



# **Egyptian legislations in relation to the rehabilitation of Historic Cairo**

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with the support of URHC team

Management of World Heritage sites in Egypt  
UNESCO, World heritage Centre



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Report prepared by URHC team,  
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This report drafted by URHC team on the outcomes of reporting of the Legal consultant Hassan Fahmy provides an overview and initial analysis on the Egyptian legislations that play an important role, influence or sometimes hinder the protection of the World Heritage property of Historic Cairo. Furthermore some special studies addressed the organization lines and recesses, the violations and related penalties.

هذا التقرير الذي أعده فريق عمل مشروع الإحياء العمراني للقاهرة التاريخية بناءً على نتائج تقرير م/ حسن فهمي – استشاري المشروع فيما يتعلق بالتشريعات الخاصة بالحفاظ على القاهرة التاريخية، يقدم لمحة عامة وتحليلاً أولياً للتشريعات المصرية التي تلعب دوراً كبيراً، وتؤثر، وفي بعض الأحيان تعرقل حماية ممتلك التراث العالمي "القاهرة التاريخية". بالإضافة إلى ذلك، بعض الدراسات الخاصة تناولت خطوط التنظيم والارتدادات، وكذلك التعديات والعقوبات ذات الصلة.



Cairo has been a dominant political, cultural, commercial and religious capital throughout history playing a prominent role during Fatimids, reaching its golden age during Mamluks, and sustaining its cosmopolitan significance during Ottoman times. Due to its unique peculiar skyline, it has been known to scholars and historians as “City of the thousand minarets”.

Historic Cairo was inscribed on the World Heritage List in 1979 recognizing its “absolutely unquestionable historical, archaeological and urbanistic importance.” Upon ICOMOS recommendation, the inscription was based on the following criteria:

1. Several of the great monuments of Cairo are incontestable masterpieces;
2. The historic centre of Cairo groups numerous streets and old dwellings and thus maintains, in the heart of the traditional urban fabric, forms of human settlement, which go back to the middle Ages;
3. The historic centre of Cairo constitutes an impressive material witness to the international importance on the political, strategic, intellectual and commercial level of the City during the medieval period.

**URHC Goals and Objectives** In July 2010, UNESCO-WHC launched the Urban Regeneration Project for Historic Cairo (URHC) in the framework of a larger program of technical assistance to the Egyptian Government concerning the management of the World Heritage Site, focusing on the following objectives:

1. The preparation of a Conservation Plan for Historic Cairo’s “Core and Buffer Zones”, which would include the Management Plan required by the WH Operational Guidelines;
2. The establishment of an institutional framework to undertake and develop a sustainable urban conservation policy, promoting coordination and collaboration amongst different institutions, administrations and agencies concerned with the management of the World Heritage Site;
3. The creation of an appropriate and shared information platform for urban conservation.

To achieve these goals, an interdisciplinary team of local and international consultants are collaborating with the concerned bodies to develop a set of protection measures in order to uphold the site’s Outstanding Universal Value, to prevent further decay of the historic urban fabric and to enhance the socio-economic conditions of Historic Cairo.

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## LEGISLATIONS CONCERNING CONSTRUCTION, DEMOLITION AND EXISTING BUILDINGS

### I. Law 144/2006: Regulating the Demolition of Non-Dilapidated Buildings and Establishments, and the Preservation of Architectural Heritage

Law 144/2006 and its Executive Regulations (Decree 144/2006) only protect buildings inventoried, because of an outstanding architectural value or because of their historic significance. As for ordinary buildings, it rules the sole procedures of demolition, as explained below.

Article 2 states: *"It shall be prohibited to authorize demolishing or adding to the buildings and establishments with peculiar architectural style that are correlated to the country's national history, or a historic figure, or represent a historical epoch, or considered a tourist sight, without derogation from the legally payable compensation..."*

*"...a committee established by virtue of decree of Minister of Housing shall determine the compensation, as well as the compensation, which shall be payable on expropriating the building or establishment. In both cases the compensation can be paid in cash upon request of the owner.*

*The persons concerned may complain of the committee's decision, within 60 days as of the date of being notified by registered letter with acknowledgement of receipt...."*

#### a. Registration procedures of buildings and establishments of peculiar value

According to Law 144/2006, the Prime Minister issues a decree on the standards and specifications of buildings and establishments with peculiar value, upon the advice of the National Organization of Urban Harmony, MoC, and in agreement with the concerned ministers following approval of the Cabinet.

According to Article 4, one or more permanent committees shall be established in each Governorate by the Governor's decision consisting of:

- Representative of the Ministry of Culture, selected by the Minister for heading the Committee
- Representative of the Ministry of Housing, selected by the Minister
- Two members representing the Governorate
- Five members from among the teaching staffs at the universities, specialized in the fields of architectural engineering, structural engineering, monuments, history, and arts, to be chosen by the deans of the concerned universities, upon request of the concerned Governor

This committee meets at least once a year upon invitation of the Governor, it is in charge of determining the buildings and establishment to be listed, according to standards issued by a PM decree, and of updating periodically the proposals by creating and updating database with supportive documentation on each building. The concerned Governor shall submit the committee's tentative list to the PM.

The Prime Minister is the sole authority entitled to issue a decree establishing a new status (listed) for these buildings and establishments, and will base his decision on the tentative list and supportive documentation provided by the committee.

The inventory will therefore have record of the inscription criteria (such as architectural style, national history, historical figure and epoch, targeted tourist visit place), as well as the following data<sup>1</sup>:

- 1) Location of the building or establishment
- 2) Constituents parts of the building
- 3) Name of the owner and of the occupants
- 4) Legal status of the building

<sup>1</sup> see Article 2 of the Executive Regulations (144/2006)



- 5) Utilization and function of the building
- 6) Structure type
- 7) External structural conditions of the building
- 8) Elements and parts in need of maintenance

The registration shall be supported by photos, documents and updated modifications.

Once the Committee has issued its final resolution on the building, and the resolution has been endorsed by the PM, it is compelled to notify the owner with a registered letter with acknowledgement of receipt. If the owner has complains on such resolution he/she has 1 month time to submit a formal complain (to the complaint committee formed by a PM decree), the fees are no more than 100 EGP, which may be increased annually of a maximum of 5%. The complaint request shall include<sup>2</sup>:

- Name, address and title of the complainer
- Date of issue of the decree against which the complain is made
- Date of the received notification (registered letter with acknowledgment of receipt)
- Subject of the decree against which the complain is, and detailed arguments against the decree
- Eventual attachments

His/her complaint shall be evaluated within 60 days from his formal submission by analysis of the provided arguments and documentation and by field surveys whether necessary. The complaint committee shall than notify the owner of its final decision.

#### **b. Restoration and maintenance of dilapidated buildings prohibited to be demolished**

Article 3 of Law 144/2006 states: *"The state may assume at any time – after notifying the owner and occupants – whatever works it considers necessary for buttressing, restoring and maintaining the buildings and establishments prohibited to be demolished, which are referred to in Article 2, Clause 1, of the present law, in accordance with the procedures and rules to be defined in the executive regulations."*

The works will be planned and executed according to the committee's report, which states its technical condition and the procedures needed for their preservation and the intervention priorities.

Articles 7, 8, 9 and 10 of the Executive Regulations (Decree 266/2006) clarify the state's responsibility to carry out at its expense the restoration and maintenance of listed buildings; the establishment of an inventory for engineering offices specialized in the determination of the structural conditions and the priority intervention required for their protection, and the registration of contractors specialized in safeguarding dilapidated buildings for buildings that need urgent interventions.

Article 8 of the Executive Regulations: *"In case a risk emerges that endangers the property prohibited to be demolished, the concerned administrative entity shall take necessary precautions and arrangements for maintaining the existence of the buildings the building though one of the specialized contracting companies registered in the field....."*

Article 9 of the Executive Regulations: *"If the works required for maintaining the property necessitate evacuating the building wholly or partially of its occupants temporarily, the provisions prescribed in Articles 55 and 56, Chapter 2, Part 2 of Law 49/1977 concerning the rental and sale of places as well as the lessor-lessee relation shall apply."*

Article 10 of the Executive Regulations: *"A register shall be established within each governorate for recording the specialized engineering offices registered with the Engineers Association ..."*

**Issues that hinder the implementation of the Articles 7-10 of the Executive Regulations related to the maintenance of dilapidated listed building:**

<sup>2</sup> see Article 5 of the Executive Regulations (144/2006)

- The Executive Regulations didn't clarify procedures that need to be followed by the administrative body to present the subject a dilapidated listed building to the committee in order to issue a technical report about its status
- The Executive Regulations didn't clarify how to provide the financial provision required for the maintenance of the buildings according to Articles 7, 8, and 9
- There is a contradiction between Articles 7 and 10 of the Executive Regulations concerning the authority that issues the technical report and identifies the procedures: it is not clear if it is the listing committee or the registered office

### **c. Regulations concerning the demolition of buildings<sup>3</sup>**

In case of intention to demolish a registered building, the owner or his legal representative shall submit an application for a demolition licence to the district unit, where the building is registered.

The following documents should be attached to the form for license for demolition<sup>4</sup>:

- A contract establishing the applicant's ownership of the building required to be demolished
- A certificate from the real-estate registration office, indicating the non-existence of mortgages
- A certificate from the real-estate tax inspectorate, indicating the non-existence of tenants, along with submitting a declaration from the owner that he has no tenants in the property, such declaration should be authenticated at the real-estate registration office
- A sketch indicating the building required being demolished and the names of the neighbouring streets and buildings, duly approved by an architect or a civil engineer enrolled in the union

The application shall be signed by either one of the two or by a civil engineer enrolled in the union. The survey and the licence issuance fees are defrayable to the owner, and should not exceed 1000, - EGP (increased annually by no more than 5%), defined according to the square meters. Upon submission of the application, the applicant should receive a receipt indicating the date of the submitted request.

The decision on the application shall be issued by the administrative body within 30 days from its submission and approved by the governor within 15 days from the date of its issuance. The owner has 15 days to object the decision, starting from the receipt of the notification. In this case the Governor will have 15 days to refer the matter to the MoH, and the Ministry will have 30 days from the referral date to issue his decision that shall be conclusive. The administrative body will issue the demolition licence.

The owner or his legal representative shall for the works of demolition entrust the supervision to a civil engineer or architect enrolled in the union. Furthermore, the works has to be assigned to a specialized contractor, the contractor and the supervising engineer will be responsible for the execution of works.

The work can start after 2 weeks from notifying the administrative entity concerned by registered letter of his/her intent to execute the licensed works. To the request the owner should attach the following:

- The commitment of a civil engineer or architect enrolled in the union to supervise the execution of the licensed works all through the period of execution
- The technical report with specifications on the works' execution, phases, techniques, tools and on the methods followed to guarantee the safety and security of the neighbouring buildings
- The evidence of contracting a contractor registered with the Egyptian Federation of Construction and Building Contractors

The works shall be completed within a period of at most one year from the date of start of the works. In case of exceeding that period the administrative body may complete the works by itself or by another party assigned for the matter. In this case all costs shall be sustained by the violator and shall be collected by way

<sup>3</sup> according to Articles 6-10 of Law 144/2006 and Chapter 2: Articles 11-16 of the Executive Regulations

<sup>4</sup> see attachments

of administrative seizure. In all cases the license shall be cancelled after the lapse of one year from issuing it if the works have not by then began.

