

URBANIZATION LEGISLATIONS AND THEIR REFLECTION ON THE QUALITY OF LIFE IN THE EGYPTIAN CITIES

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Abstract— Since the beginning of creation, the human interaction produced a series of changes within the environment, so there should be what regulates these interactions. That led to the appearance of a set of unwritten regulations imposed by the rulers and the monks in human life until the revelation of celestial legislations. After that the man-made (written) laws and acts were immersed. Laws and regulations were put not only to regulate the relationship of man-to-man, but also to organize the man's relationship with the surrounding environment i.e. the physical side such as the city. The legislation and regulations governing this aspect were varied in different civilizations. It produced a variety of codes in the formation of the urban fabric of those cities. The differences and contrast were a true reflection of such legislation and laws.

It is noted that the urban environment in the Egyptian cities suffers from a lack of laws and regulations governing urbanization to maintain the quality of life. Most of the legislation and the requirements of building currently applicable in Egypt are focused on (building heights, land use, and density of structures) without paying any attention to the surrounding environment or population requirements. They did not pay attention to the evolution of social life, technological developments, and urban changes associated with trying to achieve functional and humanitarian needs through making some adjustments by population depending on personal preferences. Thus, a need for legislations founded on sound science bases to provide a healthy and safe environment and to maintain the quality of the building environment at our Egyptian cities.

Therefore, it was necessary to study the legislations that organize the urbanization and to monitor its shortcomings in considering the quality of life inside the urban environment as a response to the reality of political and societal changes and amendments of laws and regulations to conform with the principles of the Egyptian Constitution of 2014, such as the foundations of social justice, sustainability, and equality principles to achieve the quality of life in Egyptian society. If we have such principles stipulated in the constitution without good management of legislation, laws and requirements to activate these rights, we will not be able to guarantee the quality of life in cities. Therefore, this paper aims to create a model for the management of urbanization to achieve the quality of life.

Keywords— Laws - legislations - quality of life - sustainability.

I. THE IMPORTANCE OF RESEARCH

The importance of research is highlighted at the present time due to our two revolutions, constitution amendment, and beginning of a new legislative period that aims to change the laws to conform to the new constitution of the country.

II. RESEARCH PROBLEM

Despite the large number of laws and legislation prepared for control over the Egyptian urbanization, there are many urban problems including the increase in the heights of buildings, mix land uses, distracting the architectural nature, loss of identity, and lack of safe and healthy urban environment that achieve the quality of life.

Despite the fact that building codes have granted the local authorities, that oversee the application of urbanism legislation, the right to control over the urbanization through dividing cities into sites and setting requirements for each of them. Most of those agencies did not exercise its right in this regard and merely they stopped at what was stated in building codes.

Therefore, it was necessary to study the legislations that organize the urbanization, monitor the shortcomings to achieve a quality of life, to stipulate away to put Egypt in the world ranking for the quality of life through urban laws and legislations, and as a response to the reality of political and societal changes and amendments of laws and regulations to conform with the principles of the Egyptian new Constitution of 2014.

III. THE AIM OF RESEARCH

"Stipulating some of principles and standards that meet the quality of life in urban communities in Egyptian cities, based on which laws and legislations related to urbanization must be formulated" That shall come through study, analysis, classification, of features, identification of the difficulties, and modification of the recent laws and legislations' shortcomings that led to the decrease of its effectiveness and work to complete its aspects and suggestions necessary to develop them.

IV. HYPOTHESIS OF THE RESEARCH:

The research assumed that the integration of urban legislations at the level of all the legislation and its application in what is known as "Urbanization Organizing Legislations" would achieve the quality of life in the Egyptian cities.

V. RESEARCH METHODOLOGY

The descriptive approach will be used to highlight the importance of urban laws and their impact on the quality of life through (view urban legislations related to directing and organizing urbanization/study the reflection of shortcomings of the laws and regulations on the contemporary urban environment).

