLARATION

I IBEMBE JULIUS, REG, NO, LLB/37146/121/DU do hereby declare that the contents of this directed research paper are entirely based on my own findings and that I have not in any respect used any persons' work without acknowledging the same to be so.

I therefore, bear the absolute responsibility for the content, errors, defect and any omissions therein.

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Date.....

17/05/2016.

APPROVAL

I have checked it carefully and am satisfied that it fulfills the requirements relating to the format as laid down in the regulations governing Directed Research Essays.

Name of Supervisor

MADAM Sarah Banenya

Signature.....



Date.....

17/05/16

DEDICATION

I dedicate this piece of work firstly to all Orphans who are struggling the way I did to teach themselves from primary to University under tough, challenging and extremely hard environment. My word to you is that be sure my brothers and sisters you will make it in life as I have.

Secondly I dedicate the same to the all members of the family of the Late Namutebi Rose being my mother whom I struggled with as single mother and managed to teach me up primary six when she left to be with the lord. Mother I kept on remembering your words of wisdom to me thought the finishing of degree and now I see that it is possible to make it in life as you used to encourage us.

Thirdly my co-workers in the cleaning department with whom we decided to take the decision to work in the University so as to raise tuition fee. We have nothing to boast about but God who gave us such an idea.

Lastly to everyone who has contributed to the success of my education from primary to University. From the bottom of my heart I say THANK YOU.

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LIST OF ABBREVIATIONS

1. K.C.C.A KAMPALA CAPITAL CITY AUTHORITY
2. K.C.C KAMPALA CITY COUNCIL
3. IDP INTEGRATED DEVELOPMENT PLAN.

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ABSTRACT

Kampala as a capital city, has found itself with too many developed structures which are illegally founded and in turn do cause an impact of an over whelming large population whose problems it can hardly cope with. Because of its centrality and function, it has and will continue to grow. Due to the ever increasing business activities and urban population, the city has faced problems of housing, planning and unemployment. This affects the political, social and economic policies, and increases pressure on the demand for urban land.

This research set out to look at the Planning Law Act of 2010 and its sufficiency in the development of Kampala city. Planning is an integral part of any government, and as a result the planning law, that is, the Physical Planning Act must be representative and meet the demands of an ever growing city with the demands of its population. The laws which govern the city in its planning, social, economic and political affairs assume an importance of the greatest magnitude.

The terms planning though not a legal subjects must be taken into account when dealing with land use in the city of Kampala. If the planners and administrators are to carry on an appreciable job of managing the city, it becomes imperative that the planning law governing the city is analyzed.

CHAPTER ONE

1.0 INTRODUCTION.

Planning is a means for systematically anticipating and achieving adjustment in the physical environment of a city consistent with social and economic trends and sound principles of civic design. Planning affects all aspects of development. It deals with the various space using functions of city life and concerns itself with the location and the amount of land development required. The planning process involves a continuing process of deriving, organization and presenting a broad and comprehensive program for urban development and renewal. The researcher has therefore gone ahead to write more on planning as envisaged in Kampala city centre and how it has affected development in the city..

The increase of squatter's settlements represents a need in society for housing. These settlements seem to be absorbing the excess demand for housing. But it is the general appearance of these settlements and the effects which follow that is critical. The problem is that the people in these areas do not follow the laid down procedures for acquiring land and erect there structure anywhere. The land they occupy is not surveyed and serviced before they build as required by the physical planning act. They are characterized by leaking sewer, poor or no drainage system and there is no standard applied in building their structures. In order that development may turn out to be a more positive, constructive phenomenon, it is necessary for the planning authorities not to merely take development as an exogenous factor to be taken into account in their planning but to make it the subject of a deliberate and comprehensive policy in planning for the economic and social development. This research will therefore help the city dwellers to know what is needed before any structure is to be erected in the city Centre.

What is happening in Kampala is that city space is becoming less and less due to the illegal structural developments which come up in premises in form of containers. The increase in population has resulted in a "multiplier" effect in that all aspects of life are

affected. The increase in traffic results in inadequate roads and parking space problems, lack of public space etc. all these factors have to be taken into consideration during planning. All developments must be carefully planned. One should not take precedence or preferred over the other.

In the whole Kampala city there has been an increase in demand for land for both commercial and office blocks. There is no available vacant land and the result is that residential houses are being purchased and converted into offices. What can be seen is that Kampala is experiencing growth due to economic development and there is need for this growth to be adequately absorbed and in doing so this particular research will be of help to all stakeholders involved should ensuring that policies are representative of the prevailing social, political and economic environment. The planning policy must be able to provide for the discrepancies and the law must be simplified to be effective and understood by all.

This research has been done to carefully study this planning law of Uganda and its sufficiency in developing Kampala Central as the country's capital city Centre. This law replaced the Town and country planning act which had become outdated as it could not suit with the modernized city of Kampala which was developing at a very rate.

Any person who desires to carry out any development in the city is now required to comply with new physical planning requirements when undertaking such developments as shall be seen herein.

1.1. SCOPE.

The research covers the Physical Planning Act of 2010 laws of Uganda, its sufficiency in the redevelopment of Kampala city more specifically Kampala Central.

1.2. STATEMENT OF PROBLEM.

The Physical Planning Act which is widely used by K.C.C.A in bringing Physical

Planning order in the city with an effort to develop it, is not known by many city dwellers who operate their business in the city Centre which are ever being affected by the Kampala Capital City Authority operations. This law also needs to be followed to its last later if we are to see more orderly development and less crowdedness in terms of both population and housings in the city Centre of Kampala.

The lack of awareness of this law has manifested itself to be a very big problem to those who enforce this law and the residents of Kampala on whom this law is enforced and there by arising a need for digesting some of the sections of this law relating to Physical Planning. There is wailing, anger, frustration, and tears and sometimes loss of life¹ all of which are as caused in the bid to enforce the physical planning Act to which many of the city dwellers have no knowledge of and it is against this back ground that the researcher came up with this research so as to bring awareness of this law to readers of it.

1.3. PURPOSE OF THE STUDY.

This research will be used by the urban planning committee of Kampala central to obtain clear objectives which are workable in the redevelopment of the City center. The research will also bring awareness and clarity on the planning law which will result into action of the Physical Planning committees of Kampala Central that will cope with the economic and social conditions of the people in the city center.

The research will also add knowledge on the effectiveness of Kampala Capital City Authority in the Implementation of the Physical Planning Act as it brings an insight into the provisions of this law, help reduce on the number of illegal structural development in the city center thereby leading to orderly redevelopment of the city Centre.