The Governor has the power to issue a decision to suspend the unauthorized demolition work, while the administrative body has the power to enforce the Governor's decision and stop the works. The administrative body has the power to seize articles and equipment utilized in perpetrating the violation.

## II. Law 119/2008: The Building Law and its Executive Regulations<sup>5</sup>

The Building Law is divided into the following five parts:

- Part 1: Urban Planning
- Part 2: Urban harmony
- Part 3: Regulations of the building works
- Part 4: Tenants union regulation and the preservation of the built heritage
- Part 5: Penalties

The following selected parts of the Law and its Executive Regulations highlight definitions and issues that are considered important in relation to construction activities in Historic Cairo.

### **Part 1: Urban planning**

#### *The institutional structure that manages planning, building and development issues*

The Supreme Council for Urban Planning and Development (Council) has the following tasks:

- A) Approve the general goals and policies of the urban planning and development as well as the urban harmony at national level
- B) Coordinate between the ministers and bodies authorized with urban development and uses of State lands to implement the national strategic plan
- C) Approve the identification of the areas of peculiar value and adopt the restrictions and standards, guidelines, management programs and implementation priorities and mechanisms, financing systems, upon proposal of the Minister of Culture
- D) Propose and express the opinion in the draft of laws related to urban development
- E) Evaluate the results of implementing the national and regional strategic plans and enable development partners to carry out their roles and responsibilities to realize the national goals
- F) Adopt bases, standards and criteria laid down by the NOUH
- G) Approve the identification of re-delineation areas and approve their plans, implementation programs, priorities and mechanisms, financing sources, according to proposal of the Governor
- H) Adopt and approve the execution plans, programs, priorities, mechanism and source of finance for the new urban development established outside the urban area
- I) Compile decrees and requirements on issuing licenses from different competent bodies, attaching these requirements as part of the executive procedure of this law

The General Organization for Physical Planning (GOPP) is a state body authorized with mapping the general policies of the sustainable urban planning, preparing plans and programs at national, regional and governmental level. It reviews and approves the urban plans at the local level within the framework of the national, regional and local goals and policies for sustainable urban planning. Moreover, the GOPP verifies the implementation of such plans and programs and their conformity with the proposed goals and policies. The plans are presented to the Council by the MoH. The GOPP shall:

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<sup>5</sup> The Building Law identifies as the major "competent Minister" the Ministry of Housing, Utilities and Urban Development (MoH), unless differently specified.

- 1) Set out the national program for preparing the urban development strategic plans at national, regional and governmental levels
- 2) Review, approve and follow up the implementation of the general strategic plans
- 3) Prepare the specialized sector studies on urban planning and development
- 4) Prepare urban plan criteria and monitor their implementation
- 5) Develop and improve the abilities of urban planning departments at the local unit
- 6) Improve the implementation mechanism of the strategic and detailed plans at different levels
- 7) Evaluate and update data and urban indicators in coordination with different data centres
- 8) Propose and express the opinion in laws, regulations and decrees regulating the urban planning and development

Regional Centre for Urban Planning and Development (Centre) at each economic region should be founded, following the GOPP, to carry out its competences in the region. Such regional centres shall provide the technical support to the General Departments for Urban Planning and Development at the governorates of the region. Moreover, the Centre will follow up the preparation and implementation of the general strategic plans of the governorates. It will also prepare the guidelines of the city in accordance with the framework of the detailed plan.

General Department for Urban Planning and Development (Department) shall be established at each governorate to prepare the detailed plans in accordance with the specific building requirements, land use indications, and the programs and priorities of the Strategic Plan of the city. The detailed plan shall be drafted by experts, consultants, engineering and consultancy bodies and offices registered at the GOPP, under the supervision of the Centre. Afterward, the Governorate executive council in cooperation with the GOPP, through its regional centres, will prepare the local urban objectives and policies, following the needs determined by the local popular council.

### *Planning Procedures according to the Building Law*

Urban planning and development bodies shall agree on a shared formulation of goals and policies for the future plans and send it to the secretariat of the Council to conduct necessary studies and report their results to the Council to be approved. Following any request of the technical secretariat of the Council, each body will have to provide, the specific licenses requirements and details. In case such requirements are approved by the Council, they will be considered as reference parameters for the issuance of licenses. The Council will produce therefore booklets listing such requirements and distribute them to ministries, governorates and authorities concerned. According to the list of requirements, each body will be authorized to issue licenses in accordance with the published requirements with no need to obtain an approval from the bodies that have issued the regulations. Furthermore, the Council shall approve planning and building regulations proposed by New Urban Communities Authority, Tourist Development Authority (TDA) and Industrial Development Authority (IDA), after coordination with the competent Ministries.

The Council has the task to approve guidelines and standards proposed by NOUH for the identification of areas of peculiar value, for their preservation, for priority projects, for the management of these areas including financial aspects. In case an area of peculiar value is identified during the preparation of the general strategic plan of the city, NOUH shall be informed and entitled to conduct a study and report the identified area to the Council for approval.

The Council evaluates the results of implementing the national and regional strategic plans based on the annual report prepared by the GOPP, in the State's five-year national and regional strategic plans. The Council further evaluates the role of management and implementation bodies and identifies obstacles and opportunities, also on the financial level to implement the plan. Accordingly, it will assign the follow-up of the implementation to the ministries and bodies concerned.

The Council can, upon proposal of the competent Governor, approve the designation of unplanned areas and areas to be re-planned based on the outputs of the general strategic plan or detailed plan of the city or

village, provided the proposal of the governor includes the technical aspects and financial cost of re-planning (confiscation cost, damages, proposed alternatives to citizens till the end of re-planning, detailed plans of such areas, implementation programs and priorities, proposed mechanism of implementation and sources of finance). In case of general approval of the re-planning each plan, implementation program and priority document shall be approved.

### ***The General Strategic Plan***

In the Building Law<sup>6</sup> it is mentioned that a strategic plan determines the vision of the urban development, whether at the national, regional or governmental level, the city or village level. This should identify goals, policies, socio-economic plans, development plans, and urban plans necessary to achieve sustainable development. It addresses the needs for urban expansion, land uses, implementation programs, and priorities and mechanisms and sources of finance at the planning level.

The Department shall prepare and submit a report to the Centre on the requirements at the local level for physical developments, proposed projects and relative action plans. The report is drafted in collaboration with the appropriate administrative bodies, local popular councils, competent executive bodies and civil society representatives, and has to be approved by the head of the city, in light of the set of guidelines prepared by GOPP to create a strategic plan.

The Centre shall study the reports submitted by Department and design accordingly the General Strategic Plan (Draft), through a body of specialized experts, consultants, engineers registered at GOPP. The Draft shall be in accordance with the guidelines identified for the General Strategic Plan, the limitations and guidelines of any included area of peculiar value should be observed. The draft is composed of maps and reports, according to the guidelines issued by GOPP.

For the preparation of the Draft, the following steps should be followed:

- The governor will prepare upon request of the authority the population, social, urban, economic, infrastructure and environmental data; a map with the city boundary and the maps required. The documents will be shared with the contractor in charge of drafting the project.
- Studies on the current situation: historic development and land uses, identification of properties of peculiar value, land uses and current occupation, typologies, building heights, population density, vacant plots, unplanned areas, relationships with surroundings at city and regional scale. Furthermore, economic studies that frame the natural resources of the site and their development, the trade of raw materials and available resources, the identification of official and non-official economic activities, the job opportunities, the role of institutions, the average income levels and the trend of expenditures and all pertinent economic issues of the site. Also, studies on the basic infrastructures including roads and electricity networks, potable water and sanitary drainage systems, in addition to utilities and infrastructures. Collect social studies on the social services (education, health, youth, sports, motherhood and childhood), on the population growth and characteristics, on the social and economic structure, on the religious practice and places, on the post services, on the communication services and on the security ones. It will be then requested to identify the points of weakness and of excellence of the ongoing programs and projects addressing different development field. This study should also identify pilot local projects and initiatives to boost them and ensure their continuity.
- The studies should include a future vision for an urban, social, economic, infrastructure and ecological future vision to be applied within a defined schedule, respecting the agreements of the Plan. This includes goals, strategies, programs, priority projects, and has to be in conformity with the report submitted by the department.

<sup>6</sup> Part 1: Urban Planning, Chapter 1: Urban Planning and Developing, Article 2



The studies lead to the Draft that takes into account GOPP guidelines. The Draft will be characterized by a strategic planning on short, medium and long term. Providing maps with indication of:

- a) Residential areas, historic places, areas of peculiar value, city centres, tourist, industrial, vocational and commercial areas, areas to be re-planned, unplanned, expansion and other areas that the planner deems necessary to identify. In regards of tourist, industrial and commercial areas the competent administrative bodies have to be consulted to identify the matching projects with their respective goals and needs. The project should include the mechanism, the implementation programs and sources of finances for priority projects in the areas
- b) Delimitation of the urban area within a year time
- c) Land uses plan for present and future uses within a year time, with the list of activities identified
- d) The planning and buildings requirements that identify the main urban characteristics of the areas, in accordance with the intentioned population density levels
- e) Identification of building population and its relationship with the population density, heights plus other buildings requirements that should be in harmony with the planning requirements.

The final draft version has to be presented to the public by each governorate's department. Received remarks from citizens, relevant bodies and local popular council have to be collected by the department and addressed by the centre within two weeks. The centre sends the updated draft to GOPP that in return send it to the Governorates for approval. After this approval, GOPP completes the final revision, adapt and obtain the approval of the competent Minister.

### *The Detailed Plans*

The Executive Regulations of the Building Law state that a detailed plan for the area should be prepared, with identification of building density in the framework of the general strategic plan of the city. This detailed plan is prepared by a General Administration for Planning and Development established at each governorate, through experts, consultants, engineering and consultancy bodies and offices registered at the General Organization for Physical Planning<sup>7</sup>.

On completion of the General Strategic Plan and in the light of its outcomes and priorities, the Department shall prepare the Detailed Plans for designated areas. The Detail Plan shall be prepared through studying population, labour force, economic services and activities, land uses, environmental, social, economic and urban factors which affects the strategic plan, in addition to detailed studies on the current and potential situations in the framework of the strategic plan. Such studies include:

- Applicable requirements of existing areas:
  - Land uses of both vacant and constructed plots including current uses, natural properties (canals, ditches). Existing utilities as potable water and drainage system, electricity and communication networks, paved and unpaved roads, fire extinguishing system, with an identification of all type of existing buildings and use's violations
  - Minimum areas of lands and their dimensions, according to the type of use
  - Recess of the front, side and rear buildings
  - Conditions of buildings
  - Heights of buildings
  - Population density rate
  - Building density
- Further studies:
  - Estimated land prices

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<sup>7</sup> According to the Building Law, Article 5, GOPP is responsible for outlining general policies for the sustainable urban planning and development, as well as preparing development plans and programs at the national level. GOPP is also responsible of approving the urban plans at local level.