VI. THEORETICAL STUDY

A. Definitions of the study

1) Urban legislations

They are legislations that govern the urbanism in direct way and control over the actions of individuals and groups in the field of urbanization to ensure that buildings meet the requirements and design standards that achieve the needs of the population, ensure their safety and comfort, provide a public health supplies, and achieve the aesthetic values.

In other words, they are the legal rules written and issued by the competent authority that govern and regulate the urban planning process in all national, regional and local levels, it is basic and sub-inputs, determine the shape of relations between the parties related to urban planning, determine the procedures, and regulatory and administrative requirements necessary to achieve urban planning purposes.

Urban legislations are a set of controls, planning requirements, and urban planning systems that shall be met during the implementation of urban planning projects on all the strategic and detailed levels, starting from the selection of new cities sites, and classification of land use within the planning areas, the standards and regulations for the detailed planning, till the building determinants on each piece of land and its relationship with surrounding land.

2) Quality of life and urbanization

Quality of life for urbanization represents in integration and availability of components of key sectors of urbanization "social sector, urban sector, sector of services and infrastructure" which provide the residents with psychological comfort, security, and help urbanization to carry out the targeted functions, such as natural environment, conditions of housing, transportation, social care, and health, educational and recreational services, etc.

It is possible to try to measure the key factors for good life for most people. There are some definitions that help to understand this term, including: It is the degree enjoyed by the person in life that is a product of the interaction between social, economic, and environmental situations that affect on the human body such as happiness, satisfaction with the external environment. It is a popular expression that means prosperity felt by people supported by the surrounding environment of the community. It is the outcome of the whole community.

The quality of life is a relatively recent concept that went over different historical stages and has numerous interpretations that involve personal views such as (experiences, perceptions,

attitudes, and beliefs, relationships between the dimensions of everyday political, cultural, spiritual, physical, and philosophical life).

3) The most important urban legislation in Egypt

Most of urban legislations in Egypt dates back to the first half of the twentieth century or the beginning of the second half. That affirms the need for studying the current urban legislations and identifies them to determine the extent of their effectiveness in regulating and controlling the construction before enacting new legislations. Urban legislations deal with different areas as shown in Figure (1), of which most important areas as follows:

- Urban planning legislations: Aims to improve the physical environment by making them a healthy and beneficial environment characterized by high efficiency that increase humanitarian activities and through the preparation of plans and programs for urban development at the level of the Republic.
- Legislations of construction works organization: The purpose of which is to supervise the construction works so as to ensure that they meet the foundations necessary to provide the requirements of safety, security, public health, and comfort for the residents in addition to being a tool for the implementing the general and detailed plans, regulations of the land division, and control of population densities.
- Public roads occupancy legislations: The purpose of which is to maintain the function of public roads and squares of transport and traffic between various regions and installations with ease and speed.
- Local administration legislations: Regulating the work of local, public and executive bodies responsible for management and development of local councils, upgrade the physical, social and economic level while preserving the natural environment located in its jurisdiction.
- Legislations of creating new urban communities: The purpose of which is to establish authority to take the responsibility for planning, establishment, and management of new communities for a period of time, after which the ownership of these communities will be transferred to local administration.
- Legislations for preserving agricultural land: They aim at protecting the agricultural lands from the unplanned urban growth and prohibition of razing the agricultural land or to leave it uncultivated.
- Governmental and desert land legislations: They set the controls that govern disposition of this land by lease or sale, and determine who has the authority to act in and dispose of this land or manage it.
- Legislation of protecting monuments: They aim at scientific precise determination of the monument, guarantee the protection of monuments considering them as public property, prohibition of monument trafficking, and put restrictions on exploration, drilling and search for monuments.
- Legislations to establish and manage the industrial, commercial shops, general stores and public parks:

They aim at protecting cities or villages from the harmful effects resulted from the operation of these shops.

