

*Proceedings Report*

**Regional Workshop  
Regulatory Guidelines for Urban Upgrading**

**29<sup>th</sup> & 30<sup>th</sup> July 2003 at BMICH, Colombo 07, Sri Lanka**

**August 2003**

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## Regional Workshop on Regulatory Guidelines for Urban Upgrading

### Background

A study on Regulatory Guidelines for Urban Upgrading - Implementation of Participatory Regulatory Guidelines for Urban Upgrading was carried out in Colombo, Sri Lanka by SEVANATHA – Urban Resource Centre. The study was financed by Water, Engineering and Development Centre (WEDC) of Loughborough University, UK under DFID assisted Knowledge & Research Programme. The Colombo Case Study consists of two parts of which the first part was to concentrate on analyzing the impacts of urban upgrading programmes implemented in Sri Lanka. In this section analysis of past policies, investigating identified six case studies in Colombo and Moratuwa Municipal Areas were carried out programmes and upgrading regulations.

The second part of the study paid emphasis to identify the gaps in existing regulatory guidelines and the aspects that need improvement in order to accommodate the demand of the urban poor for improving their livelihoods. The guidelines developed in the above contexts will be made available for urban local authorities for changing by-laws and procedures when undertaking upgrading activities in the future.

The major components addressed under the study included the settlement typology, selection criteria for urban upgrading, community mobilization, resource allocation & utilization, construction of houses and amenities and the operation and maintenance of the services.

Upon completing the above study, a study report was produced which was then submitted to the WEDC for its comments. Subsequently, the WEDC and SEVANATHA have decided to organize a two day workshop in order to present the study outputs to a wider audience of relevant stakeholders.

### Objectives of the Workshop

The objective of the regional workshop which was held on 29<sup>th</sup> & 30<sup>th</sup> July 2003 was as follows.

The main objective of the workshop was to share the findings of the above mentioned study with appropriate stakeholders that include policy makers, implementers, regulators, researchers and academics. It was also expected that the findings of the research study would be used in identifying the process and issues of urban housing upgrading that influence sustainable livelihoods of the poor as well as those needing policy intervention for promoting sustainable city development.

### Participants

The participants were primarily from Sri Lanka including some resource persons from WEDC and ITDG, UK. They are broadly falling into the following categories.

- i. Relevant officials of government departments
- ii. Officials of urban local authorities
- iii. Researchers
- iv. Academics
- v. Staff of donor funded urban projects such as Urban Settlements Improvement Programme (USIP)
- vi. Representatives of donor institutions
- vii. NGOs who work with urban poor communities
- viii. Leaders of Community Based Organizations
- ix. Professional groups

All together about 63 persons were participated on the day one sessions and 28 persons on day two session.

## **The Workshop Proceedings**

As per the agenda of the workshop (annex I), the workshop proceedings began around 9.30 a.m. Prof. Willie Mendis, Senior Professor of Town & Country Planning chaired the meeting along the Mr. Theo Schilderman, Senior Shelter Specialist, ITDG, Dr. M. Sohail Khan, Senior Research Manager, WEDC, Mr. K.A. Jayaratne, President, SEVANATHA, Mr. H.M. Dayananda, Deputy General Manger, NHDA and Ms. Preethi Fernando, Director Planning, Urban Development Authority being the other members of the Head Table.

Mr. H.M.U. Chularathna, Executive Director of SEVANATHA has welcomed the participants on behalf of SEVNATHA and WEDC who have been instrumental in carrying out the above research study as well as organizing the workshop. He has welcomed all the invitees of the Head Table, the resource persons and representatives of all the institutions and organizations who present at the workshop. Mr. Chularathna also has mentioned the importance of this workshop particularly in an era where the Colombo Municipal Council (CMC), National Housing Development Authority (NHDA) and Urban Development Authority (UDA) are making efforts to develop the city of Colombo paying more emphasis on improving the conditions of urban poor settlements which are known in Colombo as under served settlements.

## **Introduction to the Workshop**

Mr. K.A. Jayaratne, President of SEVANATHA has briefly introduced the purpose of the workshop. He has mentioned about the study that was carried out in Colombo to identify the impacts of the regulatory guidelines that were implemented in the urban poor settlements. He has then explained the purpose of the workshop that was to share the findings of the above study and to invite the participants' inputs for improving the proposed regulatory guidelines in order to support the livelihood improvements of the urban poor. Subsequently, he thanked all the invitees and resource persons at the Head Table and all the other invitees who were present at the workshop. He has also extended his gratitudes for Dr. Sohail Khan and Mr. Theo Schilderman who have accepted our invitation and participated as foreign delegates who were also serving as resource persons at this workshop. He has requested active contribution of all the invitees for making the workshop a success.

## Presentation One

### **Planning and Building Regulations in Urban Upgrading – Theory and Practice by Mr. Theo Schilderman, Senior Shelter Specialist, ITDG, UK**

Mr. Schilderman has briefly explained that the Department for International Development (DFID) of UK government has provided funding assistance under its Knowledge and Research Programme for carrying out this study aiming at supporting the urban government in their efforts to improve the living conditions of urban poor settlements. In addition to the Colombo, parallel studies were carried out in Mumbai, India and Nairobi in Kenya.