¹ [http://www.independent.co.ug/news/news-analysis/10670-remembering the K. C.C.A evictions of Sunday- 04-2015 at 23:22 by Patrick kagenda](http://www.independent.co.ug/news/news-analysis/10670-remembering-the-K.-C.C.A-evictions-of-Sunday-04-2015-at-23:22-by-Patrick-kagenda)

1.3.1. THE OBJECTIVES OF THE RESEARCH ARE:

- To closely look at the physical planning act of 2010 laws of Uganda and its adequacy in planning and developing of Kampala city.
- To investigate the effects of unplanned settlements on land resources in Kampala city.
- To investigate whether or not the planning authorities have put in place mechanisms to correct the situation and the impact of these mechanisms.

1.4. SIGNIFICANCE OF THE STUDY:

Preservation of the vitality of the city is very important. It is important that all stakeholders participate in the planning process and in all decisions which will affect change in their localities. There is need for intensive consultation between the government and the planning authorities so that there is consistency in policy. The interaction between government and planning authorities must be continuous process to allow for policy analysis and feedback. Planning will enable the city planners to put in place mechanisms which will enable them identify available space and plan and how it is going to be distributed. It will also enable them revisit the development plans to which they will advise all those who intend develop their land to abide by the law relating to planning.

There has been a mushrooming of unplanned settlements. To curb this, policy and the law are vital. A good policy can only be as a result of a good legal system providing a sound and enabling environment for the implementation of the Physical planning law.

Legislation must equip them adequately. One of the functions of the law is to regulate human behavior. The legislator uses the law to achieve certain social ends and to bring about a desired result, which is in this case, the control of unplanned structures in the city. There is conflicting interest between squatters and the K.C.C.A, the law has to be employed in such a way that it maintains public order, settles disputes arising in the city

and all being done in a peaceful way. This is because there are divided human activities which have to be regulated.

1.5. METHODOLOGY

Two methods of data collection have been used. These are primary and secondary source data which comprises of observations and interviews. I have interviewed people from the physical planning department of K.C.C.A. The observations has looked at the physical potential of land for building purposes, the impact K.C.C.A's operations or generation of traffic, the existing infrastructure.

Secondary source of data has been collected by reviewing and reading existing literature and legislation K.C.C.A, The physical planning Act of 2010 and land use.

The books have provided knowledge on the tasks involved. The books and statutes have also helped to provide an understanding on the topic of planning and development process of Kampala city.

1.6. CHAPTERISATION OF THE RESEARCH.

Chapter 2 looks at the review of the literature under the provisions of the physical planning Act.

Chapter 3 looks at Land use development in Kampala city and the provisions of the physical planning act relating to land use planning and development in Kampala city.

Chapter 4 contains an analysis of the findings.

Chapter 5 comprises of the conclusions and recommendations.

CHAPTER TWO

2.0. LITERLATURE REVIEW

2.1. INTRODUCTION

Physical planning is the spatial expression of the desired form of social and economic development. Its purpose is to establish and maintain a framework for a more balanced spatial development countrywide, through a rational arrangement of land uses in space, protection of the environment and their alignment with long-term government objectives for sustainable economic and social development. Physical planning offers several services including framework development planning and control, and development assessment. It specifically regulates development which is defined under section 1 of the Physical Planning Act (2010) to mean the ‘making of any material change in the use or density of any buildings or land or the subdivision of any land and the erection of such buildings or works and the carrying out of such building operations.

The Physical Planning Act (2010) repealed the Town and Country Planning Act (1964). It establishes the National Physical Board and the district, urban and local physical planning committees. Their role is to make and approve physical development plans and applications for development permission and related matters in Uganda. As a law that regulates physical developments, it has implications for environmental regulation. The purpose of this report is to examine the implications of this new law for development regulation in Uganda. This chapter therefore reviews the sections of this law relating to its scope of application and development.

2.2. A REVIEW OF THE LITERLATURE OF THE ACT.

2.2.1. THE SCOPE OF APPLICATION OF THE ACT:

Section 3 states that the Physical Planning Act applies to the entire country in all respects of planning. This implies that all activities related to physical planning development in Uganda must be authorized by the National Physical Planning Board, District Physical

Planning Committee, Urban Physical Planning Committees or Local Physical Planning Committees. This is a very important development in the law because land use planning and development plan approvals, previously done only in urban areas, will now become a standard practice across the country.

2.3. INSTITUTIONAL FRAMEWORK FOR PHYSICAL PLANNING

The Act establishes an institutional framework to govern planning in Uganda. At the national level, section 4 establishes the National Physical Planning Board. The Board has functions that relate to development regulation. The first is to provide advice to Government on all matters relating to physical planning, broad physical planning policies, planning standards and the viability of any proposed subdivision of urban or agricultural land. Secondly, to provide advice to the Minister responsible for local government on the declaration of town councils, town boards or upgrading of urban authorities; and on the declaration of special planning areas. Thirdly, to study and give guidance and recommendations on issues relating to physical planning which transcend more than one local government for purposes of coordination and integration of physical development.

Fourthly, to approve regional, urban or district physical development plans and recommend to the Minister national plans for approval. Fifthly, to cause physical development plans be prepared at national, regional, district, urban and sub-county levels. Sixthly, to evaluate the implementation of physical development plans; and to formulate draft planning policies, standards, guidelines and manuals for consideration by the Minister. Seventhly, to ensure the integration of physical planning within social and economic planning at the national and local levels. Eighthly, to exercise general supervisory powers over all lower planning committees; to provide guidance, set standards and take control and to foster coordination of physical planning related or

interdisciplinary activities in the country so as to promote orderly and sustainable development human settlements in rural and urban areas. Lastly, to hear and determine appeals lodged by persons or local governments aggrieved by the decision of any physical planning committees; and to determine and resolve physical planning matters referred to it by physical planning committees.

The Act sets up planning committees at the district, urban and local levels. At the district level, section 9 of the Act establishes the District Physical Planning Committee with the following functions: to cause to be prepared local physical development plans through its officers, agents, or any qualified planners; to recommend to the Board development applications for change of land use; to recommend to district council subdivision of land which may have a significant impact on the contiguous land or be in breach of any condition registered against a title deed in respect of such land; to approve development applications relating to housing estates, industrial location, schools, petrol stations, dumping sites or sewerage treatment, which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safeguard areas; to hear appeals by those aggrieved by decisions made by the district physical planner and lower local physical planning committees; to ensure the integration of physical planning into the three year integrated development plan of the district; and to exercise supervisory powers over all lower planning committees and to ensure integration of social, economic and environmental plans into the physical development plans.