- Advertising regulating legislations: They regulate the use of roads and public squares and public transportation in advertising for goods and services to prevent prejudice to the appearance of the city or general order of the area.
- Legislations of improvement return: They aim to impose improvement return on the properties subjected to improvement due to implementation of urban development projects.
- Cleanness legislations: They set forth control over garbage collection, disposal, and transport of liquid waste.
- Fencing and land space to preserve the beauty and good coordination of city.
- Sewage legislations: The purpose of which represents at organizing the liquid waste of properties via sewage network and waterways or in places where there are no public sewer network. The research touched the Unified Construction Law No. 119/2008 as legislation for Urban Planning and construction works organizing.



Figure (1): Urban areas of legislations

4) The importance of urban legislations

The importance of urban legislations represents in being a basic tool affecting the level of countries progress, the basic guidance to upgrade the level of basic urbanization through the following main functions:

- Identify bodies entrusted with the urban planning process, responsibilities, and powers of planning process management.
- Regulate the urban procedures and requirements; deepen the principle of clarity, credibility, and planning justice achievement.
- Regulate the relationship between the public authorities responsible for urban planning, and the relevant authorities, including the consequent rights and obligations.
- Achieve the harmony and balance in urban patterns via application of unified planning legislations that identify the urban character of the city.
- Lead to urbanization compatible with the urban and functional needs and requirements for a distinctive identity.
- They are a tool for change, improvement, and reform in urban and rural environment, through their binding provisions put in place to achieve the Planning and Urban Development goals.
- They rely on the democratic approach based on participation between urban authorities and owners to release energies for

the development of future integrated concept for urban development.

- Determine the shape of future for upcoming generations, which is a great responsibility that obliges us to do our best for contributions that meet the level of the desired aspirations.

B. The basic components for quality of life and urbanism

Quality of life and urbanization can be determined through three key sectors, by which the current situation of the population and urbanization, and its facilities are conceived. Figure (2) illustrates such sectors and their various elements as focus will be on the urban side.

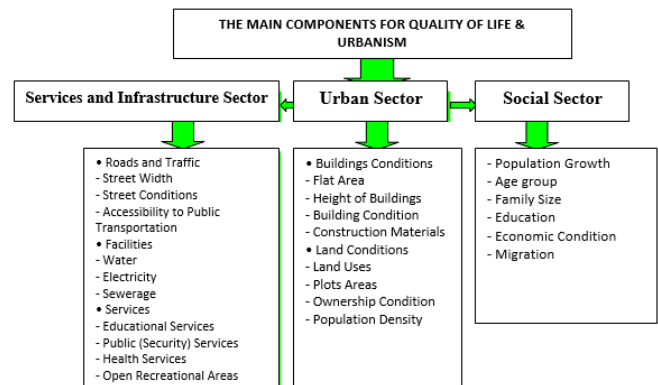


Figure (2): Components of Urbanism life quality

In addition, there is a strong relationship between the urban sector, efficiency, and quality of urbanization that is determined through various transformations of the development processes in the area, through which the general characteristics of urbanization such as population and structural density composed. It is necessary to identify the urban elements elected for the good evaluation model to measure the quality of urban life. For good selection to elements of the urban sector, the focus shall be on the elements that have an impact on clarity of the image and urban environment. These elements are classified as follows:

- Area of Unit: The area of the housing unit, and whether it was ownership or lease, inhabited by one or more family is an important sign for subsistence and housing level, and for study of family size.
- Condition of Buildings: There is a direct relationship between the condition of the building and the quality of urbanization, as a large percentage of buildings in slums are in poor condition, which does not match the quality of required urban standards. Ministry of Housing Studies showed that about 35% of slums buildings are in poor condition.
- Use of Land (mixed use): Slums characterized by mixed and intensive uses. Stores, craft workshops, housing, and places of animals and birds breeding are existed along the main street without separations or borders. These areas contain small shops for groceries, craft and industrial workshops, and large numbers coffee shops, cafeterias. This mix between uses of industrial and residential uses has serious and adverse effects on public health of citizens and on urban environment of the area. In fact, not all land use ratios in those areas fit with the urban conditions and standards as the green areas do not exist at all.