The findings of these three case studies will be presented at an international workshop in London towards the end of this year.

Subsequently, he has turned his presentation to highlight the global challenges of providing housing for the urban dwellers. He has emphasized that about 1/3 of the population in the third world countries have been cut off from the formal housing market due to multitudes of reasons. They live in houses which are generally identified as illegal or unauthorized because they are outside the formal planning & building regulations.

Because they are outside the formal regulations, their houses are in poor structural quality, they are prone to risks of being collapse or destroyed by man made or natural hazards.

When looking at the history of human settlements development, the ancient civilizations such as in Mesopotamia (present Iraq) has had followed building regulations. They had been concerned about strict following up of building quality in order to ensure, security, safety, health & hygiene conditions of the city dwellers. They had introduced severe punishments for those who violate the regulations. In the UK also, the building quality / construction quality had been introduced at the early period that were later expanded to develop building regulations.

He has also emphasized on the reasons behind introducing building regulations. For example, in UK the big fire in London in the 17<sup>th</sup> Century and the industrial development in 19<sup>th</sup> Century were the main reasons for introducing building regulations in UK. At the beginning of the industrial revolution a large number of rural people had moved to the industrial towns seeking for employment. Lack of proper housing resulted in forming slums in UK. Tenements buildings with no sanitation facilities had contributed to create health & sanitary problems for the city dwellers. Therefore, new rules and regulations had to be introduced in order to safeguard the health aspects of the people. Subsequently, the scope of building regulations expanded to cover new aspects such as environment, energy use and many other aspects.

In most of the colonial countries the colonial rulers have copied the regulations of western countries and tried to control the development activities in their own countries. This has resulted in introducing inappropriate regulations in many of such countries. Good example was the Nairobi's experience. The building regulations of Blackpoll in UK was just transplanted in Nairobi, Kenya where calculation of snow load of the roof was not at all relevant to Nairobi.

Thus, imported regulations always become inappropriate in terms of climate, economy, culture, natural resources and the level of social development etc. in host countries.

Therefore, building regulations that are meant for guiding the development activities must be fitting to the local conditions, help local economy and resource base. They should have flexibility to respond to the local conditions, climate, culture as well as the economy of the people. He has also mentioned that the quality of regulations is important than quantity in terms of its coverage and depth etc. the regulations should not exclude the people particularly those poor and vulnerable groups from the formal city structures. However, the critical aspects such as safety, health, social norms, economy should not be compromised when introducing regulations. Safeguarding the common interest is another significant aspect of regulations. When looking at the situation in Sri Lanka it appears a lot of progress has been made with regard to improving the living standards of the urban poor as well as the other citizens. However, public debate on current building regulations is a necessary condition for further improving the situation in favour of the benefit for all. He wished that the workshop would contribute to achieve such positive results.

## **Presentation Two**

### **Planning Building Regulations for Urban Regulations in Colombo, Sri Lanka by Prof. Willie Mendis, Senior Professor of Town and Country Planning**

Prof. Willie Mendis has made his presentation to provide an overview to the key theme of the workshop. He has stated that the background of building regulation had been closely related to the Education in Architecture and Planning. The building regulations are directly related to planning regulations that are meant for developing cities and regions. He has also emphasized on the issue that regulations should not disintegrate the rich and the poor. They should serve both equally. He has also mentioned that the planning regulations in urban areas should promote the overall urban economy. If these regulations do not support the urban economy they become invalid or obsolete. Also, he has stressed that in the case of Sri Lanka, we need to make sure that proper planning and building regulations are implemented not only in Colombo but also in all other town centres in the western region and outside.

He has pointed out that the Urban Development Authority Law is currently operating as most powerful tool to guide the development of urban areas. This law based on the Urban Development Law of Singapore that has paid more emphasize over promoting the city economy. The changes in Colombo that were made during the past 30years under the influence of UDA Laws show some positive signs. Still it has failed to address the overall city development issues. Therefore, the regulations that are most appropriate should provide opportunities for both rich and the poor. Colombo, Kandy, Jaffna, Trincomalee, Galle, Hambantota are all growing urban centres in Sri Lanka contributing to the overall economic growth of the country. The country also aiming at achieving 8% to 10% economic growth within the next few years. Therefore in order to support such a broad economic growth the city governments must provide necessary guidance for cities development. Lastly, he has mentioned that upgrading of low income settlements is vital in order to contribute to the overall economic growth in the city and the country. The challenge that we are facing today is how we could introduced people friendly, affordable set of regulations which ensure common interest of all the citizens. The concepts of equity and transparency become equally important factors in implementing such regulations.

He wished that the workshop would generate a useful debate resulting in developing pragmatic regulations that support urban upgrading aiming at city economic development.

### **Presentation Three**

#### **Some Critical Issues in Respect of Implementing Regulatory Guidelines for Urban Upgrading in Sri Lanka by Mr. H.M. Dayananda, Deputy General Manager, National Housing Development Authority**

Mr. Dayanada has made his presentation emphasizing on the theme of urban upgrading, the evolution of urban upgrading in Sri Lanka, regulatory guidelines introduced in urban upgrading, some critical issues arose in implementing regulatory guidelines.