- Location of educational, recreational, health, commercial, crafts, religious, services etc...
- Network of public utilities: their locations and potentials
- Road networks: their sectors, pathways, conditions and intersections
- Traffic size and directions and public transportation ( routes and capacities)
- Parking lots, loading/unloading areas in properties and outside street boundaries
- Ecological requirements and treatment in terms of pollution, noise, etc...
- Areas of public parks, green spaces and voids
- Typology of the area to be taken as buildings facades regulations: colours, materials, architectural features,
- Zoning proposal (surface areas and boundaries)
- Concordance of uses of interstitial areas between the boundaries of properties
- Ratios of areas cut out for public utilities: roads, squares, green spaces and services

The requirements of the detailed plan shall be illustrated through maps that indicate the different areas, in addition to a written report that varies in its form according to the city, and including at least:

- An introduction that explains the purpose area regulations
- Detailed regulations consistent with the city general regulations as mentioned in the GSP
- Inconsistent land uses with the detailed plan, to be considered as existing violations at the time of the preparation of the plan.

It should be accompanied by an identification of the building density, economic lands value, permitted uses and services efficiency, utilities and streets in the framework of the general strategic plan of the city. Each area shall be described in detail, with its boundaries, permitted uses and structures, defined according to the requirements of each area. Moreover, each area should have building regulations that harmonizes the area (dimensions, coverage rate, building density, road width, heights).

## **Part 2: Urban harmony**

**The National Organization for Urban Harmony**, referred to as the National Agency for Urban harmony (the Agency)<sup>8</sup> has a domicile in Cairo and has at each economic region a regional centre for urban harmony to carry out its competences in such region; these centres will be entitled to exercise NOUH's role at local level, providing technical support to the bodies concerned with urban harmony and follow-up the execution of projects at the governorate level. The Agency will prepare project for the areas and building of value and will carry out the necessary works to preserve their value such as alterations, improvements, restorations and structural works, or decide on possible re-uses. Such works will be carried out at the expenses of the Agency in cooperation with the governmental or non-governmental bodies or civil society.

The Agency is in charge of the following tasks:

- a) Draw the general policy of urban harmony and lay down detailed and executive plans and programs with the competent bodies. The Council shall approve the general policies and plans
- b) Propose/express opinion in the draft of laws, regulations and decrees relevant to urban harmony
- c) Lay down the basis, standards and urban harmony criteria adopted by the Council. The competent administrative bodies shall abide by such bases, standards and criteria upon issuing the relevant licenses
- d) Conduct detailed researches and studies in the field of urban harmony
- e) Coordinate with the competent bodies to guarantee the implementation of regulations to realize the goals and objectives of urban harmony

The chairman of the Agency will set up the scientific committee for laying down the standards and guidelines in different fields (e.g. heritage area, city centres, city access, advertisements, illumination and outdoor

<sup>8</sup> established by the presidential decree, No. 37/2001, see Building Law, Article 28

lighting).<sup>9</sup> The Minister of Culture should refer these guidelines to the Council for approval and should be revised every three years or whenever there is need to new guidelines. The Agency has also the power to designate “*areas of peculiar value*” based on the standards and guidelines set for the preservation. Nonetheless, the final decision is taken by the Supreme Council for Urban Planning and Development. Standards and guidelines of urban harmony specified by the Agency and approved by the Council will be applied for issuing new licenses for buildings, for total or partial modifications of existing buildings, reconstruction, as well as on the construction of urban voids (ex. roads and paved areas).

### *The Areas of Peculiar Value*

The areas of peculiar value can be proposed according to one or more of the following criteria:

- 1) The area shall have a unique architecture, aesthetic value, road system or urban characteristics that reflect a phase of urban or historic development
- 2) The area shall include listed monuments according to Law 117/1983, or building of peculiar value as inventoried by Law 144/2006 that influence the overall architectural quality of the area
- 3) The area shall be associated with cultural, historic, political or military events, reflecting economic, social, artistic or functional values or containing an established scientific or historic indications or information in any of these fields
- 4) The area shall be associated with very important event or figures that clearly influenced such area along the history of the country
- 5) It shall be the hub or path that leads to important uses, buildings or areas of peculiar value
- 6) The area shall be of unique natural or cultural value for a group if present or past people
- 7) The area shall have natural value with aesthetic features, natural forms or unique geology or shall be natural reserve according to Law 102/1983 and Law 4/1994.

Within these areas no buildings, projects, movable or fixed establishments may be erected, modified, heightened or restored, nor temporary or permanently occupied without obtaining the necessary license. The Agency is entitled to create an inventory of the buildings and areas of peculiar value and set out standards of urban harmony for their protection. It may suggest the confiscation<sup>10</sup> of buildings of peculiar value for public utility, issued on a resolution by the Council, after compensation<sup>11</sup> is given. It may request the removal of violations within areas of peculiar value at the expense of the violator.

As for issuing a demolition or land clearing license or implementing internal modifications of buildings of value; it should be respected whenever possible, the preservation of facades with architectural value, even if the inner part is partially or completely demolished, with the purpose of preserving a unique building appearance and or the balance of the urban environment. Special care should be given to listed buildings, whenever a neighbouring property is demolished, or its land is cleared for a new construction.

For issuing a new building license few parameters should be respected:

- a) Finish the facades that are seen from the streets, without leaving bare structure visible, in respect of an overall urban character of the area
- b) Suitable colours for the facades to match surrounding buildings, follow an aesthetic principle and preserve the architecture and urban character of the area
- c) Choose technical solutions for the drainage, the electricity and the structural installation not to damage the façade composition, nor distort its appearance by un-matching elements.

<sup>9</sup> In accordance with this article of the Law, NOUH has issued in 2011 the guidebook: Borders and regulations for the preservation of the areas of peculiar value of Historic Cairo and Khedivial Cairo, based on Decree 04/07/09/08, and approved by the Supreme Council for Planning and Urban Development

<sup>10</sup> according to Law 10/1990

<sup>11</sup> Compensation for the confiscation shall apply in pursuance of the provisions of Law 144/2006.



The guidelines drafted by NOUH shall apply for the issuance of licenses in the whole city, despite private or public ownership, including also pavements and infrastructures of public domain. NOUH can subcontract qualified firms or professionals for consultancies or for the execution of works, but in any case NOUH's approval should be obtained on any decision and on any work executed.

Approval should be obtained before placing any art work in public open space, to ensure its harmony with the physical surrounding and verify that it has no secondary advertisement or promotional scopes.

**Following the standards for advertisements, the issue of an advertisement license should respect:**

- a) Observance of accepted standards of behaviour and religions, and an overall harmony of the advertisement in shape, form and size with the surrounding urban area
- b) Abstention from affixing any advertisement or promotions on public art works
- c) Abstention from affixing any advertisement or billboards of any form on the top or on the facades of any inventoried building<sup>12</sup>
- d) Abstaining from the placement of any advertisement in the middle of any square to prevent the association of the square name, urban or architectural elements with any commercial product
- e) Abstaining from placing any advertisement or sign obscuring the building facades
- f) Abstaining from placing any sign or advertisement that blocks the entrance of a building and that therefore forces alternative accesses and internal fruition of the building
- g) Observance of the organization line with shops activities and fronts. Observance of the harmony in colours and materials between neighbouring shop's fronts, and between their advertisement signage. Observance of the harmony between the shops their advertisements signage and the building façade with its architectural features. Observance of the pertinence area of each shop in respect of the front of the building to sprawl its activities, merchandise, signals and windows
- h) Abide to write any advertisement, billboard and shop name office or company name first in Arabic then in any other language (Law 66/1956)

### **Part 3: Organization of building works**

Part 3 of the Law and its Executive Regulations is of particular interest, as it designates regulations for new constructions and for the modification of existing buildings.

#### **General building requirements**

This part of the Building Law clarifies general regulations applied on urban works. It refers to building regulations concerning heights, surface areas, opening and ventilation, stairways and lifts, cantilevers, as well as Provisions for the Egyptian Code for Design Standards, Implementation Requirements for Fire Prevention, and garage codes in the Egyptian Code on Safety Prerequisites for Multipurpose Establishments<sup>13</sup>.

Extension, heightening, structural changes, or changes to parts of the existing buildings if these conform to the general provisions are allowed according to the law.<sup>14</sup>

#### **Documents and procedures needed for a building license**

The law defines documents and procedures needed for a building license as follows:<sup>15</sup>

<sup>12</sup> Registered according to Law 144/2006

<sup>13</sup> Some articles of Part 3 of the Building Law highlight threats related to the integrity of building typologies and to the historical urban fabric of Historic Cairo. Like the compulsory presence of openings for ventilation and natural lighting that view a road, or a court for each room and facility in the residential units (excluding lobbies, corridors, etc...). If there is no possibility to make openings in the rooms or facilities directly viewing the road or inner court, a recess is allowed on the façade to substitute the opening. On the other hand, the regulations for Historic and Khedivial Cairo state that new buildings should be built on the total plot, with no recesses.

<sup>14</sup> Article 108 of the Executive Regulations

- The citizen requests from the appropriate administrative body a conformance statement for the construction on a land parcel, the statement must prove the consistent and conformance of the site with planning and building requirements. The application should contain the address and boundaries, and the invoice of the fees (The competent governor shall, after the approval of the local popular council of the governorate, issue a decree specifying the due license fees, maximum fee is 200, - EGP). The applicant receives from the administrative body a receipt to proof the file submission on the same day, and the conformance statement should be issued within one week. If there are any hindrances, the administrative body shall issue a statement identifying the reasons that block the issuance of the conformance statement.
- The license request is presented by the responsible engineer or engineering office, contracted by the owner for the preparation of the license<sup>16</sup>, to the administrative body. The request must include the specified documents, the drawings and a conformance certificate issued by the engineer that certifies the validity of works for license-pursuant; the applicant is responsible for all information and documents submitted.
- The administrative body is responsible of receiving the file and giving it a serial number and a date, as well as issuing a receipt with a description of its documents and handed to the applicant on the same day of the request.
- The engineer at the administrative body shall inspect the site and review the file of the applicant in accordance to the site, thus to check its validity. He approves the conformance work certificate issued by the responsible engineer or the engineering office. When everything is valid, the license should be issued within 30 days from the date of receiving the file.
- If the file is incomplete, the administrative body informs the applicant, within one week from the submission, to complete the file in less than 21 days from the notification. The administrative body must issue the permit within 21 days starting from the date the file is completed. If the file was not completed within the specified period (21 days), the request is refused and the applicant must receive back his application file from the administrative body.
- The applicant, whose permit request is refused, has the right to re-represent it to the administrative body, or to report a complaint to the committee. The complaint does not postpone the right of re-requesting a building permit, if the fees are fully paid.
- The applicant is considered as a holder of an **implicit license** if the specified period ends without issuing the license, under the following condition: officially informing the Governor about starting the work and, that the work phases respect, commit to regulations, measures, conditions and guarantees mentioned in the Building Law and Executive Regulations (Article 42 of the Law, Article 117 of the Executive Regulations).
- It's important to mention that Historic Cairo regulations issued by NOUH, and approved by the Supreme Council of Planning and Development prohibits issuing building permits in the protection zone "A", without the approval of the NOUH.

