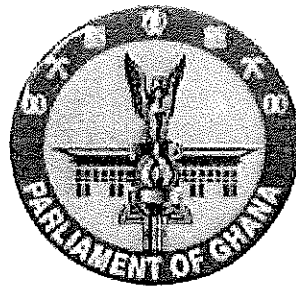


**IN THE FOURTH SESSION OF THE SIXTH  
PARLIAMENT OF  
THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE SELECT COMMITTEE ON  
ENVIRONMENT, SCIENCE AND  
TECHNOLOGY**

**ON THE**

**LAND USE AND SPATIAL PLANNING  
BILL, 2016**

**28<sup>TH</sup> JUNE, 2016**

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**IN THE FOURTH SESSION OF THE SIXTH PARLIAMENT OF THE  
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**REPORT OF THE COMMITTEE ON ENVIRONMENT, SCIENCE AND  
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**1.0 INTRODUCTION**

The Land Use and Spatial Planning Bill, 2016 was presented to Parliament and read the first time on Thursday, 9<sup>th</sup> June, 2016. The Bill was subsequently referred to the Committee on Environment, Science and Technology for consideration and report in accordance with article 75 of the Constitution and Order 185 of the Standing Orders of Parliament.

**2.0 DELIBERATIONS**

In considering the Bill, the Committee first requested for memoranda from the general public and interested groups and stakeholders. A meeting was held on Tuesday, 21<sup>st</sup> June, 2016 to consider the Bill. The Committee is very grateful to the Hon. Minister for Environment, Science, Technology and other Innovations, Mr. Mahama Ayariga, the National Director, Mr. L. Z. Dakurah and other officials of Town and Country Planning Department (TCPD), as well as representatives from the Attorney Generals Department.

The Committee would also like to acknowledge the following institutions and groups for their useful inputs in the deliberations of the Bill:

- AB & David Law Consult,
- Ghana Institute of Architects (GIA),
- Environmental Protection Agency (EPA),
- Ghana Institute of Planners (GIP),
- Licensed Surveyors Association of Ghana (LISAG), and

- The general public

### **3.0 REFERENCE DOCUMENTS**

The Committee had recourse to the under-listed documents during the deliberations:

- a. The 1992 Constitution
- b. The Standing Orders of Parliament
- c. Local Government Act, 1993, (Act 462)
- d. Town and Country Planning Act, 1945 (Cap 84)
- e. Town and Country Planning (Amendment) Act, 1960 (Act 33)
- f. National Building Regulations, 1996 (LI 1630),
- g. National Development Planning (Systems) Act, 1994 (Act, 480),

### **4.0 BACKGROUND INFORMATION**

- 4.1. Since the colonial era through independence, land use planning and management in Ghana has been regulated by various legal instruments, customary practices and sometimes the determination of the court systems on specific land administration issues. Such ad hoc approach has led to myriad of laws, some of which are redundant, obsolete and inconsistent with current policy direction of the country and modern practices of land use and spatial planning standards.
- 4.2. Currently, the operational laws which regulate planning practices and functions in the country are encompassed in various legislations including the Town and Country Planning Ordinance (Cap 84) of 1945, Town and Country Planning (Amendments) Act 1960 , Town and Country Planning Regulations, 1959, the Local Government Act (Act 462), 1993 and the National Building Regulations (L.I. 1630), 1996.

- 4.3. The concurrent operation of these legislations is cumbersome and confusing as each of the enactments has different procedures and mechanisms for the preparation, approval and implementation of plans. Whilst some of the institutions established under these enactments end up duplicating the functions of one another, some processes have become costly to both the land owners and users alike.
- 4.4. Again, the significance of the Land Use and Spatial Planning Law should be viewed within the context of the development challenges or lapses inherent in the weak institutional, technological and legal framework governing the operations of the Town and Country Planning Department, which the Act seeks to address.
- 4.5. The Bill when passed into an Act will strengthen the institutional capacity of the Town and Country Planning Department to discharge its mandate effectively. It will also contribute to a more sustainable and well-functioning land administration system that is fair, efficient, cost effective and decentralized that will enhance land tenure security in the country. Lastly, the Act will also give a clearer direction to ensure compliance and enforcement of development regulations by the society at large.

## **5.0. OBJECT OF THE BILL**

The Bill seeks to revise and consolidate the laws on land use and spatial planning, provide for sustainable development of land and human settlements through a decentralised planning system, ensure judicious use of land in order to improve quality of life, promote health and safety in respect of human settlements and to regulate national, regional, district and local spatial planning, and generally to provide for spatial aspects of socio economic development and for related matters.