#### **Urban Upgrading**

- It was one of the solutions available for improving the living conditions of the urban poor. It includes insitu upgrading and relocation of communities.
- Regularization / allocation of land lots, granting security of tenure, provision of basic amenities and assisting the communities to build their own shelter are key elements of upgrading.

#### **The Evolution of Urban Upgrading in Sri Lanka**

- Ceiling on Housing Property Law enacted in 1973 introduced the policy and regulations to recognize the urban poor as the legal residents in urban areas.
- The Urban Basic Service Improvement Programme (UBSP) implemented by the government during the latter part of 1970s paved the way for improvement of urban poor settlements.
- The Urban Development Authority established in 1978 had introduced a low income settlement improvement strategy.
- The Million Houses Programme implemented by the National Housing Development Authority had introduced an innovative community centred support based housing policies.

#### **The Regulatory Guidelines Introduced for Urban Upgrading**

- The conventional building regulations were not proved applicable in improving the urban poor settlements due to lack of space and unaffordability.
- This has resulted in housing professionals to look for flexible, less bureaucratic regulatory guidelines.
- The UDA Law has made provisions for declaring areas as “special project areas” and applied relaxed regulations.

- This has enabled introducing a set of minimum planning and building guidelines for urban low income areas.
- A community based participatory planning methodology has been adopted instead of top down planning method.
- A set of tools and methods were developed under participatory planning approach.
- The Community Action Planning (CAP) workshops developed under above has been used for planning, implementing and managing the shelter upgrading projects.
- The key elements considered as the framework for formulating the regulatory guidelines under community workshops are;
  - Guidelines - Direction to follow agreed norms
  - Rules - Direction to follow agreed norms without changes
  - Sanctions - What kind of penalties can be imposed when breaking the agreed rules.
  - Enforcement - Who is responsible for implementing guidelines

### **Some Critical Issues in Implementing Regulatory Guidelines for Urban Upgrading**

- The NHDA in collaboration with urban local authorities and other stakeholders had implemented upgrading projects in all the urban areas of Sri Lanka during the past 03 decades.
- About 240 urban low income settlements as per above were implemented regularizing about 27,300 housing plots and assisting 25,000 families to build their houses.
- These have proved that upgrading of low income settlements provides adequate housing, water & sanitation and other social amenities to urban poor.
- The following are some of the critical issues experienced in implementing the regulatory guidelines in urban poor settlements.
- Inconsistency of government housing policies has affected continuous implementation of upgrading programmes.
- The urban upgrading which offer pro-poor housing solutions has not been properly accepted under conventional city planning and management process.
- Proper implementation of regulatory guidelines for urban upgrading is depend on the community awareness, stakeholder involvement, wide dissemination of information tools and methods among the concerned parties.

- In efficient technology transfer from the planners to communities and to local authorities has contributed to problems of operation and maintenance of infrastructure.

With highlighting the above key issues, Mr. Dayananda has emphasized the need for regular debate on the subject in order to introduce timely remedial measures.

#### **Presentation Four**

#### **Background and Expectations of the DFID Supported WEDC & ITDG Executed Research Studies on Regulatory Guidelines for Urban Upgrading by Dr. M. Sohail Khan, Senior Research Manager, WEDC, Loughborough University, UK**

Dr. Sohail has informed the audience that he would slightly change the topic and would like to raise some critical questions. He has emphasized that the broad goal of DFID has been how to support the Millennium Development Goal that the world community is interested in which is the reducing World's poverty by half during the coming years.

What is going to be achieved at the workshop? and how is it related to poverty alleviation goals? which has 7 goals and 11 targets (seven and eleven). In this he has pointed out two critical issues;

1. What is the cost of regulation?
2. Who is going to benefit? Perceived value of implementing the regulatory guidelines
3. Who is going to pay for it?

He has highlighted some critical issues for way forward;

- Colombo has past experiences.
- Draw a line for future and then move on to the future
- Identify not only good practices but bad practices as well. Bad practices will teach us good lessons
- The draft guidelines report should be read by all the relevant stakeholders. They must make constructive criticisms
- Try not to repeat what we have already done. Move forward by mainstreaming the good practices

Dr. Sohail has then concluded his brief presentation wishing that the participants would contribute their knowledge and experiences for a more forward looking planning and actions that support the total urban development in general and the urban poor in particular.



## Presentation Five

### **Presentation of Findings of the Colombo Case Study: Regulatory Guidelines for Urban Upgrading & their Impacts on Livelihoods Improvement by Mr. K.A. Jayaratne, President, SEVANATHA**

#### **Background:**

- Water Engineering and Development Centre (WEDC) of Loughborough University in UK is carrying out researches globally in selected countries with national partner organizations.
- SEVANATHA has been collaborating with WEDC for carrying out research on the aspects of sustainable urban livelihoods.
- Regulatory Guidelines for Urban Upgrading is one research that has been supported by WEDC to be carried out in Colombo with SEVANATHA.