According to the Building Law, construction works include the following categories<sup>17</sup>:

- **Category A: All constructions:** multipurpose buildings with more than 2 occupations (e.g. residential, commercial, administrative, cinema, theatre, restaurants, sports halls); and complying with two of the following conditions: surface area more than 3000 m, height more than 36 m, more than 2 basements, more than 2000 people load.
- **Category B: All constructions not mentioned above.** Also, modification, heightening, consolidation and restoration works.

<sup>15</sup> According to Articles 40-47 of the Building Law and Articles 109-110 of the Executive Regulations

<sup>16</sup> See Article 117, Executive Regulations of the Building Law

<sup>17</sup> Executive Regulations: Article 124, also, Article 124 and 124 Bis of the Amendment (Decree 109/2013)

- **Category C: Residential buildings with maximum height of 28 m**, and non-residential buildings with maximum height of 22 m, with a surface area not exceeding 1000 m.
- **Category D: Residential buildings and non-residential buildings up to 16 m high**, with a surface area not exceeding 500 m.

If during the works modifications are needed, the supervising engineer can add the modifications to the drawings, after the approval of the construction engineer of not less than 7 years of experience, and after presenting the drawings to the administrative body competent with planning and organization. Some works and the construction of additional building units can be licensed for a limited period, if they are needed in the execution and erected within the organization lines, according to the conditions issued by the competent Governor. The execution of the construction works must be inspected by the responsible engineer and the administrative body to hinder violations, and unsafe working conditions.

### *Technical inspection and monitoring of the construction works<sup>18</sup>*

The objective of the **inspection on the construction works** is to make sure that the building is erected according to the license and the technical specification. The technical inspection is the responsibility of following persons in charge:

- The consultant/engineer in charge of the supervision:** Article 53 of the Building Law obliges the owner to hire an engineer enrolled in the syndicate for the supervision of the works. It states the procedures to be followed, if the engineer wants to withdraw from the project. Moreover, it states his full responsibility concerning the supervision until the works are completed. Afterwards, the engineer is responsible for issuing an approved conformity certificate for the building availability of usage. Upon this certificate, local responsible bodies can provide the utilities (electricity, water, drainage and gas) following all procedures mentioned in Article 62.
- The engineer, at the administrative body authorized with planning and organization in the local unit,<sup>19</sup>** who is in charge of the area where the property is located. Article 113 of the law regulates his responsibility: he shall act as investigation officer with regard to the crimes committed, in their jurisdiction and in violation of the provisions, therefore he has the power to:
  - Issue an administrative decision to stop the violations
  - Issue a violation record, to be sent to the police and inform the Public Prosecution to take necessary procedures and issue a criminal case against the violator
  - Issue a removal decision for violation works, to be sent to the competent Governor, and inform the violator about the decision and request the removal of the violation in a specific duration
  - In case the violator continues the violation works, and does not respect the halting decree, he should pay a daily fine
  - In case the violator still continues the violation works, another record shall be issued against him with a daily fine to be paid until the complete removal of the violation works
- The Agency of the Technical Inspection on the Building Works (the Agency)** was established by presidential decree 29/1993 and is affiliated to the Ministry of Housing, Utilities and Urban Development (MoH).<sup>20</sup> It carries out inspection, monitoring and follow up of works of the administrative body authorized with planning and organization throughout the Republic. Engineers of the agency are authorized to revise permits at the district unit and verify the permit compliance with building codes and decisions. They give recommendations concerning actions required to halt a violation. The competent administrative body shall make available all documents and data for

<sup>18</sup> According to the Building Law and the Executive Regulations, Part 3: Organization of Building Works

<sup>19</sup> Appointed by the Minister of Justice in agreement with the competent governor

<sup>20</sup> The responsibility of the Agency is stated in Articles 58 and 113 of the Building Law.

the Agency and shall implement the recommendations and resolutions issued by the Agency and their committees.<sup>21</sup>

The Agency shall take legal action against violators, and follows up procedures undertaken by the administrative bodies to implement the recommendations. It prepares periodical reports explaining the results of their work, to be submitted to the Minister of Housing and the competent Governor.

- d- **Engineers of the Insurance Federation of Egypt - Civil Liability from Construction Insurance Pool**, which is the body (insurance companies that issue insurances on construction works) that the insured refers to for the revision of the construction works. Article 46 of the Building Law states rules for issuing an insurance policy, the insured person and his consultant engineer's responsibilities and authorities. These engineers are only responsible for the civil works, while the three types of engineers mentioned above have civil and criminal responsibilities.

#### **Part 4: Preservation of real estate wealth**

Article 155-169 of the Executive Regulations explains regulations concerning the Residents Union: The head of the administrative body (i.e. the district) shall identify the headquarters of the resident union department, as well as the required staff and their tasks. The resident union department has the task to survey the properties and residential complexes; they inform the owners and occupants of the regulations of the resident union.

Occupants of a property may form a resident union in accordance with the system of the competent minister. The residents unions may cover more than one property (if the units exceed 5).

The union has the power to manage the existing properties or several unions may coordinate together the common areas between the properties (gardens, parking lots, fences, sunshades...) considering their contractual relations, if there are any.

The administrative department prepares a register for buildings subject to the provisions of resident union system, where each building shall have a sheet containing data of the building and union related data. The data in the register shall be regularly updated by the administrative unit.

The residents union have a yearly general meeting where the rights of the owners, are authorized to:

- Elect and dismiss the head and one or more union directors, through secret voting
- Approve the estimated budget of the union (fixed and variable costs)
- Identify the subscriptions and financial obligations of the occupants
- Approve the final account of the union
- Approve the works required for the safety of the property or its common areas and attached spaces, preservation of the architecture and the provision of services required for the property
- Adopt needed resolutions and procedures to keep clean the common areas of the property
- Examine the complaints handed over by parties concerned
- Settle disputes that arise between the members, over using the property

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<sup>21</sup> Article 136 of the law states that the Agency shall inspect, control and follow-up the works of the administrative bodies identified by the competent Ministries, such as planning and organization local units, New Urban Communities Authority, Tourist Development Authority, Industrial Development Authority and Residential Areas, for matters regarding the issuance of licenses for executing works, erecting, expanding, heightening, modifying, supporting, restoring or demolishing buildings or performing any exterior finishing. It shall annually estimate the average cost of erecting a square meter of buildings types, throughout Egypt, and the Ministry of Housing shall approve such prices.

While Article 137 states that parties concerned may complain about decisions of the administrative body at the Complaint Committee (formed upon decision of the Governor), which shall be convened at least once a week at the competent local unit and shall inform the administrative body of its resolutions to execute them.

In case members of the general meeting are owners of unit they can appoint, dismiss, or define the wage of one or more guard and other staff in the property, they can also regulate the use of common parts in the property. Among the variable costs, there are structural and restoration works, which affect the property's safety, improvements in the common area, and painting or coating works.

Part 4: Chapter 2 of the Building Law **controls licenses for demolition or partial demolition for buildings not subject to Law 144/2006**. They require a demolition license form, the owner's ID, the demolition decision issued by the administrative unit, a report by an engineer (minimum 7 years of experience), illustrating the demolition procedures and how to preserve neighbouring establishments, occupants and passersby. Moreover, **the law regulates restoration or structural works**. The documents requested for the license application are: the application form, final restoration or structural works decision issued by the administrative body, detailed drawings, technical report with implementation details. Differently, if the request is for facade finishing, it will require a different form and the drawings of the facades.

Article 90-97 of the Law and Articles 175-185 of the Executive Regulations explain regulations for the maintenance and restoration of properties and demolition of dilapidated buildings:

The regular and exceptional maintenance of the building is controlled and supervised by a committee defined by law.<sup>22</sup> Without prejudice to Law 144/2006 the body authorized with the planning and organization shall - through one or more of these committee(s) - inspect and examine the building properties, and determine the actions to be taken to save lives and properties, whether by maintenance, restoration, and structural works, partial or total demolition. Their inspection has to be periodic, it can also happen upon request made by the resident union, or from individual complain coming from citizens. This committee shall submit its report to the authorized body with the planning organization to issue its resolutions, including the time limit for the execution of the works and the need to partially or totally evacuate the building on temporary basis. In case of partial or total demolition of a building, the resolution made shall be approved by the competent governor or the deputy thereof, within one week after the receipt of the committee's reports.

The owners and the occupants have to be officially informed about decision(s), and a copy of the decision(s) has to be affixed visibly on the building. The parties concerned or a resident's union may complain about the issued resolution(s) at no later than 15 days from their notification. The complaint will be analyzed by an established complaint committee that shall settle a decision within 30 days, unless further documentation is requested.

The interventions that the committee can schedule can be classified as follows:

Periodic maintenance:

- Repair and maintenance of water reservoir and pumps
- Repair of damages at the floor, toilets, bathrooms, kitchens and ceilings that cause leakage
- Repair and replacement of damaged parts in electricity parts that cause accidents or fires, put lives and money in danger or cause a malfunctioning
- Periodic maintenance of the elevators including the repair of any breakdown or defect, periodic works of cleaning and oiling
- Finishing of the property entrance and repair of the staircase and tile floors
- Replacement of the broken glass of stairs and entrance

Emergency maintenance:

- Repair of electricity works for damages that cause cut-off or threatening situations

<sup>22</sup> one faculty staff member of engineering or structural engineering at least with the title of assistant professor or a professional engineering consultant with a minimum of 15 years experienced in the field of restoration and structural restoration, one architect or engineer experienced in buildings restoration, one engineer representing the administrative body, and eventual external consultants



- Maintenance and repair of elevators and water pumps
- Repair of drainage works as leakages of water reservoirs, toilets and pipes which might affect the safety of the building

The maintenance costs should be covered by the union board, without referring to the union general meeting, as per its approved system.

The committee shall inspect and identify the needed repair of defects in the structural elements and suggest the modifications (foundations, pillars, beams, tiles, cables, staircases, walls, and stairs, etc...) when needed, to endure loads or extra loads, shall be considered structural restoration works for any structural elements. All the remaining works shall be considered restoration works:

- Repair and replacement of water pipes and external drainage
- Reinforcement or replacement of elements in the stair and in the roof
- Painting and coating the facades and windows from outside, as well as all the works that restore the original conditions of any element

### III. Law 117/1983: The Antiquities Law

The Egyptian Antiquities law consists of 4 parts:

- Part 1: General provisions
- Part 2: Registrations
- Part 3: Penalties
- Part 4: Final provisions

The following section provides a summary of the Antiquities Law and its Executive Regulations, which is considered crucial for the protection of Historic Cairo.