At the urban planning level, section 11 of the Act establishes the Urban Physical Planning Committees which are mandated with the following functions: to cause to be prepared urban or local physical development plans and detailed plans; to recommend development applications to the Board for change of land use; to recommend to the urban

council, subdivision of land which may have significant impact on contiguous land or in breach of any condition registered against a title deed in respect of such land; and to determine development applications relating to industrial location, dumping sites or sewerage treatment which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safe guarding areas and to hear and determine appeals made against decisions of the urban physical planner or subordinate local authorities.

At the local level, the Act recognizes that the sub-county councils shall constitute local physical planning committees with the following functions: initiate the preparation of local physical development plans; recommend to the district physical planning committees the approval of local physical development plans; implement structure plans in close consultation with the district physical planner and implement in close consultation with the district physical planner, detailed plans and area actions plans which shall address the matters such as the treatment of a particular planning aspect like residential, transportation, water supply, sewerage, in part or as part of a long term plan; advisory or subdivision plans, indicating permitted subdivision, use and density development; and the assessment of immediate land requirements to accommodate specific population needs and detailed allocation of the land requirements to land uses taking into account compatibility of adjoining land uses and conforming to the existing physical development plan proposals for the area.

All three committees are specifically mandated to deal with land development related issues such as site constructions and legalizing settlements, which may have injurious impact on the development of the city. The inclusion of land developmental issues within the mandate of the committees provides an opportunity for development regulation through physical planning.

2.4. PHYSICAL DEVELOPMENT PLANNING AND ITS IMPLICATIONS

The Act makes provisions that regulate physical development planning. Section 18 provides that physical development plans shall address the following: the national physical development plan; regional physical development plans; district development plans urban physical development plans; and local physical development plans. Section 19 requires that the national and regional physical development plans be prepared by the Board in respect of any area for the purpose of improving that area and providing for proper physical development. In the preparation of the national and regional physical development plan, the Board is required to take into account the securing of suitable provision for agricultural development, infrastructure, industrial development, environmental protection, natural resource management, urbanization, human settlements, conservation, tourism and matters such as population growth, distribution and movement, land potential including distribution of agricultural potential, the relative values, population and land imbalances, land tenure, land use and other natural resource endowments. The Board is also required to take into account employment and income distribution, the labor force, potential of the informal sector and their locations, human settlements including distribution of existing services, growth pattern of urbanization and cause of rural-urban migration and matters affecting more than one district which require central government coordination.

Section 24 empowers the Minister, on the recommendation of the Board and by statutory instrument, to declare an area with unique development potential or problems, a special planning area for the purposes of preparation of physical development plan.

Section 25 requires a district urban and sub-county physical committee to prepare a district urban physical development plan. Section 26 outlines what should be contained in the district, urban and local physical development plans. These plans have to contain the

following: a topographical survey in respect of the area to which the plan relates, carried out in the prescribed manner; maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used, a technical report on the conditions, resources and facilities in the area; a statement of policies and proposals with regard to the allocation of resources and the locations for development within the area; a description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals; relevant studies and reports concerning the physical development of the area; maps and plans showing the present and future land use and development in the area; and any other information as the Board and the Committee may deem necessary.

Section 28 provides that the district, urban and local physical development plans must be approved by the Board. Once they have been approved, they cannot be altered without the prior written authorization of the district physical planning committee.

Section 30 permits the modification of district and urban physical development plans by the district or urban physical planning committee with the approval of the relevant local government council. The proposals for modification are submitted to the board for alteration upon payment of the prescribed fee, where there are practical difficulties in the execution or enforcement of the approved plan or there has been a change of circumstances since the plan was approved. The section also permits a local physical planning committee (with the approval of the local government council) to submit to the urban or district physical planning committee proposals for the amendment or modification of an approved local physical development plan.

Section 31 requires a land owner to use a qualified planner to prepare a local physical development plan to be submitted to the local physical planning committee for adoption with or without modification.

Section 32 provides that the local physical planning committees have the following powers: to prohibit or control the use and development of land and buildings in the interests of proper and orderly development of the area; control or prohibit the consolidation or subdivision of land and existing plots; to ensure the proper execution and implementation of approved local physical development plans; to initiate formulation of by-laws to regulate physical development; and to ensure the preservation of all land planned for open spaces, parks, urban forests and green belts, environmental areas, social and physical infrastructure and other public facilities, in accordance with the approved physical development plan. The powers are crucial for physical development in Uganda because the committees can prepare physical development plans, recommend plans for change of land use and approve development applications relating to housing, estates, industrial locations, schools, petrol stations, dumping sites and sewerage works. These are common physical planning activities in Uganda and their regulation is very crucial.

Section 33 prohibits any person carrying out any development within a planning area without development permission from a physical planning committee. It creates penalties for non-compliance with the provisions of the Act. Any person who contravenes the provisions of the Act commits an offence and is liable to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both. According to the First Schedule of the Act, a currency point is equivalent to twenty thousand shillings. Thus a person who commits an offence under the Act can pay a maximum fine of nine hundred and sixty thousand Uganda Shillings.

Section 34 requires that an application for permit be made to the relevant local government, which shall forward it to the relevant physical planning committee. When the physical planning committee is considering a development application, it shall be bound by any approved relevant regional or local physical development plan, have regard to the health, amenities and convenience of the community generally and proper planning and density of development and land use in the area, have regard to any comments received from the physical planner or authorities and in case of a leasehold, and consider any special conditions stipulated in the lease.

Section 37 provides that where a development application relates to matters that require an environmental impact assessment, the approving authority or physical committee may grant preliminary approval of the application subject to the applicant obtaining an environmental impact assessment certificate in accordance with the National Environment Act.

Section 40 provides that an application for development permission in areas where there is no approved plan shall be submitted to the local physical development committee for consideration. The committee may approve the application but where the application covers matters of a national character, the committee shall refer the application to the Board.

Section 46 provides for enforcement. A local physical planning committee is empowered to serve an enforcement notice on an owner, occupier or developer of land, where the committee is satisfied that the development of land has been or is being carried out without the required development permission; or that any of the conditions of development permission granted under the Act have not been complied with. Section 56 also empowers the Board (after consultation with the Commissioner in Charge of

Antiquities) to serve on the owner or occupier of a building which in the opinion of the Board is of special architectural value or historic interest, an order prohibiting the demolition, alteration or extension of that building.