#### **Specific objectives of the study:**

- Review the existing regulatory framework and legislation for regularization and upgrading of low-income settlements.
- Study how the existing legislation affect the poor people's livelihood and their assets.
- Assist local authorities and communities to improve their capacity by revising and developing a pro-poor regulatory framework that would govern the regulations and improvement of informal low-income settlements.

#### **Methodology**

- Research proposal by Sevanatha in consultation with WEDC and ITDG
- Assumption is that RG can be used as a tool for Urban Poverty Reduction
- Review of Housing Policies and Urban Planning Legislation
- Impact of RG on the lives of Urban Poor through Case **Studies**
  - **Case study selection criteria:**

#### **Case Study Selection Criteria:**

- Upgraded settlements where community has the experience of land regularization
- Settlements to be representative of the upgraded settlements in size of population
- Relatively successful settlements - people have completed the house construction and obtained services for private use-
- Settlement included into the municipal council's assessment list and

- Majority of households in the settlement should feel that their housing problem has been resolved and it is not a priority any more.

**Selected settlements:**

1. Kalinga Mawatha - Kirulapana, Colombo
2. Swarna Road - Phase II, Kirilapana, Colombo.
3. Bo Sevana - Narahenpita, Colombo
4. Seevalipura - B Section, Borella, Colombo
5. Jayagathpura, Moratuwa MC
6. Siribara Menike Pura, Moratuwa MC.

**Major Legislation related to Urban Development and Housing**

1. Local Government Legislation
  - a. Municipal Council Ordinance
  - b. Urban Council Ordinance
  - c. Town Council Ordinance
  - d. Pradesiaya Sabha Act.
2. Housing and Town Improvement Ordinance – 1915
3. Town and Country Planning Ordinance – 1945
4. Urban Development Authority Law - 1978

**Change – Process of Regulatory Guidelines in Sri Lanka**

| Change   | Process   |
|--|---|
| <p>1. <b>Urban Local Authorities became responsible for Development Control</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Preventive Measures</li> <li><input type="checkbox"/> Remedial Measures</li> </ul> | <p>1. <b>Housing and Town Improvement (H&amp;TI) Ordinance of 1915</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Preventive Measures (PM)                             <ul style="list-style-type: none"> <li>➢ Approval for erection / recreation of building</li> <li>➢ Approval for alternation of buildings</li> <li>➢ Inspection of building operation</li> <li>➢ Legal actions against for those who fail to comply with law</li> <li>➢ Issuing Certificate of Conformity Approval Process</li> </ul> </li> <li><input type="checkbox"/> Instrument to implement PM                             <ul style="list-style-type: none"> <li>➢ Selecting apart streets and back lane</li> <li>➢ Demarcation of street lines</li> <li>➢ Demarcation of Public Streets</li> <li>➢ Construction of Private Streets</li> <li>➢ Legal Actions</li> <li>➢ Approval process</li> </ul> </li> <li><input type="checkbox"/> Remedial Measures – to Solve the Problem of in-sanitary Conditions in Towns                             <ul style="list-style-type: none"> <li>➢ General Improvement Scheme</li> <li>➢ Redistribution Scheme</li> <li>➢ Rebuilding Scheme</li> <li>➢ Re-housing Scheme</li> <li>➢ Housing Accommodation Scheme</li> <li>➢ Street Scheme</li> <li>➢ Street Intersection Scheme</li> <li>➢ Street Widening Scheme</li> <li>➢ Back Lane Scheme</li> <li>➢ Building Scheme</li> </ul> </li> </ul> |

| Change   | Process   |
|--|---|
| <p>2. National Consultative Body to Authorize Making Schemes for Planning and Development of Land in the Country<br/>"Central Planning Commission"</p> | <p>2. Town and Country Planning Ordinance, No. 16 of 1946</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Create Development of Town and Country Planning</li> <li><input type="checkbox"/> Appoint Government Town Planner</li> <li><input type="checkbox"/> Prepare Planning Schemes and to give technical advise to prepare Town</li> <li><input type="checkbox"/> Planning Schemes to ULA                             <ul style="list-style-type: none"> <li>➢ Regional Planning Scheme</li> <li>➢ Detailed Planning Scheme</li> <li>➢ Outline Planning Scheme</li> </ul> </li> <li><input type="checkbox"/> ULAs remained as the Planning and Executive Authority of Planning Schemes</li> </ul> |
| <p>3. Tenants became Legal Occupant of Slum and Shanty Houses</p>  | <p>3. The Ceiling on Housing Property Law, No. 1 of 1973</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Commissioner of National Housing Responsible for distribution of excess houses to occupants</li> <li><input type="checkbox"/> Creation of Common Amenities Board to improve amenities in Slums and shanty areas</li> </ul>   |