#### Part 1: General provisions

Part 1 of the law identifies the properties or the movable objects that shall be considered an antiquity. In this respect, the Supreme Council of Antiquities (SCA) may accept the alienation of historic real estate properties by authorities and individuals by way of a grant, against nominal price or by placing such properties at its disposal for a period not less than 50 years.

Furthermore, the antiquity shall be registered by a decree issued by the Minister of Antiquities, based on the proposal of the SCA board. The owner should be informed and the decree should be published, and endorsed to register the property at the Real Estate Publicity Department. As a result, the property can neither be demolished nor exported nor confiscated. However, the adjacent lands may be confiscated after the approval of the Minister of Antiquities, based on the proposal of the SCA board and directors. No work is allowed to the property, unless a permit is obtained from the SCA after the approval of the permanent committee. Moreover, these works shall be carried out under the direct supervision of the SCA representative. In case unlicensed works is conducted, the SCA shall restore things the way they were at the expense of the violator without prejudice to penalties stipulated in the law. The Supreme Council for Planning and Urban Development may - upon the proposal of the Minister and against a just compensation - assign easement rights to the properties adjacent to the archaeological sites and historic buildings, within the limits of the antiquity zone,<sup>23</sup> to preserve its artistic characteristics or its outer shape. Furthermore, no building licenses may be granted for archaeological sites or lands or to the area of the aesthetic lines. The

<sup>23</sup> Antiquity zone as defined by the Law: places or lands adjacent to the antiquity, defined by the ad hoc permanent committee to ensure their protection. Places and lands of proximity to the antiquity are defined as: places or lands outside the archaeological sites, places or lands, of which distance is designated by the Council. A resolution is issued by the Supreme Council for Planning and Urban development in respect of sites, places or lands-whether at the qualified areas or otherwise, to guarantee the preservation of the surrounding of the antiquity.

Supreme Council for Urban Planning can grant licenses in the area of the aesthetic lines<sup>24</sup> only upon approval of the SCA and under their conditions aimed at the preservation of integrity.<sup>25</sup>

## **Part 2: Registrations, maintenance and excavation of antiquities**

Part 2 states that the SCA shall identify sites and lands and determine their location and characteristics and prove that on map, that should be provided to the competent local unit (district) and Supreme Council for Planning and Urban Development to consider the same on the preparation of the general plan. The SCA should prepare the registered sites for visits and study, taking into consideration its security and maintenance. The listed sites and historic buildings should be guarded by the competent police, guards and approved private security. The SCA board shall identify areas surrounding each archaeological site to be secured. Furthermore, the Council shall solely carry out the maintenance and restoration works necessary for registered antiquities, archaeological sites and places, and historic buildings. Ministry of Endowment (*Waqf*), Egyptian *Waqf* Authority and Coptic *Waqf* Authority shall bear the costs for restoration and maintenance of registered archaeological and historic properties. The Council shall bear the costs of restoring registered buildings acquired by other individuals and authorities, as long as the restoration is not due to the misuse of the acquirer. In such case, the acquirer shall incur the costs of restoration.<sup>26</sup>

## **Part 3: Penalties for the violation of the provisions of the present law**

The violations concerned with listed buildings include the intention to demolish, to damage, to distort, to change or to divide a movable or immovable antiquity. It is prohibited to fix advertising or billboards on the walls; paint, or write on the antiquity. It is prohibited to subtract rubble, sand or materials from a site, as well as to ignore the license requirements granted for excavation works to bring sand, rubble or other materials to the site. Finally, it includes the violation to issue building licenses within archaeological areas.

## **Part 4: Final provisions**

This specifies how the Chairman of the SCA, the directors of antiquities and museums, trustees, associate trustees, supervisors and managers of archaeological areas, inspectors and associate inspectors of antiquities has juridical seizure to stop crimes and violations identified in the law and its following decrees. At the same time, it specifies how the SCA shall coordinate with competent authorities and bodies in planning, housing, tourism, utilities and security; also governorate councils to ensure the protection of the antiquities, museums and historic buildings from quakes, congestions, leakages, pollution, industrial hazards and changes of the historic and archaeological surroundings, in order to meet the demands of urbanization, and antiquity and heritage preservation.<sup>27</sup>

# **LAWS REGULATING THE RELATION BETWEEN LANDLORDS AND OCCUPANTS**

## **I. Law 49/1977, Old Rent Law**

Law 49/1977 regulates the leasing and selling of places and the relation between landlords and tenants (amended by Law 136/1981); it is known as the old rent law. Law 49/1977 has set the rent value from the 1950<sup>th</sup> till today; it obliges the occupants to pay a percentage of the repair costs, which depends on the duration of the rent contract. The Law is divided into five parts:

<sup>24</sup> It is the area that surrounds the antiquity and extends as per instructions of the Council, in a view to preserve the aesthetic value of the antiquity. Such lands shall be treated as archaeological lands.

<sup>25</sup> According to Articles 11, 12, 13, 16, 20 and 22

<sup>26</sup> According to Articles 26, 27, 29 and 30

<sup>27</sup> Articles 48 and Article 51

- Part 1: Lease of places
- Part 2: Demolition of Non-residential Buildings, for their reconstruction in Enlarged Shape
- Part 3: Granting certain tax exemption on built real-estates
- Part 4: Ownership of real estate
- Part 5: Penalties

Some aspects of the law are of interest for the purposes of the URHC project, specifically:

### *Part 1: Lease of places*

**Vacancies.** According to Article 8, places left without preparation for exploitation will be considered as remaining vacant. In such case, the competent Governor may notify the landlord by a registered letter, to prepare the building for exploitation within a defined period. If the period expires, the Governor may assign any entity to prepare the building for exploitation at the expense of the landlord, according to rules to be issued by decree of the Ministry of Housing. The entity may rent free units, and collect the rent of the whole building units, until all amount spent and administrative expenses have been recollected. The landlord has the right to obtain 20% of the rental, monthly.

**Rental determination and evaluation.** Article 10 states: “whoever wishes to erect a building will have to enclose together with the application submitted to the competent administrative department (concerned with building permits), a statement showing the land and building value, the building specifications and a proposal concerning the rental and its distribution to its units....”.

Article 15 states that the rental of buildings after their completion shall be determined on the basis of the estimated value of the land assessed in 1974, to which is added an annual increase of 7% till the completion of the building. The value of the buildings shall be determined according to the actual building cost at the time of construction. The standard of buildings as indicated and on the basis of which the building permit was issued shall be adhered to.

Article 16 states that the value of the land shall be re-assessed in determining the rental in case of heightening the building, if the elevation takes place within two years from establishing the original buildings. In case something is introduced to the building concerning the improvements charges (street alignments or widening, extra infrastructure etc...), the value of the land shall be reassessed with the purpose of determining the rental of the newly added units only.

### *Obligations of the tenants and the landlord. Articles 24-38 define the following obligations:*

- The rental contract doesn't expire with the death of the lessee or his quitting the place if his wife, parents or descendants. Concerning the relatives of the tenant that stipulated the contract up to the third degree, it only continues when proven that these relatives have been living in the rented property with the lessee for at least one year before his death or quit. The landlord shall draw contract of tenancy for those entitled to occupy the place. The occupants shall be committed to fulfill provisions of the contract by solidarity.
- The landlord may increase the residential units of the building rented, either by vertical or horizontal addition, even if the contract of rental prevents it. This will not impede the tenants' right to reduce the rental amount if there is a fair reason. A court order can pass an authorizing for the evacuation and demolition of parts of non-residential places, if it hinders additions to the building, provided that these parts are compensated or given the right to return. If these parts are appropriated for housing, a court sentence may be issued for evacuation and demolition only when the landlord provides another suitable house for the tenants. However, the lessee's has the right to return to the newly constructed building once completed.
- The installation of water, electricity, etc... is the responsibility of the owner. However, the installation of meters for each unit and its accessible is met up by the tenants at their expenses. The landlord is responsible to set up water tanks and install pumps necessary to provide upper storey of the building



with water. The tenants are not allowed to install water pumps at their expenses; the installation can be removed administratively at the expenses of the violator.

**Leasing furnished places.** Articles 39-48 of the Law regulate leasing furnished places. A land lord can only rent one furnished unit in his building. However, the landlord can rent other furnished units if the tenants are foreigner in the country for the most diverse reasons (diplomats, workers, tourists...). The owners have to record the contract of furnished units and notify the competent local unit. The local unit should report monthly the data it collects in this respect to the Tax Administration. In fact with the exception of hotels, whoever lease a furnished place or part of it, hosts or provides landing to a foreigner or Egyptian, shall notify the police station where the place belongs to.

### ***Part 2: Demolition of non-residential buildings, for reconstruction in enlarged shape***

Articles 49 states that in case of demolition of non-residential buildings, for reconstruction in enlarged shape, the landlord of a building leased for other than residential purposes, have to advise the lessees by a notification through a bailiff to evacuate the building for the purpose of reconstruction and for increasing its surface area, according to the following conditions:

- The owner should obtain the necessary permits. They should provide new units suitable for the same purpose as that for the units that was demolished
- The total surface area of the new building floors should not be less than four times those of the building floors before demolition
- The new building should comprise residential or hotel units not less than 50% of its total surface area
- The landlord should provide a suitable unit with similar rent for the lessee to exercise his activities; otherwise he should compensate him
- The landlord should fix a date at which the evacuation of the unit would take place, not less than 6 months from the date of the evacuation notice
- The owner or his successors should complete the demolition within a period of 3 months from the date the building was evacuated, and should reconstruct the building within 3 months from completing the demolition. If the demolition doesn't occurs within prescribed period, the tenants have the right to return to the building units they were lodged before or to compensation. If the building doesn't respect the agreed terms, the Governor assign any entity to finish the works at the expense of the owner. Lessees of the demolished units should have the right to dwell in units in the new building after its reconstruction.

### ***Part 5: Penalties***

According to Article 78, not denouncing a guest in a furnished lodging is considered a violation. The violator will be liable to imprisonment for a period of not less than one month and a fine in between 100, - EGP and 500, - EGP or both. The penalty mentioned before is applied to these following violations: 1. non respect of water tank provision, 2. the disrespect of demolition or reconstruction times.

Article 81 states: "Whoever premeditatedly commits an act representing a threat to the safety of the building or exposing it to collapse or impairing it wholly or partially with the purpose making collapse the building shall be liable to imprisonment for a period of not less than one month and a fine between 100, - EGP and 300, - EGP".

## **II. Law 136/1981, Lease and Sale of Buildings and the Relations between Landlord and Tenant**

Law 136/1981 is of particular interest, because it rules the loans for restoration and maintenance of buildings. Article 10 states that the State ensures the extension of cooperating loans for restoration and maintenance of buildings. The loans and their accessories will enjoy a privilege and will be exempted from taxes and duties.