## **6.0. OBSERVATIONS**

- 6.1. The Committee observed that the absence of a comprehensive legal framework for land use and spatial planning has led to multiplicity of legislations conferring land use, planning and management functions to other institutions other than the Town and Country Planning Department (TCPD). The Land Use and Spatial Planning Bill aims at consolidating, integrating and harmonising existing legislations into one coherent law in support of the current decentralisation programme.
- 6.2. The Committee again noted that the Bill establishes a Land Use and Spatial Planning Authority (LUSPA) with the object to promote inter-sectoral collaboration for sustainable development of land and human settlements through a decentralised planning system. The Authority would also ensure judicious use of land and enhance the attainment of Ghana's decentralised programme and create an enabling regime for MMDAs to properly perform the spatial planning and human settlements management functions.
- 6.3. The Committee further observed that, development controls are largely violated in the country as a result of the multiplicity of laws which makes implementation very difficult. The law will therefore, enable planning authorities at the different levels of governance to control and direct physical development in an orderly and harmonious manner that will bring out the aesthetic beauty of our cities, towns and communities, eliminate the development of slums, and ensure a safe environment for human living.
- 6.4. The Committee noted that the Bill makes provision for the transformation of the Town Country Planning Development (TCDP) from a technical advisory body into a proactive regulatory, mentoring, advisory and monitoring institution that would play a significant role in ensuring conformity and compliance with spatial plans, zoning regulations and planning standards at the national, regional and

district levels. The Authority would be better placed to plan and ensure easy identification and adequate access to services through a comprehensive Street Naming and Property Addressing Systems.

- 6.4. That land use plans are basically aimed at ensuring optimum and judicious use of land and other resources to avert the nuisance that conflict land use caused to the environment. Unregulated land development issues cause multitude of problems including haphazard development, neighbourhood blight, automobile congestions and environmental degradation. The Bill when passed into an Act will enhance the quality of life through a consciously planned and adequate provision of socio-economic infrastructure and services, leisure and recreational facilities.
- 6.5. The Committee observed that the high rate of non-adherence to development permit regulations among individuals and developers could largely be attributed to long delays in processing development permit applications among others. This delay do not only frustrate prospective developers, but also has significant impact on development costs. The law will give a clear direction to shorten the process of approving permit application and thereby increase the willingness of prospective developers to apply for permits prior to construction. It will also create a conducive investment climate that would attract a wide spectrum of investors and increase productivity.
- 6.7. The Committee noted that inadequate funding to the Town and Country Planning Department at all levels for the preparation and implementation of land use and spatial plans has been a major contributory factor to the haphazard development of our human settlements. Even though a significant proportion of the Internally Generated Funds (IGF) from the MMDAs is derived from land use related activities such as development permits, fines, property rates, etc., the Assemblies

do not release part of these funds to the department for the preparation of plans and other internal departmental operations.

Similarly the allocation of funds from the central government budgeting system is characterized by inadequate and untimely releases, and this adversely affects the operation of the department. Meanwhile the department has a high potential to generate funds from its internal operations and other sources to finance its activities.

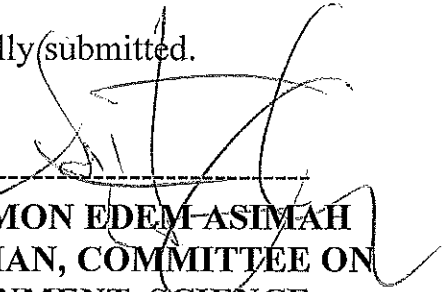
- 6.8. The Law will empower the emerging institution responsible for land use and spatial planning to generate funds from its internal operations and other sources to discharge their responsibilities more effectively. This would gradually reduce the burden on the budget of central government over time, with the ultimate aim of making the institution financially sustainable.
- 6.9. The Committee noted that the Governing Board of the Authority is made of representatives of the Ministry of Environment, Science, Technology and Innovation, Ministry of Local Government and Rural Development, Ministry of Lands and Natural Resources and the Ministry of Water Resources, Works and Housing, etc. However, in view of the inter-sectoral nature of the issues arising out of land use in the country, other high ranking officials from relevant departments and agencies are also included in constituting the seventeen (17) member Governing Board to create a body of real authority that can instill discipline in this sector of the economy.
- 6.10. The Committee further observed that the growth in population coupled with rapid urbanization has contributed to an upsurge for land and its subsequent development. The upsurge in the demand for land had resulted in increases in the prices of land and real estate property in the urban areas. This has led to increase in land litigation resulting in very limited security of tenure in land which

weakens the confidence of both local and foreign investors. The Act would promote equitable spatial development, improve living standards in the rural areas in particular, and reduce the rural-urban drift which has been the major contributory factor to rapid urbanization in Ghana.

## 7.0 CONCLUSION

The Committee has carefully examined the provisions of the Bill in the light of its object and purpose and is of the view that they are consistent with the Constitution and other relevant statutes and accordingly recommends its passage by the House.

Respectfully submitted.