| Change  | Process   |
|---|---|
| <p>4. Preparation of Colombo Master Plan - Creation of an Authority to Promote Integrated Planning and Implementation of Economic, Social and Physical Development.<br/>All ULA came under UDA as Declared Areas.</p> | <p>4. The Urban Development Authority Law, No. 41 of 1978</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Create Urban Development Authority</li> <li><input type="checkbox"/> Centralized Urban Planning and Development Functions</li> <li><input type="checkbox"/> UDA Law superceded all other planning laws – H&amp;TI, T&amp;CP</li> <li><input type="checkbox"/> Declare areas as Urban Development Areas</li> <li><input type="checkbox"/> UDA vested all powers to prepare plan, implement acquire lands, provide technical advise, land use plan, zoning, street lines, issue COC etc.</li> <li><input type="checkbox"/> Section 8 (n) of UDA Law in 1978 "To Cause the Clearance of Slums and Shanty Areas and to under take the Development of such areas"</li> <li><input type="checkbox"/> UDA gazetted in 1986 "UDA Planning and Building Regulations"</li> <li><input type="checkbox"/> Comprehensive Set of Regulations for Control of Physical Development</li> </ul> |
| <p>5. Slums and Shanties Declared as "Special Project Areas" under UDA Law</p>  | <p>5.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Slums and Shanties recognized as part of City Development Plan</li> <li><input type="checkbox"/> Form CBOs in order to provide basic services to low income settlements by Municipalities</li> </ul>  |
| <p>6. UDA Implemented Slums and Shanty Improvement Programme (1978 – 1984)</p>  | <p>6.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Ministry of Housing prepared the Policy Paper on Upgrading (1979)</li> <li><input type="checkbox"/> UDA carried out pilot schemes on Upgrading</li> <li><input type="checkbox"/> Preparing a set of minimum standards for upgrading</li> <li><input type="checkbox"/> Introduce the Concept of Self-help and Beneficiary Participation</li> <li><input type="checkbox"/> Community participation in land regularization</li> <li><input type="checkbox"/> Government decided to grant leasehold right to shanty dwellers</li> </ul>   |

| Change  | Process   |
|---|---|
| 7. Implementation of Support Based Urban Housing Programmes (1984 – 1994) | 7. <ul style="list-style-type: none"> <li>❑ Replication of upgrading process of SSIP in ULAs in the country under MHP/NHDA</li> <li>❑ Decentralization of upgrading to District / ULA level</li> <li>❑ Introduction of Participatory Methodology for Urban Upgrading – “Community Action Planning”</li> <li>❑ Creation of structures at ULA level to support upgrading HCDC</li> <li>❑ Development of Guidelines through CAP Process for <ul style="list-style-type: none"> <li>➢ Land Regularization</li> <li>➢ Layout Planning</li> <li>➢ Home Building</li> <li>➢ Infrastructure Construction</li> </ul> </li> </ul> |

### Case Study Findings

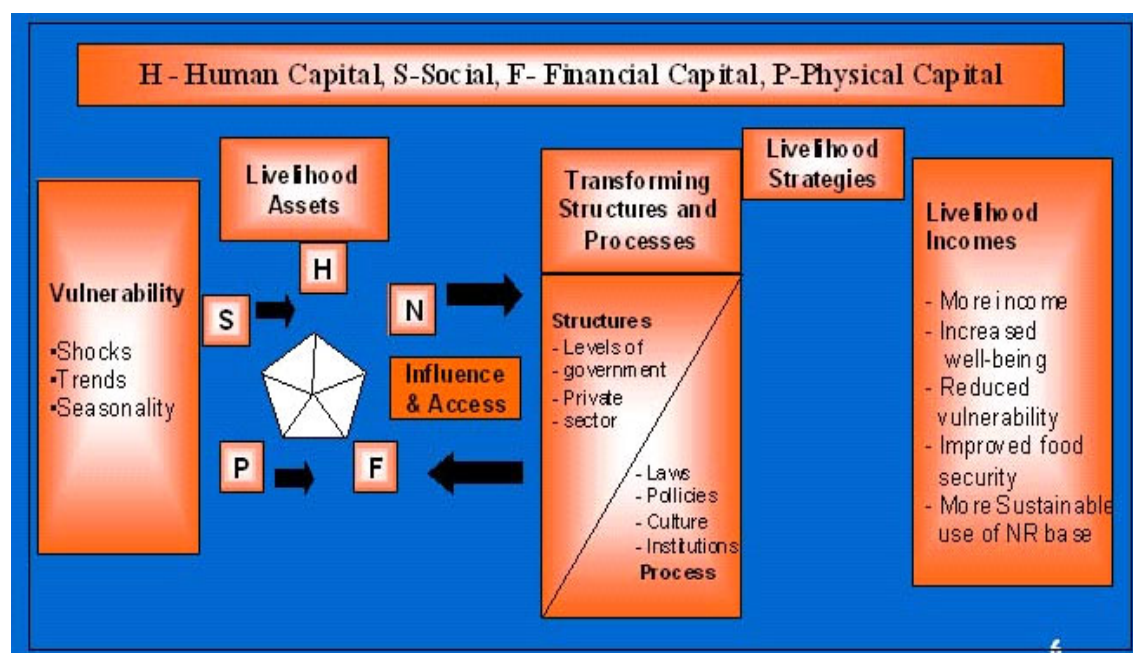
| Settlement      | Project Interventions  | Land – Plot Size        | Housing  |
|-----------------|--|-------------------------|--|
| Kalinga Mawatha | <ul style="list-style-type: none"> <li>➢ UBS / CMC</li> <li>➢ SSD / UDA</li> <li>➢ MHP / NHDA</li> <li>➢ CAP</li> <li>➢ CDC</li> </ul>                     | ➢ 75 sq.m (3 perch)     | <ul style="list-style-type: none"> <li>2ft – front space</li> <li>2ft – Rear space</li> <li>3 floors - maximum</li> <li>Plan approved by NHDA</li> </ul> |
| Bo-sevana       | <ul style="list-style-type: none"> <li>➢ UBS / CMC</li> <li>➢ SSD / UDA</li> <li>➢ MHP / NHDA</li> <li>➢ CAP</li> <li>➢ NGO</li> <li>➢ CDC / WB</li> </ul> | ➢ 50 – Sq. m. (2 perch) | <ul style="list-style-type: none"> <li>2ft – front space</li> <li>2 ft –rear space</li> <li>3 floors – maximum</li> <li>Plan approved by NHDA</li> </ul> |
| Swarna Road     | <ul style="list-style-type: none"> <li>➢ UBS / CMC</li> <li>➢ SSD / UDA</li> <li>➢ MHP / NHDA</li> <li>➢ CAP</li> <li>➢ USIP / NGO</li> </ul>              | ➢ 50 sq. m. (2 perch)   | <ul style="list-style-type: none"> <li>2ft – front space</li> <li>2ft – rear space</li> <li>3 floors – maximum</li> <li>Plan approved by NHDA</li> </ul> |
| Seevalipura     | <ul style="list-style-type: none"> <li>➢ UBS / CMC</li> <li>➢ NGO/UDA</li> <li>➢ MHP / NHDA</li> <li>➢ CAP</li> <li>➢ USIP</li> <li>➢ CDC</li> </ul>       | ➢ 50 Sq. m. (2 perch)   | <ul style="list-style-type: none"> <li>2ft – front space</li> <li>2ft – rear space</li> <li>3ft – common space between houses in back</li> </ul>         |
| Jayagathpura    | <ul style="list-style-type: none"> <li>➢ Railway Land</li> <li>➢ MHP / NHDA</li> <li>➢ UBS / MUC</li> <li>➢ CDC / CAP</li> <li>➢ CSP</li> </ul>            | ➢ 100 sq.m. (4 perch)   | <ul style="list-style-type: none"> <li>2ft – front space</li> <li>2ft – rear space</li> <li>3 floors - maximum</li> </ul>                                |