The State supports cooperative housing activity and provides loans and building materials. Furthermore, individuals proceeding on heightening, completing or expanding the properties, may obtain loans presented by the State banking bodies, or public organs, in accordance with the rules set by the Ministry of Housing. However, those who desire to invest in different levels of housing, with exception of the luxurious types, are also entitled to the loans.

Article 18 states that the lesser should not demand the evacuation of the leased unit, even if the contracted period of lease ends, except for one of the following reasons:

- a) Total or partial demolition of collapsing buildings, temporary evacuation for restoration and maintenance, according to the provisions to the applicable laws
- b) If the lessee doesn't pay the due rent within 15 days from the date of notification
- c) If it is proved that the lessee had ceded the leased unit or had sublet it without written agreement from the landlord or left it to others with the intention of finally dispensing it
- d) If it is decided by a final court judgment that the lessee has used or allowed the use of the leased unit in a disturbing manner, harmful to the safety of the building or the public health, or in purposes contrary to the public morality

The change of use implies an increase of lease, and in case of cession or sale of the unit, the consensus of the landlord has to be obtained. However, the landlord has the right to a portion of the sale as established by law.

### III. Law 4/1996, New Rent Law (amended by Law 137/2006)

This law defines relations between landlord and tenants, who signed contracts after 1/1/1996 according to the provision of the civil law, thus according to the principle: "the contract is the legislation of the contractors". Rent relations after the previously mentioned date have fixed durations and rent amounts.

### IV. Law 6/1997, Leasing Non-Residential Premises (amending Law 49/1977)

Article 29 of Law 49/1977 stated the right to inherit a lease contract for commercial, industrial, trade or vocational activities up to the second generation of the deceased users of these unit, including a broad circuit of relations not necessary direct of first degree. However, with Law 6/1997, it was amendment that the lease contract for commercial, industrial, trade or vocational activities shouldn't continue, except once and only for the beneficiary heirs of the original lessee.

Similarly the law regulate the fairness of the rent price for non-residential purposes as follows:

- 8 times the present rent for premises established before 1944
- 5 times the present rent for premises established between January 1944 and November 1961
- 4 times the present rent for premises established between November 1961 and October 1973
- 3 times the present rent for premises established between October 1973 and September 1977
- The present legal rent for the premises established from 10 September 1977 until 30 January 1996 shall be raised by 10% effective from the same date
- Than an annual increase shall be due periodically at the rate of 2% for places established up to 9 September 1977 and 1% for places established from September 1977 up to January 1996

### V. Presidential Decree 237/1997, provisions on leasing non-residential places

Presidential Decree 237/1997, amending the executive regulations of Law 6/1997 and Article 29 of Law 49/1997 concerning certain provisions on leasing non-residential places, specifies further the succession of tenants, precisely that the contract of tenancy shall discontinue in favor of any of the successors or partners if the lessee quits the premises, it also shall not continue in favor of the partners if the lessee dies. If the lessee dies each of the other lessees with him shall continue to have the right of remaining in the premises. And besides this right the contract of tenancy shall continue in favor of the one fulfilling two requirements, namely he shall be a successor to the deceased and shall be one of the following:

- a) Wives of the lessee, and husband of the woman lessee
- b) Relative by affinity of the 1<sup>st</sup> and 2<sup>nd</sup> degrees (sons, daughters, grandsons, granddaughters, parents, grandparents, brothers and sisters, major or minor)

In any case it is conditional for them to use the premises for the same activity, as agreed in the original contract and the beneficiary should use the premises by himself or delegate someone, whether from among the rest of the beneficiaries, or others. Furthermore, the Contract of tenancy shall not continue except for one time in favour of the beneficiaries from the successors of the original lessee. However, after the decease of beneficiary of the Contract, it can't be passed on once more, even to the relatives of the second degree and won't continue in favour of any of his successors.

## LEGISLATIONS RELATED TO THE OWNERSHIP OF PROPERTIES

### I. Land and Real Estate Properties

Land and real estate properties include the following:

**2.1. Private properties**, which are privately owned, are protected by the constitution. The owner has the full right to take decisions concerning his property without restrictions. The only reason allowed for its expropriation is the “public benefit”.<sup>28</sup>

**2.2. State properties** consist of two types:

**2.2.1. General State Properties:** are lands/properties allocated for public benefit purposes according to a law, a decree, or an action. They are under the supervision of the responsible authorities, which are assigned by the government. It is prohibited to dispose, seize/confiscate or sell these properties. In case the property is not any more a “public benefit”, it is prohibited to use it for any other purpose, even if as another “public benefit”, it should become a “private state property”. These provisions are mentioned in the following articles of the Civil Law 131/1948:

Article 87: Properties and movables of the state or public national persons are considered state money, allocated for public benefits, according to a law, a ministerial decree or a regulation. It is not allowed to dispose, seize/confiscate or own the state money through prescription.

Article 88: the public money loses its prescription, when its allocation as a public benefit ends.

These allocations end under a law, a regulation or a ministerial decree or through an action, it also ends when the purpose that it was designed for ends.

**2.2.2. Private State Properties.** These are owned by one of the state authorities, which are not allocated for public benefit. The state acquires these properties through various means, which include:

- b. Properties/lands registered in records and maps as private state property
- c. Properties/lands dispensed by the ministries or governmental authorities after their statue as “public benefit” have been cancelled/released
- d. Properties/lands handed over to the government against princely money, governmental requirements, or through donation
- e. Properties/lands handed over to the government from the available inheritance of the deceased, who doesn't have an inheritor (Bay al-Mal)

The governmental body can dispose these properties in different ways (selling, buying, the right to benefit, BOT, etc...) according to the following legislations:

- The Egyptian Civil Law, No. 131/1948

<sup>28</sup> Article 1 of Law No.10/1990 concerning the expropriation of properties for public properties.

- Regulations concerning free governmental properties (i.e. private state properties) issued on 21/08/1902, which should be included in any contract issued, when a state property is sold to any individual.
- Law 89/1998 concerning governmental bids and tenders (amended by law 148/2006)

2.3. **al Awqaf**, are defined as private properties that are donated for charitable purposes. *Waqf* means confinement and prohibition or causing something to stop and the devoting its profit to charity purposes, which is the “*waqf khairi*”. While in case of “*waqf ahli*”, the income of the *waqf* is dedicated to the family or ones children for a time period whereupon it is diverted to a charitable purpose, the *waqf ahli* was cancelled by Law 180/1952.

The Egyptian Waqf Authority (affiliated to the Ministry of Awqaf) is in charge of managing, investing and maintaining the *waqf* properties. 15% of the *waqf* income goes to the Authority, while the rest goes to the Ministry and is dedicated to charity works.<sup>29</sup> In this case the Ministry of Waqf represents the owner of the property, whenever the Building Law is needed to be applied. Therefore, the Ministry is in charge of applying for the required building permits; should apply decisions issued by the administrative authority, ex. concerning dilapidated buildings. Moreover, legal procedures can be taken against the Ministry in case of a violation.

2.4. **al Hakr** (exclusive privilege): the *muhtakir* is allowed to use properties that belong to the state or individuals, i.e. carry out building or planting activities, while the property is owned by the original owner, the buildings or the plants are owned by the *mohtakir*. In the cemeteries for example, where the beneficiaries erect the tombs or the surrounding fences for burying activities, the land is considered a general state property according to the Cemeteries Law 5, 1966.

## II. Law 222/1955, Imposition for Improvement

This law is applied on properties that are subject to imposition (fees) for improvement that occurs on the public works (infrastructure, transportation, etc). The law defines what kind of works are considered improvement works that require imposition and that should be collected from owners of properties directly benefiting from the project.

Article 16 of the Building Law (119/2008) states that Law 222/1955 is applied on properties subject to improvement due to the adaptation of the detailed plans.

## III. Law 10/1990, Expropriation of Real Estate for Public Interest

The law defines which works are considered of public benefit and when the ownerships of properties might be expropriated. An expropriation report/decreed is issued by the President of the Republic, and the owner of the property has the right for judicial appeal only concerning the value of compensation. Article 35 of the Building Law states that NOUH has the right to propose the expropriation of some buildings/or parts of buildings of outstanding architectural value for the public benefit in order to maintain them, in accordance with the provisions of Law 10/1990. The expropriation decision is issued by the Supreme Council for Planning and Urban Development, and is compensated in accordance with the provisions of Law 144/2006.

# LEGISLATIONS CONCERNING LAND USES AND LAWS REGULATING SHOP ACTIVITIES

## I. Land uses of properties and licenses for non-residential activities

According to the Building Law (119/2008), strategic plans should be developed for all areas throughout Egypt, which define the future of urban development in the country. In relation to the strategic plans,

<sup>29</sup> Attached: Law 80, 1971 concerning the establishment of the Egyptian Waqf Authority

detailed plans will be developed for each city and village, including building and planning regulations, as well as implementation programs for land uses and infrastructures in the approved general strategic plan. Therefore, the detailed plans will clarify the land uses permitted for each area. The Building Law defined duration of 2 years for the preparation of these plans; therefore, each governorate has to prepare temporary building regulations that should be implemented during this period.

Due to the current political situation in the country, the majority of Egyptian governorates (including Cairo) still follow the temporary regulations. As for the Cairo Governorate, the governor has issued decree 3717/2009 concerning the temporary building regulations in Cairo. Article 4 of the Cairo Governorate's decree<sup>30</sup> includes regulations concerning new buildings in Historic and Khedivial Cairo, such as facades regulations. However, there was no mention about land uses or organizational lines in these areas.

Therefore, licenses issued for the operation of non-residential activities in Historic Cairo have to respect the following:

1. The official decree issued by the Supreme Council of Planning and Development concerning the regulations of the area of peculiar value of Historic Cairo<sup>31</sup>
2. The temporary building regulations for Cairo governorate, issued by the governor (Decree 3717/2009)
3. Laws concerned with the shops operation (commercial, industrial, general, recreational)<sup>32</sup>, as well as the decrees issued by the Minister of Housing and the Cairo Governor.

## II. Laws Regulating Shop Activities

### Law 45/1954, Industrial and Commercial Regulations

Law 45/1954 manages the distribution of industrial and commercial activities, and other activities that can be source of disturbance and are deemed hazardous to the public health.

**The law is applied on all areas/streets, except where a decree is issued that prohibits shops in specific streets/areas.** Two types of tables are attached to Law 45/1956: The first table concerns factories, big-scale industrial and commercial facilities, cinematography studios and workshops that can be source of disturbance. The second table is related to commercial shops and small-scale workshops that serve the neighbourhood scale. The Local People's Council has created a third table that is related to services allowed in residential areas.

### Law 371/1956, General Shops Regulations

Law 371/1956 explains regulation concerning two types of shops:

Type 1: Restaurants, cafes, as well as shops that serve food and drinks. This type of shops can only open in specific streets, which have a decree that allows opening shops.

Type 2: Hotels, pensions, furnished flats and guest houses, which are allowed to open in all areas/streets.