- Plots of lands: The small plots of land do not fit relationship and shape of the total area. As the small pieces of land always do not fit the shape.
- Population Density: Population density represents in the number of inhabitants per area and the higher the density, the less quality of life in that region.

C. The right urbanization that achieves the quality of life

The right to provide an appropriate urban environment must be drafted within the new framework to meet the universal concepts as recommended by the International Human Rights. The humans shall have the right to live in places that ensure their dignity, security, and privacy, and creating family and social relationships to interact with surround external effects whether they were social or cultural. It shall be a place that meets the needs of the resident and give him a creative and innovative opportunity to participate life and social activities. Vancouver Declaration regarding Human Settlements, which was supported by the United Nations in 1976 became binding basically as it supports the human right in adequate urban environment (Housing and appropriate services are basic human right that governments shall do their best to ensure their availability for all people. That shall start from direct assistance to the least fortunate of them through directed programs rely on self and community efforts.)

These rights have been included in the Egyptian Constitution for 2014 in articles No. 8, 9, 10, 18, 27, 41, 46, 59, 78, 79, and 236. However, the inclusion of these rights in the constitution without activating then via urban legislations and laws do not guarantee the quality of life in urbanization. So, this research is interested in clarifying the shortage of urban legislations to conform with the new constitution of the country in order to achieve the quality of life.

D. Role of Urban legislations to achieve the quality of life

Egyptian cities passed through historical stages, during which there was no overall planning that regulates the growth due to deficiencies in the application of laws and the weakness of local administrations. That led to an extension of urbanization according to the points of view of investors land and real estate traders. Uses were mixed and industries penetrated the housing areas. Various activities were mixed with each other, and that led to decrease the social values and humanitarian levels for the Built environment.

These problems have led to some of necessary legislations to regulate urbanism, including the legislations that concern the requirements of areas, requirements of land division, buildings, housing, public health, fire protection and controls for granting licenses for the projects legislations.

Currently, there are multiple types of legislations in Egypt that cover many areas related to urbanization such as Unified Construction Law No. 119/2008. It is the law, by which the planning and construction laws in Egypt were unified. It was divided into five sections as the first and second sections were about urban planning: The first section includes three chapters (planning and urban development, planning and national and regional urban development, planning and local urban development, division of land, industrial and craft areas, areas re-planning – unplanned areas).

Second section – urban coordination: It includes three chapters: (Organizing the cultural coordination works, value distinguished areas, advertisements and banners).

Third section is about organizing construction works: It consists of nine chapters, namely: (General Provisions, licensing documents, the license issuance process, license fee, license applicant's obligations, implementation of the licensed works, inspection and control measures and actions, the validity of the building for occupancy, maintenance and operation of the elevators)

Section four is about preservation of real estate wealth (Union of occupants' organization, maintenance and restoration of built properties and the demolition of dilapidated facilities.

- There are many negative aspects that can easily be disposed of. The most important deficiencies to address when amending urban legislation are as follows:
- The law and implementation mechanisms highlight main issues without going in to details.
- The law does not follow the norms of urban planning and only stipulates that plot divisions border a road or street on at least one side.
- The law does not set time schedules for city councils to complete urban plans whether they are general or detailed.
- There are no restrictions on the completion of facades stated in the law, this causes many investors to negate the facade finishing phases, this practice is usually reserved to the facades adjacent to neighboring plots.
- There is a deficiency in applying punitive measures when dealing with code and regulation violations this is due to corrupt collusion between municipal planning authorities officials and project representatives (owners, architects or contractors). there is an ease in finding loop holes to work around.
- The planning regulations are lax when it comes to handing in three dimensional facade details.
- There are no laws that enforce the maintenance and renovation of buildings, this is one of the causes of negligence when it comes to the upkeep of buildings. These negligent practices are responsible for the prevalence of urban deterioration and visual pollution.
- The municipal planning authorities focus only on penalties related to (building height and setback), other offenses are rarely addressed by the municipal authorities is due to the lack of trained personnel (engineers, architects and urban planners) and the weakness of their power, influence and ability. this in turn reflects on the limitations of the legal infrastructure.
- Constant changes and updates laws and the prevalence of judicial reconciliation with violators and the lack of serious punitive measures make breaking laws easy.