| Settlement           | Access Roads   | Solid Waste Management | Common Facilities  |
|----------------------|--|------------------------|--|
| Kalinga Mawatha      | <ul style="list-style-type: none"> <li>➢ 20 ft – Main Road</li> <li>➢ 10 ft – Inner Roads</li> </ul>                             | ➢ Municipal Service    | ➢ One plot for community centre  |
| Bo-sevana            | <ul style="list-style-type: none"> <li>➢ 10 ft – Main Road</li> <li>➢ 10 – 08 ft – Inner Roads</li> </ul>                        | ➢ Municipal Service    | ➢ One plot for community centre  |
| Swarna Road          | <ul style="list-style-type: none"> <li>➢ 15 ft – Main Road</li> <li>➢ 6 – 4 ft – Inner Roads</li> </ul>                          | ➢ Municipal service    | ➢ No land available for common use   |
| Seevalipura          | <ul style="list-style-type: none"> <li>➢ 20 ft – Main Road</li> <li>➢ 12 – 10 ft Inner Roads</li> <li>➢ Street lights</li> </ul> | ➢ Municipal service    | <ul style="list-style-type: none"> <li>➢ Common well</li> <li>➢ Children park</li> </ul>   |
| Jayagathpura         | <ul style="list-style-type: none"> <li>➢ 20 ft – Main Road</li> <li>➢ 10 ft – Inner Road</li> </ul>                              | ➢ Municipal service    | <ul style="list-style-type: none"> <li>➢ Community centre</li> <li>➢ Children park</li> </ul>  |
| Siribara Menike Pura | <ul style="list-style-type: none"> <li>➢ 15 ft – Main Access Road</li> <li>➢ 8-5 ft – Gravel Inner Road</li> </ul>               | ➢ Municipal Service    | <ul style="list-style-type: none"> <li>➢ Community centre</li> <li>➢ Post office</li> <li>➢ Municipal health centre</li> <li>➢ Cooperative shop</li> </ul> |

| Settlement           | Water Supply  | Sanitation   | Drains   |
|----------------------|---|--|--|
| Kalinga Mawatha      | ➤ Individual Connections from city supply   | ➤ Individual pit latrines / bathrooms                    | ➤ 40 ft back spaces and drains for waste water<br>➤ Road side drains for storm water                     |
| Bo-sevana            | ➤ Individual connection from city supply  | ➤ Private toilets / Bath connected to common septic tank | ➤ Underground drains for water and storm water   |
| Swarna Road          | ➤ Individual connection from city supply  | ➤ Private toilets / Bath connected to common septic tank | ➤ Main drain for boundary and road side drains for storm water<br>➤ Waste water connected to septic tank |
| Seevalipura - B      | ➤ Individual connection   | ➤ Private toilet / bath connected to municipal sewer     | ➤ Open main drain<br>➤ Drains on road side and back connected to main drain                              |
| Jayagathpura         | ➤ Individual pipe water connection from city supply   | ➤ Individual pit latrines with bathing facilities        | ➤ Main drain and road side drains (SCP) for storm water  |
| Siribara Menike Pura | ➤ 90% private water connection from city supply<br>➤ common stand post<br>➤ 1- common bathing place | ➤ Individual pit latrines with bathing facilities (CSP)  | ➤ 4 ft back alley<br>➤ Open main drains on road side<br>➤ No proper waste water discharge system         |