The Act is however silent on the formerly approved plans before it came into existence and in doing this it agrees the legal principle of retrospectivity laws as enshrined under Article 28(7) the 1995 Constitution of the republic of Uganda in which a legislative act does not look backward to affect acts or facts that existed before the Act came into force².

Among those most affected by the implementation of this law were vendors operating in down town Kampala, which is the busiest shopping hub in the city, Newspaper vendors were also affected by the crackdown, as several KCCA officers chased them off the streets and confiscated some of their merchandise. Along Allen Road which leads to the New Taxi Park, several wooden stalls were destroyed, and some of the traders complained that their merchandise was thrown into the nearby Nakivubo Channel. Many have lost a lot of property which K.C.C.A destroyed. The hawkers and road side sellers who were popular for the sale of household products and food items, and was recently monitored for the sale of fake sugar and causing commotion in the developing city.

In July 2015, another incident happened when K.C.C.A and the Rift Valley Railways (RVR) also started evicting encroachers on the railway reserves. The operation left a number of people dead and thousands counting loses³. Bulldozers razed homes, business premises, and kiosks along the estimated 20km stretch of land from Banda in east Kampala, to Namuwongo, Ndeeba and Nalukolongo to the west⁴. There was wailing, anger, frustration, and tears and sometimes loss of life all of which are as caused by bid to enforce the physical planning Act to which many of the city dwellers had no

² Blacks Law Dictionary 8th-edtn at pg1343 .

³<http://www.independent.co.ug/news-analysis/10670-remembering-the-K.-C.C.A-evictions-of-Sunday-04-2015-at-23:22-by-Patrick-kagenda>.

⁴Supra.

knowledge. It is against this back ground that the researcher had to come up with this research so as to bring awareness of this law to readers of it.

CHAPTER THREE

3.0. LAND USE PLANNING UNDER THE PHYSICAL PLANNING ACT OF 2010

3.1. INTRODUCTION;

Land is a scarce and ever diminishing resource, which requires tactful and strategic planning. For a growing city like Kampala, the need to address the increasing demand for land is cardinal. The development of land must be conducted in an orderly manner, with care being taken to the general appearance of the city. Development must be consistent and orderly and not progressing in an up hazard manner.

With the pressures of urbanization planning helps contain the urban sprawl. Knowledge of urban growth and rate of urbanization is important because it is relevant to the planning process. The authorities are able to systematically project into the future and in so doing put in measures to absorb urban growth. For planning to be effective, good and sound legislation is important in order to provide a sustainable environment⁵. For the legislators, they must take into consideration the existing needs of the people, the challenges faced by authorities and find a way of ensuring that a balance is struck between the competing needs of land use.

This chapter is going to look at the process of planning, the statutory control of land use under the Physical planning Act, the local authorities and matters incidental thereto, and the land delivery system in Kampala.

3.2. THE PROCESS OF PLANNING

3.2.1 THE PHYSICAL PLANNING ACT

The Physical planning Act is an Act which provides for control of land use was enacted in order to provide for a rational and integrated pattern in the process of land use and

⁵ Uganda Country Report e-journal on environment within planning legislation issued in 2012 copied by Emanuel Kasibanzi .

development. The physical Planning Law of Uganda makes provisions for the making and approval of physical development plans, the application for development permissions and other related matters.⁶

It is important to note that the primary object of planning is to ensure that all land is put to the use which is best from the point of view of the community⁷. The Kampala Integrated Development Plan provides and points out such plans and developments which are permitted in different parts of the city⁸. The Physical Planning Act also makes provision for the appointment of planning authorities, for the establishment of an Urban Physical Planning Committee⁹, for the preparation, approval and revocation of structure and local plans, for the control of development and subdivision of land.

Section 33 (1) of the Act¹⁰ provides that, A person shall not carry out a development within a planning area without obtaining development permission from a physical planning committee. This implies that permission is required for any development or subdivision of land that is carried out.

The ministry of Lands, Housing and Urban Development has noted with concern the illegal subdivisions of land by various parties (including real estate developers, land dealers and other land owners) in the the Greater Kampala Metropolitan Area.

Illegal subdivisions have serious implications for the implementation of orderly development in Kampala city Centre, and especially the development of the city and its environs, which areas are urbanizing very fast and require effective management¹¹.

Unfortunately, there has been lack of commitment from those involved in the process to work together to ensure planned and orderly development. The Physical Planning Act¹²,

⁶Interview of 4th-02-2016.

⁷ Charles Worth ,J, *Principles of planning Law*, Stevens & Sons, London(1948)

⁸ Interview of 4th -feb-2016 on the Senior Officer at the physical planning department of K.C.C.A.

⁹ Section 11 of the Physical Planning Act 2010

¹⁰ Ibid[6]

¹¹ Ibid[6]

which provides for planning and orderly development in the country (including the Greater Kampala Metropolitan areas), is in place and ought to be consulted in relation to any anything referring to development in the city Centre or even elsewhere in the country.

Attention is drawn to Section 3 of the Act, which declares the entire country a planning area, hence bringing the entire country under planning control though Kampala central being the heart of the Capital City of the country, the face of its structures is very important as they reflect the effectiveness and sufficiency of the Physical Planning law. The law also provides for the institutions and procedures to deal with subdivision of land and development of housing estates, among others.

The Act also provides for private plans to be prepared by qualified physical planners under Sections 31 (1 and 2), and requires a land owner to use the services of qualified planners to prepare their plans. Section 36 (1, 2 and 3) further provides for formal approval of any subdivisions of land.

These, then, are known as local physical development plans which, according to section 38, are approved by either the district, urban or local physical planning committee. The minister of Lands, Housing and Urban Development issued guidelines in respect to the implementation of the Physical Planning Act and the operations of the committees.

The institution of committees was intended to institutionalize teamwork and participatory planning in the local governments to avoid individual decision-making. The Minister also declared the Greater Kampala Metropolitan Area a special planning area, because of its unique development potential and socio-economic challenges.

¹² 28th -April- 2010

This calls for more attention of the physical planning committees in the area to ensure greater supervision of the development process through managing the subdivision and development process in accordance with the Physical Planning Act, Part IV.

The physical planning committees referred to above are in respect of KCCA, as well as the municipalities and towns in those districts.