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**HON. SIMON EDEM ASIMAH**  
**CHAIRMAN, COMMITTEE ON**  
**ENVIRONMENT, SCIENCE**  
**AND TECHNOLOGY**



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**JOANA A. S. ADJEI (MRS)**  
**CLERK TO THE COMMITTEE**

**28<sup>TH</sup> JUNE, 2016**



## **APPENDIX I:**

### **PROPOSED AMENDMENTS TO THE LAND USE AND SPATIAL PLANNING BILL, 2016**

The following amendments have been proposed by the Committee for the consideration of the House:

#### **1. Page 14 - 15: Clause 5: Board of the Authority - Amendment proposed:**

- (a) In clause 5 (1) (a), line 4, after “service” insert “appointed by the President”.
- (b) In clause 5 (1), delete paragraph (h)
- (c) In clause (5) (1), paragraph (j) after “person” insert “nominated by”.
- (d) In clause 5 (1), delete paragraph (k) and insert  
“(k) three persons who are from the built environment professionals in the private sector, at least one of whom is a woman, representing the Ghana Institute of Architects, Ghana Institution of Engineers and the Ghana Institution of Surveyors.”

#### **2. Page 20: Clause 23: Sources of money for the Fund - Amendment proposed:**

In clause 23 (b), line 1, delete “may” and insert “shall”

#### **3. Page 20: Clause 24: Management of the Fund - Amendment proposed:**

- (a) In clause 24 (1), delete and insert “ The Fund shall be managed by a Fund Management Committee appointed by the Minister for Environment, Science, Technology and Innovation which in consultation with Minister for Finance which consist of’
- (b) In clause 24 (1), delete paragraph (a) and insert  
“(a) the chairperson of the Committee shall be appointed by the Minister responsible for the Authority;”

- (b) In clause 24 (2) lines 1 and 2, delete “Minister of Finance” and insert “Minister responsible for the Authority”
- (c) In clause 24 (3) line 1, after “Minister” insert “in consultation with the Minister”

**4. Page 20: Amendment proposed - Insert a new Clause as follows:**

**(a) “Disbursement of the Fund**

The Fund shall solely be disbursed for the achievement of the object specified under the Act”

**(b) Parliamentary Approval**

The Board shall submit to Parliament, within three months after the passage of the Appropriation Act, the usage of the Fund for approval.

**(c) Accounts and Audit**

- (1) The Board shall keep in respect of the Fund books of accounts and proper records in relation to them in the form approved by the Auditor-General.
- (2) The books of account shall be audited by the Auditor-General within three months after the end of each financial year.
- (3) In addition to the annual audit, technical audits shall be conducted on selective basis by the Auditor-General.

**(d) Annual Report**

- (1) The Board shall submit to the Minister as soon as practicable but not more than six months after the end of each financial year a report dealing generally with the activities and operation of the Fund during the year to which the report relates
- (2) The report shall include
  - (a) The audited accounts of the Fund and the Auditor-General’s report on the accounts of the Fund, and
  - (b) Any other information the Board considers necessary
- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

- (4) The chairman of the Board shall notify the Minister of vacancies that occur in the membership of the Board within one month of the occurrence of the vacancy
- (5) Where a person is appointed to fill a vacancy, that person shall hold office for the remainder of the term of the previous member and shall, subject to the provisions of this Act, be eligible for reappointment.”

**5. Page 21: Clause 26: Membership of Regional and Planning Committee**

- (a) In clause 26 (1) (e), delete “in the region”.
- (b) In clause 26 (1) (i), line 2, delete “in the region”
- (c) In clause 26 (1) (l) line 1, delete “a” and insert “the”; in line 2 delete “industries”

**6. Page 51: 90: Register of zoning scheme Amendment proposed:**

Insert a new subclause after subclause (4) as follows:

“(5) Each District Assembly shall lodge, with Parliament, a copy of a zoning and re-zoning scheme which affects a public space.”

**7. Page 52: Clause 92: Application for change of use or request for rezoning - Amendment proposed**

Insert a new subclause after subclause (3) as follows:

“(4) Without limiting subsection (3), the change of use or re-zoning of a public space shall be subject to approval by Parliament.”

**8. Page 53: Clause 93: Change of use or zoning by District Assemblies - Amendment proposed:**

- (a) In clause 93 (a), lines 3 and 4, delete “in respect of the re-zoning”
- (b) In clause 93, delete paragraph (b) and insert “(b) in respect of re-zoning, make a publication in a newspaper of national circulation

**9. Page 65: Clause 120: Unauthorised development of right of space of community - Amendment proposed:**

In clause 120, delete line 4 and insert, “nuisance as defined in an enactment relating to the environment or interferes with the use of a public right of space”.

**10. Schedule to the Act**

In the Second Column of the Schedule, after “repealed” insert “Schedule 1 to L. I. 1630”