| Settlement           | Open Spaces                           | Electricity |
|----------------------|---------------------------------------|-------------|
| Kalinga Mawatha      | No                                    | Available   |
| Bo-sevana            | No                                    | Available   |
| Swarna Road          | No                                    | Available   |
| Seevalipura          | Available                             | Available   |
| Jayagathpura         | Available                             | Available   |
| Siribara Menike Pura | 10 perch space for children play area | Available   |

### Sustainable Livelihood Framework



### Physical Assets

- Each family has 75 Sq.m. plot with secure tenure
- Permanent houses and 30% of them are two storied
- Each H/H has individual pipe born water connection
- Each family has electricity power supply
- Telephone service is available
- Vehicular access road that links community with service centers like market, police, banks, govt. and private sector offices
- Houses are used for business and other purposes
  - Grocery, Dress making, Food Parcelling, Renting, meeting place for savings groups and CDC

### Social Assets

- Community Development Council
- Women's Savings Groups
- Funeral Assistance Society
- Religious Associations
- Youth Federation
- CDCs have a strong links with Women's Savings Groups in the area.
- Community has a wider access to other institutions like GO, MC, NGOs through CDC and Women's Groups
- Mixed community **with different ethnic and religious links**

### Human Assets

- The following skills persons are living in the settlement:
  - Masons
  - Carpenters
  - Drivers
  - Tailoring
  - Small businesses
- Community project management
- Informal sector business skills
- Banking / Financial Services
- Computer skills
- Craftsmanship
- Accountants

### Financial Assets

- Community has a strong savings and credit network and it provides easy access to the credit
- Location of the settlements themselves provide livelihood options and financial resources.
- Municipal markets provide business opportunities. For Vegetable sellers, fishermen, fruit sellers and so on
- Sales and delivery services in the area
- Hire three-wheel vehicles and close to three-wheel stand
- Small catering services to the nearest offices, hospitals

## **PART – II: MUNICIPAL REGULATORY GUIDELINES FOR URBAN UPGRADING.**

### **Regulatory Guidelines for Urban Upgrading**

- 1.0 Introduction
- 2.0 For Whom
- 3.0 Why Regulatory Guidelines for Urban Upgrading
- 4.0 Principles
- 5.0 Policy and Approval for Implementation of RGUU
- 6.0 Identification of Settlements at Urban Local Authority Level
- 7.0 Selection of Settlements for Different Types of Upgrading
- 8.0 Criteria for Selection of Upgradeable Settlements
  - 8.1 What is an Upgradeable Settlements
  - 8.2 Criteria for Selection of Settlements for in-situ Upgrading
- 9.0 What is un-upgradeable Settlement
- 10.0 Improvement Measures for Un-upgradeable Settlements
- 11.0 Upgrading Steps
- 12.0 Initiate Community Action Planning Process
  - 12.1 Implement Community Action Plans
- 13.0 Issue Specific CAP for Formulation of Regulatory Guidelines for Urban Upgrading
  - 13.1 Land Regularization
  - 13.2 House Building
  - 13.3 Infrastructure
  - 13.4 Community Enterprises

### **Panel Discussions on the Presentations and Identification of Issues in Relation to Policy and Practice of Urban Upgrading**

The panel discussion was facilitated by Mr. Theo, Dr. Sohail, Prof. Willie Mendis, Mr. Jayaratne and Mr. Dayananda

#### **Some of the Key Issues Raised by the Participants**

- i. It was highlighted that the Urban Development Authority which holds the planning powers & functions for guiding the urban development has not properly carried out its functions.
- ii. The representatives of Colombo Municipal Council have pointed out that some of the regulations such as parking requirements etc. are not appropriate when considering the current changes in development.
- iii. Some of the senior professionals have raised the issue that most of our urban local authorities have not used the existing acts and ordinances to formulate the by-laws and regulations for guiding the development activities in their areas. Lack of awareness, lack of resources (particularly trained manpower etc.) have contributed to non-formulation of regulations.

- iv. A serious drawback in raising public awareness on existing regulation, their benefits to the community were apparent in almost all the institutions are concerned.
- v. The community leaders have pointed out that the low income housing upgrading projects implemented by the NHDA have not been integrated either with the local authority planning process or UDA's planning process. Therefore, operation and maintenance of such schemes have become difficult.
- vi. The issue of land ownership of upgraded low income settlement was discussed. It was revealed that a programme is now being implemented for granting title deeds (leasehold as well as freehold) for the land lots in upgraded settlements.
- vii. Integration of upgraded settlements with the formal city administration has also not been carried out yet since laying of rates for properties and assigning assessment numbers were not introduced.
- viii. The issue of the ownership of common lands (i.e. access roads, open areas etc.) in upgrading settlements have not been transferred to the urban local authorities. Hence, they are being encroached by the people.