3.2.2 PROCEDURE FOR SUBDIVISIONS

Subdivision approval require the applicant or land owner to have in his/her possession a duplicate Certificate of Title, duly filled Mutation Form, and two authentic passport photographs of the owner.

The Mutation Form must have been stamped by a registered surveyor accompanied by form PPA2, which provides for approval of application for subdivision/ consolidation of lands and buildings, under the Physical Planning Act, 2010.

For variation of leases, applicants must have in their possession a letter from the controlling authority for variation of the Lease, a duplicate Certificate of Title, and two passport photographs.

If the variation involves change of land use, then Form PPA 3, which provides for application for change of land use, is completed and attached. Electronic versions of the land forms referred to, and many others¹³.

All real estate developers, real estate agents and landowners who would wish to subdivide/consolidate their land and sell to individual buyers in Kampala are required to first and foremost, engage the services of a qualified physical planner to prepare a local physical development plan (s) as the case may be for such piece(s) of land.

¹³ www.mlhud.go.ug

A local plan is a comprehensive statement of policy, their formal adoption, by a planning authority is contingent on the prior approval of a structure plan.

Building, construction and any alteration of any development is to be undertaken according to the structure or local plans for the area. This is the reason why before any construction can take place, planning permission must first be obtained in order for the authority to scrutinize and ensure that any building to be undertaken is in accordance with the structure plan and suitable for the area. Planning permission enables the authority or ministry to control any development and subdivision of land.

Section 33 (1) provides that

Permission shall be required for any development or subdivision of land that is carried out. The provisions of the section applies to:¹⁴

- (a) areas in respect of which there is an order, made under the provisions of the Act, to prepare a structure plan or local plan,
- (b) Areas subject to an approved structure plan or local plan.

It has been observed that K.C.C.A, in its efforts to implement the Physical planning Act, has provided quite substantially for most land developments through the 'Kampala Integrated Development Plan. The problem has been lack of a land management system in Kampala city ¹⁵ and a proper coordination system among the various institutions charged with or involved in the land delivery process and Physical Planning policy. Currently, there are many institutions in Uganda which deal with land delivery which has resulted into problems of coordination and led to an inefficient land delivery system despite the decentralization of matters pertaining to land by the Ministry of lands to K.C.C.A with power to deal with land in the greater Kampala including the power to

¹⁴ibid[6]

¹⁵Interview on 4th -02-2016.

issue out land titles¹⁶. The effects are poor road network, congested roads, slums, corruption in the land delivery system, inadequate drainages, overwhelmed local authorities, poorly located shanty houses and so on.

The Physical Planning Act is administered in conjunction with the K.C.C.A Act¹⁷ and the Public Health Act¹⁸. The authorities under these statutes possess the powers to control the erection of buildings, demolition and removal of buildings which do not conform to the approved plans or are a danger to public health or safety. The functions of K.C.C.A are among others, Planning for the Capital City, Prohibiting, restricting, regulating or even licensing the erection of stalls on any street, or the use of any part of the street or public place for the purpose of carrying on any trade, business or profession; as provided for under part IV and Third schedule of the K.C.C.A Act respectively.

The K.C.C.A Act provides for a body known as the Metropolitan Physical Planning Authority¹⁹. The functions of this body are²⁰;

- (a) Developing Physical Development Plan for the Capital City and the metropolitan area;
- (b) Handling and addressing planning issues within the Capital City and the neighboring districts of Mukono, Mpigi and Wakiso;
- (c) Planning major transportation, infrastructure and other utilities in conjunction with other relevant bodies;
- (d) Planning recreation parks, tree planting, green corridors and other environment areas;
- (e) Overseeing and monitoring the execution of the Metropolitan Authority Development Plan;

¹⁶ Supra

¹⁷ 28th-Dec-2010

¹⁸ Statutory instrument 281-1

¹⁹ Section 21 of the K.C.C.A Act 2010

²⁰ Section 22 [Supra]

- (f) Approving the Capital City, municipal and town structure plans; and
- (g) Beautification of the Capital City and the metropolitan area.

The Metropolitan Authority has power to veto physical plans or activities that are inconsistent with the Metropolitan Authority Development Plan, the metropolitan structural plan or land use policy. It also ensures that land use in the City and the metropolitan area follow designated plans, irrespective of the tenure of land. The central Government on the other hand is responsible for the construction and maintenance of²¹ ;

- (a) All roads and streetlights in the Capital City;
- (b) Trunk and gateway roads;
- (c) Subways;
- (d) Flyovers;
- (e) Cycle ways and walkways;
- (f) Drainage;
- (g) Transport ways; and
- (h) Rails.

Where land is required by the Authority for public use or public health including expansion of roads, constructing new roads, water and sewerage systems and demolishing buildings to construct new structures, compensation is made by the central government in accordance with article 26 of the Constitution and the Land Acquisition Act²².

The Public Health (Building) Regulations²³ on the other hand confer powers and impose duties in connection with the carrying out and enforcement thereof on local authorities, owners and others as to inter alia the construction of buildings, the provision of proper lighting, ventilation and the prevention of overcrowding. The rules further provides for

²¹Section 22(5) of the K.C.C.A Act 2010

²²Section 3 of Cap 226

²³Statutory Instrument 281-1

the requirement of a building permit. A building permit enables the holder to erect the building in accordance with the approved plan and subject to the conditions imposed. What pertains on the ground is different from what the legislators intended just because of lack of enough information on the law governing planning in Uganda.

The general appearance of most illegal settlements around the city can best be described as, “. . .endless warren like shanty towns of surpassing wretchedness, shack after shack, built of the most disparate bits of wood, tin or anything else that will offer shade and shelter, but uniform, in their shabby inadequacy²⁴. Despite the Public Health (Building) regulations providing guidelines on the quality of buildings, the trend has continued. The effect of unplanned settlements is all too transparent and the importance of planning is appreciated, more so in the rainy season. Floods and blocked drainages are prevalent.

Bwaise is one of the established residential and commercial area for small business enterprises, whose houses are completely immersed in water, due to the flooding whenever it rains just because it is more like a wetland area which is not fit for residential even commercial purposes²⁵. The land on which the houses were developed is meant to be a reserve for water to collect in once it rains. Such catastrophes can be avoided if regulations and legislation regarding building and planning are followed or else K.C.C.A a body concern order and administration in the city will come in with operations which may in turn see many city dwellers lose their businesses.