Requirements of public spaces

- A ban on the establishment of any construction in public spaces (open spaces, streets and squares) that result in the interference with the visual image of the place and surrounding buildings, this ban also includes signage and advertisements on buildings, on roads, pedestrian bridges, vehicular bridges, and squares. Figure 3 shows the visual violations on Maadi square.
- It is not permitted to establish, modify, or repair any fixed or mobile constructions or projects, to move any architectural elements, statues, sculptures, or decorative units in public

spaces but after obtaining a license from the competent administrative authority and after the approval of the national agency for Coordination of civilization.



Figure (3): The distortion of optical image as a result of the presence of ads in the squares.



Figure 4 shows non-law commitment and its reflections on the lack of quality of life.

Facades

It is not allowed to form curtain walls for facade or use aluminum and glass panels and other polished materials. Figure 5 shows owner's non-commitment to the requirements of building and its reflection on the quality of life.



- Figure (5): This picture shows curtain walls formed by the owner on the main facade in contrary to the specific requirements set by the cultural coordination authority for conservation of urban formation.
- Sewage, water, and gas pipes and air conditioning equipment and holders shall not be placed on the

facades overlooking the streets. When necessary, they shall be covered by architecture fixtures suitable to architectural design. If not, they shall be placed on the roofs of building. Picture No. 6 shows non-compliance with the requirements of building resulted in a distortion of the visual image of the building.



- Figure (6): It shows drainage, water, and gas pipes on the facades without architectural treatments, resulting in a distortion of the overall appearance of facades.

Auditory, olfactory, and audio pollution, noise and vibration

Giving licenses to contaminated harmful uses such as workshops, warehouses and shops is not allowed at distinguished real estates, except in places designed for that originally. Figure 7 shows non-compliance to uses determined for areas and bad impact on quality of life.



Figure (7): It shows shops for the sale of food causing a smelly emission that hurt the next house.

5. Store Facades

- Original holes earmarked for stores shall be used according to the original design of the facade of the property. The original external walls of the building have the same materials, colors, and finishes. Corners of the building shall not be covered.

- In the case of damage to any parts of the original facade of the building before or during the shop processing, it must be restored and returned to previous condition.

- Signs of store names shall be fixed at allotted places inside the stores facades. Figure 8 shows some negative reflection of non-commandment of some storeowners to the law.



- Figure (8): The images shows non-compliance by shopkeepers to putting shop name signs at the allotted space within the facade slot.

E. Streets and public properties infringement

- It is not allowed to deduct any part of parks or green spaces, whether private or public, or blanks interfaces and corridors that separate the buildings or to change their use for the purpose of construction or any other purpose (street or gardens infringement). Figure 9 shows some owners infringement to public property of streets via steel fence for cars.



- Figure (9): The picture shows the owners infringement to the street via iron fence to impose property in a special car garages.

7. Requirements for high fences around plots of lands

- Fences around plots shall be surrounded by plants and height shall not be more than 2m. In the case of terrace the height of fence shall not exceed 50cm from the surface of the pavement. Figure 10 shows the no-compliance to law and its impact on quality of life.