## The Day Two Deliberations

The day two deliberating was started by Dr. M. Sohail Khan highlighting the key issues identified during the Day One Session.

The key stakeholders who participated at the workshop included;

- Representatives of Colombo Municipal Council
- Representatives of UDA
- Representatives of NHDA
- Representatives of Urban Settlements Improvement Programme (USIP)
- Representatives of Sri Lanka Institute of Local Governance
- Representatives of the Universities
- Representatives of ITDG
- Representatives of Community Leaders

The following points were listed being recapture of the day one sessions.

- i. There is no proper logical framework for currently used building regulations.
- ii. The regulations are important in terms of city economic development and for urban re-development.
- iii. Colombo has a wealth of experience in urban upgrading relating to the past 20 -30 year period.
- iv. Regulations are important contributing factors for improving livelihood assets.
- v. Use of past positive and negative experiences in the upgrading process for future activities.

## The Aim of the Day Two Session

- i. To discussed on specific issues only
- ii. To review the regulatory guidelines developed by SEVANATHA\
- iii. To agree on plan of action by key stakeholders

Subsequently, Mr. Jayaratne has presented the guidelines developed under the study carefully going through each issue (please see the guidelines in annex II)

## The Decisions Reached

- i. The Director of Urban Settlement Improvement Programme has indicated that he will use the proposed regulatory guidelines for ongoing housing upgrading projects of USIP.
- ii. The NHDA and the City Planning Department of the CMC agreed to work in close coordination with each other in implementing the future upgrading projects in Colombo.
- iii. It was decided to form a working committee involving the key stakeholders (NHDA, UDA, CMC, USIP, SEVANATHA and others) to carry forward the implementation of upgrading projects using the guidelines developed under the project.

**Regional Workshop  
Regulatory Guidelines for Urban Upgrading  
29<sup>th</sup> & 30<sup>th</sup> July 2003 at Committee Room E, BMICH, Bauddhaloka Mawatha,  
Colombo 07, Sri Lanka**

**Draft AGENDA**

**Day 1: Tuesday 29<sup>th</sup> July 2003**

- 8.45 – 9.00 - Registration of Participants
- 9.00 – 9.10 - Lighting of the Traditional Oil Lamp
- 9.10 – 9.20 - Welcome addresses by SEVANATHA
- 9.20 – 9.30 - Introduction to the Workshop by Mr. K. A. Jayaratne, President, SEVANATHA
- 9.30 – 9.50 - Planning and Building Regulations in Urban Development – Theory and Practice by Mr. Theo Schildeerman, Senior Shelter Specialist, ITDG
- 9.50 – 10.10 - Planning and Building Regulations for Urban Regeneration in Colombo, Sri Lanka by Prof. Willie Mendis, Senior Professor of Town & Country Planning
- 10.10 – 10.30 - Some Critical Issues in Respect of Implementing Regulatory Guidelines for Urban Upgrading in Sri Lanka by Mr. H.M. Dayanada, Deputy General Manager, National Housing Development Authority
- 10.30 – 10.45 - TEA BREAK
- 10.45 – 11.10 - Background and Expectations of the DFID Supported WEDC & ITDG Executed Research Studies on Regulatory Guidelines for Urban Upgrading by Dr. M. Sohail Khan, Research Manager, WEDC, Loughborough University, UK
- 11.10 – 11.40 - Presentation of Finding of the Colombo Case Study: Regulatory Guidelines for Urban Upgrading & their Impacts on Livelihoods Improvement by Mr. K.A. Jayaratne, President, SEVANATHA
- 11.40 – 12.00 - Presentation of the Findings of Nairobi Case Study by Mr. Theo Schildeerman, Senior Shelter Specialist, ITDG
- 12.00 – 13.00 - LUNCH BREAK

13.00 – 15.00 - Panel Discussions on the Presentations and Identification of Issues in Relation to Policy and Practice of Urban Upgrading

*The Panelists*

1. *Mr. Theo Schildeerman, Senior Shelter Specialist, ITDG*
2. *Dr. M. Sohail Khan, PM, WEDC*
3. *Mr. H.M. Dayananda, DGM, NHDA*
4. *Mr. Shantha Jayasundera, Deputy Municipal Commissioner (PS), CMC*
5. *Mr. K.A. Jayaratne, President, SEVANATHA*

15.00 – 15.15 - TEA BREAK

15.15 – 15.30 - End of Day One Session

**Day 2: Wednesday 30<sup>th</sup> July 2003**

9.00 – 9.15 - Recapture of Day One Deliberation by Dr. M. Sohail Khan

9.30 – 11.30 - Group Discussions on How to Mainstream the Participatory Approaches in Practicing Regulatory Guidelines for Urban Upgrading

11.30 – 12.30 - Group Presentations  
An Action Plan for Influencing Policy and Practice

12.30 – 13.30 - LUNCH BREAK

13.30 - Close of Day Two Session