3.3. ENFORCEMENT OF PLANNING CONTROL

The general requirement of the law on Physical Planning is that a developer is required to get a development permission before construction starts and the Failure by a developer to acquire planning permission for any development or subdivision of land attracts an

²⁴ Mbao, legal Aspects of uncontrolled and unplanned urban Settlements in Zambia,p86

²⁵ Interview of 4th - 02-2016.

enforcement notice as provided for under section 46 (1) of the physical planning Act²⁶. The enforcement notice is served on the owner and occupier, and may require the discontinuance of that use or impose conditions on the development. Form J of Paragraph (f) of the schedule²⁷ provides that the Authority has a function to control the demolition and removal of buildings and to require the altering, demolition and removal of buildings which;

- a. Do not confer to plans and specifications in respect thereof approved by the Authority,
- b. Are a danger to public health or public safety

The process of demolition is however, a costly one. The council requires equipment, the police and manpower to conduct such operations²⁸

3.3.1. REPRESENTATION AND PUBLIC PARTICIPATION

Under the Article 1 of the 1995 Constitution of the Republic of Uganda, the people are given sovereign powers. This means that any activity of the government or its agents which affects the people of the Republic of Uganda must involve the participation of the people either directly or indirectly. Public interest in planning is a major issue for consideration and The Physical planning Act²⁹ allows for public involvement regarding any structure plan or local plan. Before any plan can be approved, the public are afforded an opportunity to lodge their objections regarding any change in the area of either a structure plan or local plan.

K.C.C.A. holds public inquiries and consultations for major developments³⁰. The members of the public are requested to submit their views. They indulge the public through adverts placed in the print media. For major development plans, they conduct

²⁶ 28th-April-2010

²⁷ The Public Health Act S.I 281-1

²⁸ Interview of 4th-02-2016.

²⁹ 28th-April-2010

³⁰ Interview 4th-02-2016

exhibitions. Depending on the development, an Environmental Project Brief (EPD) or Environmental Impact Assessment is submitted to the National Environment Management Authority whose approval is vital in allowing such major developments.

3.3.2 THE KAMPALA CAPITAL CITY AUTHORITY INTERGRATED DEVELOPMENT PLAN (IDP).

In an effort to implement the physical Planning act, K.C.C.A. has drafted what is called IDP for Kampala .This plan lays the scheme of how a specific area should be developed in future and what type of activities may be carried on, in defined places of the area as indicated on the plan³¹. Once a plan is issued it is valid for two years after which it is supposed to be reviewed. In 2013 all plans were brought out for review to the physical planning committee. K.C.C.A. as of now is operating on a structural plan as it has not been able to develop a detailed plan just because it is expensive

However, since 2013 up to date, the plan and the Physical planning Act have not been reviewed and the development of the city has continued using outdated laws which are not necessarily representative or reflective of the conditions we are living in. There has been failure of K.C.C.A to make a detailed Development Plan which would reflect the social, economic and political conditions of the people of Kampala. The planning system has been rigid and static based on unrealistic appraisals of an area's economic potential or likely growth

³¹Kanyehamba, Progress in Planning, p66.

CHAPTER FOUR

4.0 THE PHYSICAL PLANING ACT OF 2010 AND POLICY ANALYSIS

4.1 ADEQUANCY OF THE PLANNING LAW WITH RESPECT TO REDEVELOPMENT OF KAMPALA CENTRAL.

A good planning law must be able to meet with flexibility the challenges of urban sprawl. The law must be representative of the society. It must reflect the local conditions of the people and their aspirations. The law which applies to planning in Uganda is the Physical Planning Act. It is modeled along the 1947 Town planning law of England. The Physical Planning Act embodies the law as it stood at the arbitrary out of date of 1911. These laws have since been revised and reviewed in England, but Uganda still places reliance on them. Ehrlich propounded that law is derived from social facts, and that the real source of law is not statutes or reported cases but the activities of society itself³². The Physical Planning Act, is rigid, obsolete and is not in tune with the circumstances and conditions of a developing country and city, like Kampala City Centre. The problem this bears is that it is more or less adulterated form the people as there is a sense of alienation. This continued reliance on a colonial legacy has contributed to the surge of unplanned settlements.

Plans under the Physical Planning Act demonstrate a great deal of rigidity and as a result are too inflexible to accommodate rapid urban growth. The whole essence and major function of town planning and urban management is to assist in the absorption of the rapidly growing urban population in such a way that basic needs are met, one of which is ensuring that there is an adequate and efficient supply of serviced land as opposed to allowing people, occupy land without it being validated as to its suitability for habitation.

³² Anyangwe, C, An Outline of the study of Jurisprudence, (University of Zambia), p241

In Kampala, particularly, demand for housing has outstripped supply and residents usually opt to build their own houses no matter how they look and were or even of what construction materials are they made of as long as they can best for the operation of their businesses. They often do so by acquiring cheap land usually in informal settlements where no planning has been undertaken by the K.C.C.A. which later on causes K.C.C.A to come in and demolish such houses³³

The procedures for acquiring land or a plot in Kampala is very costly and to add to this, land and housing in Kampala has become extremely expensive for the average person. As a result people who cannot afford or do not understand the procedure for acquiring land either choose to build in unplanned settlements, where the norm is to buy land from a 'representative' commonly called the chairman. This chairman in most instances is the one who distributes land in the settlement. There is no caution or urgency to find out if the land is zoned or surveyed. Upon acquisition of land, building commences without regard being given to the building regulations under the public health (Building Regulations).³⁴

The procedure for acquiring land / plots has itself been said to have attributed to illegal settlements and corruption in the system of land delivery. This is because of the rigidity of the land use controls and the inability to plan for the housing development of the low income groups, squatter settlers continue to proliferate unoccupied land zoned for other purposes. K.C.C.A has recorded a rise in the number of complaints involving illegal land allocations and ownerships and has carried out operations on constructed houses whose existence is not legal³⁵.

It has been observed that the Physical Planning Act imposes a significant limitation on the freedom which the common law allowed for landowners to build on their land, or to

³³ Interview on 4th-02-2016

³⁴ Supra[32]

³⁵ Supra[32]

change the use to which their land and buildings were put. Under the Act, applicants for plots are expected to submit their applications for planning permission to the planning Committee. This is to ensure that only acceptable and orderly development takes place³⁶. This method has been blamed for the numerous and unnecessarily long procedures and high costs which mostly favor the financially able. To acquire a plot, an application for planning permission must be filled in the prescribed manner, accompanied by prescribed plans and drawings³⁷. On receipt of the application, the planning Committee normally consults other authorities so as to ensure that the proposed development does not violate public health and road traffic laws³⁸.