VII. AFFORESTATION

- Preparation of lists of perennials, distinctive, and rare trees at Maadi district by a joint committee of the province and the National Agency for the



- Figure (10): The picture shows respect of owner to the desired requirement of height, wall remnant, but committing other violation to the requirements required, which is the wooden fence behind the wall.

- Coordination of civilization, with participation of representatives from civil society.

- It is not allowed to build any walls around public green areas at streets, squares and gardens of sidewalks at residential streets.



- Figure (11): The image shows the fences around the square at public spaces not used by general residents of the neighborhood for fear of throwing garbage inside the green space in a violation to laws laid set by National Authority for Urban Coordination.

- When replacement of trees, the same tree species must be implanted, and when add new trees, the cultivation of the same original brands at streets shall be taken into account. Figure 11 shows the violation of population by creating a steel fence around the open green spaces to prevent garbage throw; which led to an imbalance affected the quality of life.

- It is not allowed to cut trees older than 20 years or of which diameter is more than 25 centimeters at streets or public or private gardens. Trees unfair pruning is prohibited.

- It is prohibited to prune trees in public spaces in geometric shapes contrasted with the natural view of the suburb. The pruning shall be limited to removing the infected or damaged branches to maintain the balance of the trees to prevent harmful interference. Figure No. 12/13 shows the unfair pruning of trees and its negative impact on the quality of life.



FIGURE (12): We Note The Pruning Of Trees In An Engineering Ways That Contrast To The Nature Of The Neighborhood In Contrary To The Laws Concerning To Reforestation Of The Area.



Figure (13): These images show logging the trees of age more than 20 years diameter of more than 25 cm, which distorted the overall composition of the streets and public parks.

9 Results

The organization mechanisms for financial credits were weakened because of the lack of interest in the recommendations of experts (urban planners).

Legislations in Egypt have decreed what may be called reconciliation laws as an exemption in the organization of building and urban operations, in addition to the weakness of technical cadres and the value fines on violations is disproportionate to the economic return due to the violations. Lack of standardization in the planning law such as the absence specifications for minimum width of roads or the absence depth for residential land use.

Lack of compatibility in the dissemination of the law on the national level where the climatic and social circumstances of different urban and rural zones are not realized.

The continuous change in the law is one of the main reasons for urban degradation, the changes do not take in to account the local planning standards, this is visible in the height of buildings which have changed many times, one and a half times the width of the road then to one and a quarter then back again to one and a half times, in other cases the height limit was removed then reinstated to 35 meters.

The regulations and requirements for building and construction do not take in to account the social, economic and technological development and evolution.

Recommendations

There must be intervention to find rapid solutions to address the urban failures in achieving quality of life and raising living standards.

Including the foundations of green architecture and urban sustainability within the unified building law will achieve good quality of living. Incentivizing tools such as benefits and cost cuts to buildings that comply with these foundations that cover the essentials of environmental planning and environmental impact assessment (EIA).

To achieve adequate quality of life when outlining urban areas it is imperative to plan above the minimum required green area.

It is crucial when revising and evaluating the law to include regulatory amendments to take in to account the constant changes and updates in the building construction sector.

There is a need to develop and archive a digital real-estate map, to be utilized in urban legislation. This map would serve as a guide in the development of a methodology.

Assessing the quality of life on a site prior to implementation of changes ensures the building of strong data base that can aid in planning.

Focusing on reducing the frequency of changes in the building law will assist in developing trust between the state and land owners.

It is necessary to ensure that the legislative mechanisms and systems are in harmony and not in conflict.

Building licenses should be issued once so as not to deform the design, multiple licenses for a single building are one of the causes of the deterioration building style and quality.

Enforcing strict and stringent penalties on offending projects that may cause urban deformation and reduce in the quality. eg. provocative exterior paint or unsightly advertisements.

It is important to take in to account planning design from the visual and environmental perspectives and not just to take the functional aspect. On the academic level it is essential to intensify research on environmental and visual impacts on urban planning.

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