### Law 372/1956, Recreational Places

The law regulates the issuance of licences for activities identified in five sections including: cinemas, theatres, skating halls (patinage), musical and dancing places and halls, casinos, pubs, lecture halls,

<sup>30</sup> A copy of the temporary building regulations for Cairo is available

<sup>31</sup> "It is not allowed to issue licenses for activities that cause pollution and negatively affect buildings of peculiar value (ex. workshops, warehouses and shops) unless in places originally designed for these purposes. However, it is allowed to reuse buildings for purposes that do not require changes in its architectural style".

<sup>32</sup> Including the tables attached to these laws.



gymnastic halls, as well as racing, archery and gambling shops. Moreover, the law regulates licenses for temporary fairs, circuses, and recreational areas, as well as horse stadiums and swimming pools.

### **Law 1/1973, Hotel and Tourist Facilities**

The law regulates licences issued for shops that are specially designed for tourist facilities, according to special building and finishing regulations. The licences are issued by the Ministry of Tourism and approved by the Minister, while the local authorities are not in charge of this type of shops.

The law is divided into eight chapters:

- Chapter 1: identification of hotel and tourist facilities
- Chapter 2: tax and custom exemption
- Chapter 3: employees system
- Chapter 4: relationship between customers and operators of hotel and tourism facilities
- Chapter 5: identification of pricing, classification and controlling of the facilities
- Chapter 6: Obligations of the facilities by the ministry
- Chapter 7: Penalties

#### **Chapter 1: Identification of hotel and tourist facilities**

**Tourist accommodation:** according to the provision of this law, all hotels, pensions, resorts, cruises and floating boats, etc. are considered tourist accommodations. Moreover, guesthouses, homes, and apartments fully furniture and any accommodation considered for tourists are considered tourist accommodations and should be identified by a decision issued by the Minister of Tourism (MoT).

**Tourist facility:** according to the provisions of this law, and as identified by a decision of the MoT, all businesses dealing with the reception of tourists to provide food and drinks for consumption in the same place e.g. night clubs, casinos, bars and restaurants are considered tourist facilities. The law also considers a tourist facility all the transportation and vehicles used for transporting tourists whether in natural environments, Nile or marine trips.

To establish, use or manage hotel and tourism facilities, a license is needed by MoT, in accordance with the conditions and procedures established. Article 2 delegates the MoT competencies as specified in Law 371/1956 and Law 372/1956 regarding recreational places within these facilities. On the other hand, the Minister of Housing must define the architectural/construction regulations of the above-mentioned facilities after the approval of the MoT. Moreover, the regulations for floating hotels and cruise ships are defined by the Minister of Transport after the approval of the MoT. The facilities used for gambling casinos, currency and taxes imposed on these casinos are identified.

#### **Chapter 2: Taxes and custom exemption**

Most of the chapter has been cancelled and moved to the Investment Law 230/1989. Only one article exists and states that “floating hotels and cruise ships are exempted from taxes and customs duties, building materials are also exempt from these taxes and fees (imported for building, preparing or renewal of the hotel or tourist facilities). Such exemption is issued by a decision of the Secretary of the Treasury after the suggestion of the MoT”.<sup>33</sup>

#### **Chapter 3: Employees system**

The law gave the MoT the right to issue decrees and decisions that identify the competences needed from the personnel working in the hotels and tourist facilities, and their working system.

<sup>33</sup> Article 6 of chapter 2 of Law 1/1971

#### ***Chapter 4: Relationship between customers and operators of the hotel and tourism facilities***

MoT sets a decree to identify the owner's obligations in relation to guests or visitors. The Minister defines the rules and system for booking rooms and hotel accommodation facilities. The Ministry must be notified by the owner, of the name of the manager of the enterprise and of any change in this regard as soon as it occurs. It is also prohibited to charge guests more than the prices established in accordance with this law, or to refrain from providing the service.

#### ***Chapter 5: Pricing, classification and controlling of the facilities***

MoT has the power to categorize hotel and tourism facilities into degrees (stars), according to the rules laid down by the minister. Accordingly, the Minister sets the prices for accommodation, fee entry, food and beverages and other services provided by the facility. However the prices are set after receiving a written application with the proposals in this regard (by the manager of the facility). The Minister should reply within one month from the date of application. The law also gives the applicant the right to appeal the decision of such classification and pricing within fifteen days from the date of notification. The Minister then forms a committee with the participation of the manager/investors of the facilities to look into their appeal. The final decision has to be signed by the minister. However, during March of each year the manager of the facility may ask the ministry to reevaluate its degree and modify its prices.

#### ***Chapter 6: Obligations of the facilities by the ministry***

The degree (stars) identified for each facility should be visible and in a noticeable place. The price list for the facility should be stated in Arabic, and in either English or French. It should be available in the reception and the rooms; however, the MoT should certify these lists.

In the first week of each month, the Ministry of Tourism should receive an account of guest of the previous month, including the total number of nights hosted, their dates for check in and departure. A daily account should be sent to the police station, where the facility is situated in its constituency. The Minister of Tourism can revoke the license to any hotel or tourist facility if found violating the rules of public morality or brought actions harming the reputation of the country or its security.

#### ***Chapter 7: Penalties***

It is considered a violation the creation, establishment, use or management of a hotel and/or tourism facilities without a license, or opposing the conditions and procedures established by the Minister of Tourism, Minister of Housing or Minister of Transport.

According to Article 21, the penalty shall be imprisonment, not exceeding six months, and a fine not exceeding five hundred pounds or either, as well as closure of the facility. The same penalty is applied to the violation of the regulations concerned with gambling casinos.

According to Article 23, it is considered a violation not applying the procedures for booking, or exceeding the price list certified by the Ministry of Tourism, or not providing the registration of the guest daily (to the police station) and monthly (to MoT). The penalty for such violation is a fine of not less than twenty pounds and not exceeding two hundred pounds.

#### ***Chapter 8: Final Provisions***

The Minister shall issue the necessary decisions to implement the provisions of this law.

## LAWS RELATED TO ENVIRONMENTAL ISSUES

### I. Law 38/1967, Public Cleanliness Law

The Public Cleanliness Law and its Executive Statute (Decree 134/1968) is amended by Laws 31/1976, 145/1988 and 10/2005. It states that placing garbage, sweepings, wastes, or impure water in other than the determined places by the local council is prohibited. Private owner should keep the waste in special containers and empty them following a precise schedule established by the local council. Holders and possessors of vacant lands, whether enclosed or not, shall remove the heaps of soil or garbage, and maintain their cleanness. It is prohibited to bath or wash domestic utensils, clothes, vegetables, or others in fountains or jets or public watercourses, as well as washing animals, carts and cars except in places provided for the purpose. The passage of a herd of cattle or animals in other than the streets to be determined by the local council, as well as placing of animals or poultry in squares, streets, passages, lanes, and alleys, whether they are private or public, and also entrances, skylights, or balconies of buildings is prohibited.<sup>34</sup>

Article 7 states: "The owner of each vacant or waste land, the existing of which without being enclosed is considered harmful to health or disturbing the town or village appearance, cleanliness or beauty, shall proceed with enclosing it within a time he determines according to the conditions and terms to be set in the executive state. If the owner slackens in enclosing the land within the determined time, despite receiving a warning notification, the local council may proceed with its enclosure at the cost if the owner providing these expenses shall be collected administratively."

Article 8 of the law indicates that the competent local government units shall establish offices for receiving the citizens' complaints in case they are harmed by the non-compliance with the provisions of this Law and for referring such complaints to the concerned entities to adopt the necessary measures.

While Article 9 states that whoever commits a violation of the provisions of this Law, or the decrees enforcing it, shall be liable to a fine between 20, - EGP and 50,- EGP. The competent local government unit may demand from the violator to remove the violation within a defined period, otherwise, the local government unit shall remove them at the expenses through the administrative way.

Conciliation may take place as a result of non-compliance with the provisions of Articles 1 and 4, in return for paying 5,- EGP if the violator is a passer-by, and 10,- EGP in case of other violations. The foregoing shall take place within 1 week from the date which the violation was detected. The criminal action shall lapse on such conciliation.

The Executive Statute 134/1968 is divided into four parts:

- **Part 1, Definitions** were the objects of the controversial are better articulated "*Sweepings, garbage or wastes mean all solid or liquid residues left over from individuals, residential and non-residential buildings, like governmental buildings, institutions, companies, factories, stores of all kinds, encampments, camps, barns, slaughter houses, markets, public places, entertainment centres and others, as well as the means of transport and all health damages, fire breakouts, and disturbance of the appearance or cleanliness of the city or village resulting from placing them in other than the locations appropriated for them*" according to Article 1. And "*impure and dirty water shall mean water that is thrown in other than the places appropriated and resulting in health harms, nuisance, offensive scents, or disturbance of the appearance or cleanliness*" according to Article 2.
- **Part 2, Garbage collection, transport and disposal** defines the responsibility of the entity undertaking public cleanness works to establish the places to be appropriated for putting and casting the rubbish, garbage and wastes, preliminary to their transport. However, if the said entity does not specify these places, the occupants of buildings and palaces shall engage themselves with a contractor, and maintain their garbage and wastes in the containers appropriated for them, and deliver them to the garbage collector who is attached to the contractor or to the entity undertaking the public cleanliness works.

<sup>34</sup> According to Articles 2,4,7 and 8



Within the same article it prohibited to throw garbage or wastes in other than the places, boxes, or baskets appropriated thereof. For the same purpose it is prohibited to sort out the garbage except at the places appropriated thereof, and to feed animals or set on fireplaces unless they conform the conditions approved by the concerned local council<sup>35</sup>.

- **Part 3, Drainage, transport and discharge of liquid wastes** This section is particularly important in defining the drainage of liquids of any built realties according to the characteristics of the soil and to the dimensions/uses of the buildings. Furthermore it establishes a responsibility in the entity in charge of alignment works in the local council: to inform the owner of a property when no sewerage network exists and where no sanitary drainage means for wastes of water closets is provided<sup>36</sup>.
- **Part 4, enclosing the vacant or waste lands.** It is of particular interest Article 22 *"With regards to any vacant or waste land the local council decides to enclose or remove the garbage, earth, or rubbish contained therein, the council shall notify the concerned parties to proceed with performing the job within about the period to be determined for them by the entity in charge of alignment works, such that the period shall not exceed fifteen days for removing the earth and rubbish, and three months for enclosing the land. The notification shall indicate the specifications and conditions to be fulfilled in the wall enclosing the land, as well as the estimate and the costs of rubbish and earth removal and of the enclosing wall. The wall shall conditionally be built of red bricks, rubble, or any other similar material free of holes and shall surround the vacant or wasteland decided to be enclosed in from all sides. The wall shall not be less than 1, 80 meter high and shall be provided with a gate constantly closed where there is no need for entering the land."*

## II. Law 4/1994, Environment Law

The law is concerned with the protection of the environment; it is amended by Law 9/2009.<sup>37</sup> It covers all issues concerned with the protection of land, air and water environment from pollution. However, the part that concerns the air environment addresses the waste disposal and collection and is more connected to the urban environment.