There is generally, ignorance of this procedure, it has been argued that obtaining plans and drawings is very costly, and people do not usually pay attention to the structures they put up.

There has been incidents of corruption in land alienation where records of illegally created plots have found their way to the land register.

Kampala has also changed which calls for the change in the law relating to physical planning in Kampala. The Physical planning Act therefore is meant to be reviewed so as to fit in current Social Economic conditions of the city of Kampala whose face has changed due to the growth in population in the city.

Few business entrepreneurs understand the language of this law as there has been no efforts to translate the same in the local languages of the people living in Kampala and whenever K.C.C.A comes in to implement this law, the population instead look at the authority as an enemy of development of the locals despite the unprofessional conduct of the K.C.C.A. enforcement groups in effecting this law.

³⁶ Supra[32]

³⁷ Supra

³⁸ Supra

4.2. DIFFICULTIES FACING THE PHYSICAL PLANNING AUTHORITIES IN REDEVELOPING KAMPALA CENTRAL.

Kampala Capital City Authority is the body responsible for the management and planning for Kampala city and in order to take efficient stock of land and plan for it efficiently, K.C.C.A needs to have capacity to carry out its functions. The capacity of the Authority is not adequate to monitor all activities affecting land developments in Kampala central³⁹. This has contributed to the proliferation of illegal development⁴⁰. There is lack of qualified staff particularly in the survey department⁴¹. What results is that the land which is allocated in most instances is not surveyed. People build on unsurveyed land and K.C.C.A comes in to correct the situation after development has taken place, which proves to be more expensive for the Authority. The land delivery system is severely constrained by a limited number of surveyors and the volume of applications. The problem with these shortcomings is that the authority has a poor record keeping and information system, and as such has no proper stock of developed land. This means that it loses revenue in uncollected land taxes. Some of the financial constraints the institution faces could be offset if it was expedient in its operations.

The centralization of title registration has contributed delays in the issuance of consent. This has led to inefficiency and delays in the acquisition of title to land.

The role and function of planning authorities is to ensure that land is identified and planned for in good time and that appropriate standards are in place⁴². This can only be done, if there is enough human resource to cater for the various functions of the institution.

³⁹ Interview on 4th-02-2016

⁴⁰ Interview on 5th-02-2016 for K.C.C.A Revenue Department officer.

⁴¹ Supra[40]

⁴² Ibid[32]

There is also lack of coordination among the various institutions and ministries dealing with the land delivery system in Kampala. This results in role conflicts because of the multiplicity of agencies with overlapping responsibilities. K.C.C.A is responsible for the preparation of land use plans whereas the ministry of lands allocates land. The Mung'omba commission of Zambia commented on lack of coordination amongst the institution and noted the lack of coordination among the various institutions that deal with land matters causes delay in the different transactions one would want to have on his land. It went on to recommend however that:

- a. Institutional reforms are undertaken among institutions dealing in land, while a body to coordinate the operations of these institutions should be established.
- b. There should be a comprehensive review of harmonization and updating of the various land related laws in order to provide a clear regulatory framework for policy implementation⁴³

The researcher has identified ineffective coordination among land administration institutions. There is a need to overhaul the different institutions and departments responsible for land policy and delivery in order to have an efficient land delivery system. The roles and responsibilities must be clarified amongst the institutions involved in the land delivery process and policy. The Ministry of Lands places reliance on other government institutions and agencies, which in itself does result in considerable delay and confusion. It relies on K.C.C.A for planning approval and provision of services. The reliance on the staff of other ministries means that the ministry of land lacks control over the rate of land delivery.

The other challenge facing K.C.C.A is that of consistency in enforcing planning control. The Act provides that where there is non-compliance with the regulations or where no planning permission has been obtained, such buildings should be altered or removed. K.C.C.A due to varying reasons ranging from moral considerations has been reluctant to

⁴³ Willa Mung'omba Constitution Review Commission of Zambia

demolish illegal structures. Political interference has also contributed to this inconsistency, as the majority of voters are located in informal settlements and as such the political leaders do not want to alienate their voters yet even some of these illegal buildings have big names behind their construction as owners. In the recent concluded Presidential elections of 18th-feb- 2016 for example, the few votes obtained by the incumbent Presidential Candidate Yoweri Kaguta Museveni in the Kampala City were attributed to the enforcement Operations carried out by K.C.C.A which is under the leadership of Ms. Jenifer Musisi Ssemakula on the small business Enterprises in Kampala whose aim was to bring about order in the city of Kampala. No wonder, immediately after the 18th-feb-Elections many business owners came back on the streets of Kampala and now awaiting to K.C.C.A reaction. Because of such reasons, people are not respecting the law, and will continue building any how without regard to regulations.

Kampala has continued to experience population growth in the city which has caused the demand for land to outstrip the supply of land. As a result, the city has run out of land for alienation because of inadequate expansion space. There is a need to open up more land for development. The 1998 Lands Act⁴⁴ makes provision for the land development fund, which aims at opening up new areas for the development of land⁴⁵. However, currently there are poor mechanisms of making land available and capacity to monitor development because of poor land management under the system.

For the local authorities to plan effectively and ensure that there is a constant supply of basic services, it needs financial resources. These resources have been very limited hindering the efficient operations at the Authority and rendering it unable to meet the growing needs of an urban sprawl.

⁴⁴ Cap 227

⁴⁵ Section 41 of the Land Act (supra)

4.3. MECHANISMS PUT IN PLACE TO CORRECT THE SITUATION OF NON-COMPLIANCE WITH THE PHYSICAL PLANNING ACT OF 2010.

In spite of the fact that the Physical Planning Act is of 2010, its compliance and application has been both scanty and problematic in nature which has caused the Kampala central planning authorities to think of the following mechanisms.

The most pressing problem is that of lack of land, it has been proposed under the IDP, that land should be acquired from neighboring districts. Once this is approved Kampala will be expanded. K.C.C.A will also have to strengthen and develop its land information system in order to improve its delivery system and plan adequately. By improving its land information system, it will be able to audit and take stock of all developed and undeveloped land. Thus, in so doing it will increase its land tax to be collected from the developed settlements.

The planning authority with regard to illegal settlements has future plans of upgrading, relocation and renewal⁴⁶.

K.C.C.A hopes that after relocating the inhabitants they can service the land for private development. They hope to generate revenue through this dream, and depending on the success of it, they can move to other settlements.

In 1978, the then Ministry of Local Government and Housing instructed local authorities to lay out basic site and service schemes for squatter settlements. This was done to confer security of tenure to inhabitants of illegal settlements, of importance, plots were to be demarcated and serviced with access roads, drainage, piped water, sewerage, electricity, refuse collection and other services.

These areas require planning and services, and the wholesale demolition of good and bad houses alike is not a practical solution⁴⁷. K.C.C.A plans to upgrade some of these

⁴⁶ Ibid[32]

settlements by the provision of utilities and social services. Upgrading programs are designed to cater for those settlers who cannot afford plots in site and service schemes. Upgrading and relocation are less costly than re-planning.

To decongest Kampala city, there has been an opening up and widening of roads such the northern by-pass. This will reduce the amount of traffic going into the City of Kampala. In the future, K.C.CA intends to introduce parkades to cater for the increased demand for parking in the City Centre. Given the inadequate funding to K.C.C.A it is yet to be seen how they will finance such a project. They have also made it mandatory that whoever constructs a new building in the City Centre, the plan of such a building must bear a provision for the parking area where those that intend to do any business at that building can park their cars. This will help to reduce on street parking which K.C.CA. Has constantly fought in form of operations being made by the Authority's enforcement department.

K.C.C.A has also constructed markets such as the Wandegaya Market and Usafi Market so as to shift those who had been victims of K.C.C.A operations due to illegal settlement and operating businesses in houses not fit for business. For example in Wandegaya where business owners were paying license fees to K.C.C, evictions were made by K.C.C.A and many of them were shifted to Wandegaya market were up now they do their businesses from.

The change in land use from functional specialization to mixed, is held to be favorable because it is easier for the K.C.C.A to provide services such as roads, drainage, utilities, waste collection, street lighting and so on, to an area which is densely populated than opposed to isolated spaces.

⁴⁷ Ibid[32]

CHAPTER FIVE.

5.0 CONCLUSIONS AND RECOMMENDATIONS.

5.1 CONCLUSION

This new legislation has introduced development related regulation into physical planning which did not exist under the Town and Country Planning Act (1964). The Act requires authorities in the whole country to develop detailed plans for land use and enforce compliance according to physical planning development standards which K.C.C.A has not yet made. Whilst the new law makes the whole country a planning area, it also recognizes the special importance of urban areas that are very important for development regulation of which Kampala central ranks first in importance being the heart for all developmental activities in the country.

The Act establishes appropriate institutional frameworks at the national, urban and local levels. The establishment of physical planning committees at the local levels provides an opportunity to consider special physical planning development needs in not only Kampala central but also in other rural areas. However, there are some challenges regarding the implementation of the new law because there are no guidelines for implementing the physical planning standards. The required approach to implementing the Act is therefore not known by the key stakeholders who are supposed to implement it. In addition, there are insufficient specialized and technical personnel to monitor implementation especially in relation to development standards.

5.2. RECOMMENDATIONS.

The planning law (Physical Planning Act) of a country is very important. The city planners must ensure that at all times they adhere to high standards of urban development. This is only possible if the law governing town planning is followed to the last letter. This means that even when it comes to enforcement, other things being taken into consideration, the authorities must be consistent. Where there is illegal development,

the provisions of the Act must be applied. It is only in so doing that examples would be set to would be developers and small business entrepreneurs to follow the proper procedures when acquiring land and starting up new businesses.

There is also need to simplify the land alienation procedures. These procedures have been said to be cumbersome and costly for the average person. Thus, educating the general public on how to acquire land is very important because there is ignorance. This is a loophole because those with the know how take advantage of this fact and use under handed procedures, which has seen people lose their investments.

Act specifies rigidly the procedure for the plan and preparation and the context of development plans. Rigidity has made it difficult for both the local planning authority and the developers. Act envisages that plans will be implemented by means of regulatory instruments to prevent unplanned developments. These development plans have been found to be outdated and too inflexible to accommodate rapid urban growth.

For the legislators, it is important that when legislating they take into account countervailing factors such as urbanization and socio-economic factors. This is because law does not exist in a vacuum but is the total resultant of all conditions affecting human kind. As lawyers we tend to be analytical and conceptual in our approach, thus restricting ourselves into strict legal norms. But it is important as Justice Oliver Holmes put it ... 'to venture forth from the law to garner what one or more neighboring disciplines have to offer respecting questions of a general nature that have been thrown up in legal contexts.' Issues such as the business sector, urbanization and planning though not entirely legal, predetermine the legal system and what the law regarding town planning should be. This is the reason why it is important to understand factors affecting trends in population growth and studying the growth pattern of the city before legislation such as the Physical Planning Act, which is said to be rigid and obsolete, can be amended or repealed.

For the government, when making policy involving land development, they should ensure that they look into pressing issues, affecting the general populace. They should look at the underlying causes of development. Other towns and cities should be developed as well. This can be done by improving the infrastructure and opening up new investment opportunities in order to create employment and prevent migration of people. There should be promotion of secondary towns like Mukono, Wakiso, Entebbe as it is being planned in the nearby future.

For the stake holders, they are recommended to emulate the analysis by some of the sociological schools of thought such as John Lock's social contract theory which has great significance to some of these issues that Kampala city dwellers are facing. For the people in unplanned settlements, some of the implication of social contract theory is that they have to make certain sacrifices of personal liberty in order to achieve the advantages of living in a safe and ordered society. This implies that they have to seek the services of K.C.C.A when building and follow all the regulations and requirements of legislation before deciding to settle or build.

Dias⁴⁸, enunciated that jurisprudence is concerned not only with the law and institution as they are, and with social impact, but also with having them and changing them in line with social developments. This brings in the pressures behind change and the machinery of change. The planning and implementation of policies must be able to respond and meet the social demands. Planning helps reduce on the strain on natural resources in one particular area and helps distribute and use land evenly and within the bounds of the Physical Planning law.

There is also need to encourage systematic urban land development. This can only be achieved by having an effective land use planning and management system in place.

⁴⁸Dias, jurisprudence,(Cambridge,Butterworths,London,1985),p305

The land delivery system must be streamlined. There should not be interference in the land allocation system. More land should be opened up for development. The local authorities must be equipped with financial resources for them to execute their functions efficiently and expeditiously.

It is thus lastly recommended that the content of the law be more widely communicated to the community and there be provision of funding and specialized training to ensure its effective implementation.

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