Article 37 states that no open fires and dumping of solid wastes may take place. Garbage collectors should only dump, sort, or treat garbage and solid wastes at the designated places for such purposes, away from housing, industrial and agricultural areas. However, the local administrative bodies in collaboration with Environmental Affairs Agency, should keep the trucks and bins clean, allocate the bins and places of collection, otherwise the person in charge in the local administrative bodies will be held responsible. Moreover, the garbage and solid wastes should only be dumped at the places or bins specified for such purpose.

## OTHER LEGISLATIONS AFFECTING THE PROTECTION OF HISTORIC CAIRO

### I. Law 140/1956 on Public Road Occupation

Law 140/1956 and its Executive Regulations state that no work can be conducted on public roads without a license from the competent authority. This prohibition includes:

- Construction and demolition, paving and extending pipes and wires above or below the earth's surface or modifying the sidewalks
- Fixing shelves of goods, carriers, umbrellas, sheds and seats and tables and boxes, kiosks and the like on the sidewalks or the public roads

<sup>35</sup> According to Articles 5,11 and 17

<sup>36</sup> According to Articles 20 and 21

<sup>37</sup> The law and its executive regulations are available on the website of the Ministry of State of Environmental Affairs in Arabic and English languages. A hard copy of the Environment Law is available at the URHC office

- Leaving movables outside shops, factories, stores or homes, except for a limited time required for loading or unloading and provided they do not disrupt traffic
- Installing the necessary equipment for concerts or decorations, weddings or fairs
- Planting trees on the public roads without permission. However, those trees are considered public property whatever planted

An application is submitted to the competent authority, describing the work/occupation needed by the applicant. Within 15 days of the submission a reply should be received. If no answer is received, the application is considered unacceptable. However, the competent authority may refuse to license all or some of the required works, according to the regulation of public security, health, traffic or the beautification of the city. The law gives the right to the competent authority to cancel the license or decrease its duration according to terms and conditions set in this law.

The applicant may appeal to the decision issued by the authority within 30 days from the date notified or from the date of the expiration (15 days mentioned before). A commission should decide on the appeal within 30 days and reach a final decision. On the other hand, the Minister should issue a decree identifying the insurance and fees for occupying public roads depending on the category and degree of the streets. The issued license should state the fees needed, the duration of work/occupation, and the conditions for implementation.

According to the law, some occupations are exempt from paying the insurance and fees referred to in the following cases:

- Works/occupation made by ministries, governmental departments, district and municipal councils and public institutions.
- Installations managing public facility.
- Temporary road occupancy by contractors that conduct work for ministries, governmental departments, district councils, municipal councils and public institutions.
- Temporary road occupancy by private, charity, religious, social, sports or health institutions registered in accordance with the provisions of the law.
- Sewer inspection rooms.
- Embassies and foreign legations and consulates.

Street vendors' occupying roads less than one day are exempt from license, fees and insurance.

In case there is no license for road work/occupancy, the competent authority shall remove and confiscate the violations at the expense of the violator, and transport the confiscated items to a place prepared for this purpose. However, the violator can claim the seized items within a period determined by the competent authority and after paying double the fee for road occupancy.

According to Article 14, a fine not less than one hundred Egyptian pounds and not more than three hundred Egyptian pounds shall punish violating the law or its implementing decisions. The violator should remove the works, or the competent authority should remove it at his expense. Article 15 states that it is considered a violation using movable items of a shop to occupy roads. If this violation is repeated three times in 2 consecutive years, a closure decision for the shop is issued. The closure shouldn't exceed 15 days, as well as confiscation of the mentioned movables.

However, after historical, commercial or local consideration, and upon the suggestion of the municipal councils, the Minister of Municipal and Rural Affairs may exempt cities, neighborhoods or roads from applying some or all of the provisions of the law or its executive decisions. The employees of the competent authority designated by a resolution of the Minister of Municipal and Rural Affairs will have judicial seizure power in proving violations committed. This law is not applied on advertisement occupying public roads

The Executive Regulations of Law 140/1956 are divided into four parts:

- Part I: Types of public roads and its grades
- Part II: regulations on the works/occupancies; Construction and demolition; Porches (doorways); shades and shop windows; Goods and movable sheds and carts; Funerals marquees (tents)
- Part III: Repairing damaged roads
- Part IV: On fees and insurance

### ***Part I: Types and grades of public roads***

- **Group I** is paved with asphalt, concrete, stone or tiles made of any material, whether it has a sidewalk or not. This group is divided into 4 grades: Excellent, first, second and third.
- **Group II** is not paved, it is divided into two grades: first and second.

According to Article 2, the roads of Cairo are in Group I, with the 4 different grades mentioned.

This division of roads is based on the degree of its importance, taking into account the value of land and existing buildings on both sides of the road, traffic and trade. However, the competent authority can modify the division by adding roads or raising the degree of other, according to the current situation. According to Article 4, the application for a new license or the renewal or waiver of work/occupation shall contain the following information:

- The applicant name, surname, nationality and domicile of the current native and age.
- The works type, size and duration.
- Name of each assignor and assignee in the case of a waiver

### ***Part II: Works and occupancies***

The executive procedures prohibit the license for road works/occupancy for the following:

1. Garages
2. Stores (copper plumbing and whites)
3. Workshops of any kind
4. Shops repairing clothing and rugs
5. Fruit and vegetable shops, groceries, butcher, and other stores that sell food.

Occupancy license can neither be issued for refrigerators (selling refreshments) of any kind nor occupying basements, entrances, ventilation openings, stairway entrances, and garage entrances. However, occupancy license should leave a distance of not less than 10 meters from the entrances and exits of tunnels allocated for a pedestrian crossing.

- **Construction and demolition**

The executive procedures detailed the license for road occupancy applied during construction, restoration, and demolition. During these acts, fencing the facades overlooking the public road is mandatory. This fencing could be of wood or any material, and the competent authority will determine the height of the barrier, the distance from the façade and from the edge of the sidewalk, taking into account maintenance of trees and light poles and the rest of the State property. However, the occupancy cannot exceed the edge of the pavement with a maximum of 2 meters. It explains safety measures for the sites during night (lights), the scaffoldings (compact floor panels), the gates to the site (should open inwards), roofed passages underneath the scaffolding.

- **Porches (doorways), shades and shop windows**

It is allowed to install the elements (doorways) above entrances to buildings and shops. They shouldn't protrude from the building more than half the width of the sidewalk, with a maximum protrusion of 3 meters. Moreover, it should be at least 3 meters from the surface of the pavements. Its width shouldn't exceed the entrance's width, adding 1 meter on each side.

Concerning shades installed on shops, the shades' height shouldn't be less than 225 centimeters from the surface of the pavement, and it shouldn't protrude more than the width of the sidewalk.

Shop windows shouldn't protrude more than 20% of the width of the sidewalk, with a maximum of 40 cm. For streets that don't have sidewalks, the protrusion shouldn't exceed 30 cm. The competent authority can prohibit protrusion of shop windows in any street/square by a ministerial decree.

- **Goods, movable sheds and carts**

In parts of public roads designated by the competent authority, movable sheds and carts are allowed to display goods and food on the specific dates. Kiosks are only allowed with sidewalks more than 3 meters in width. Only two kinds of kiosks are allowed:

- Kiosks selling newspapers, publications and cigarettes
- Kiosks selling beverages, candies and cigarettes

The following conditions should also be followed:

- 1) The kiosk shouldn't be fixed (irreversible) or with foundation
- 2) The kiosk pays the fee approved by the competent authority
- 3) The kiosk dimension shouldn't exceed 1.5 m x 2.0 m, and a height not exceeding 2.20 m
- 4) The kiosk will be installed at one of the places determined by the competent authority
- 5) The distance between the kiosks shouldn't be less than 200 meters, and should be installed on the opposite side of the street

Government agencies and public bodies can install kiosks in public roads without adhering to the conditions set above, after the approval of Municipal and Rural Affairs. Kiosks can't be installed on street corners, crossings, or entrances and exits of flyovers and tunnels. The kiosks should be at least 10 meters away from the previously mentioned points.

- **Funerals marquees (tents)**

During the occupancy of funeral marquees to a public road of grades: excellent, first and second of group 1, and the first grade of group 2, a lane for vehicular traffic should be available, while for the rest of the roads, a space for pedestrians should be granted.

### ***Part III: Repair damaged roads***

The licensee shall notify the competent authority in writing of any damage that occurs to public road as a result of work/occupancy. He shall repair the damages within one week following the end of work/occupancy. The competent authority shall fix the damage at his expense (paving, tiling, damaged hard-scape, lighting lamps and similar).

### ***Part IV: Fees and insurance***

Articles 24-45 of Law 140/1956 specify fees and insurances to be paid for every work/occupancy, depending on the division and grades of the public roads.

#### **II. Law 5/1966, Cemeteries Law**

Burial activities are only allowed in public cemeteries. Cemeteries properties are considered public wealth; land titling and disposition is not allowed, even after abolition of burial (for 10 years).

#### **III. Law 166/1956, Regulations for Advertisements**

This law regulates licenses for advertisements; taking into consideration that Chapter 3 of the Building Law (119/2008) defines regulations related to the location, the types, the sizes, and the areas of signs and advertisements with reference to Law 66/1956.

According to the Law, a decree should be issued by the Supreme Council of Planning and Development about bases and standards of advertisements and signs; this should be followed by the local administrative units and competent bodies while issuing licenses for advertisements.

It is not allowed to issue licenses for advertisements that contradict with bases and standards referred to in Article 36 and 37 of the Building Law and Article 90 of the Executive Regulations.

### III. Law 80/1971, Establishment of the Endowment Authority

The authority is in charge of the management and the investment of the funds of endowments, it gives to the Ministry of Waqf the net income of the charitable endowments to be spend in accordance with the terms of Waqfeen (people of Waqf), The authority charges for the management and maintenance of charitable endowments 15% of the total revenue collected; it may keep 10% of the revenues in reserve for the development of revenue for each Waqf. The authority's Body of Directors has the right to act/spend the reserve after the approval of the Minister of Awqaf.

For properties run by the authority that ended its endowment, the authority charges 10% of the total revenue collected as management expenses, 15% as maintenance expenses, in addition to 5% as expenses for technical works as determined by the Board of Directors. The net revenue then goes to the Ministry of Awqaf to be distributed to the eligible in accordance with the provisions of Law 44/1962.

### IV. Law 43/1979, Local Administration System

The law defines the local units (governorates, centres, cities, districts and villages); it lays down rules for the selection and appointment of their heads [governors and deputies, heads of the centres, the cities and the districts]. Moreover, it sets rules concerning the formation of the executive boards, the selected Local People's Council for each local unit, and the rights and duties of each of them.

The law states, that the competent governor defines rules for the disposition of land intended for construction, which is owned by the state and the local administration in the governorate, after the approval of the Local Pupil's Council of the governorate and within the rules established by the Cabinet, noting that the priority should be given to the people, living and working in the governorate.

The governor can have one or more deputies, which are assigned and removed by the President of the Republic. The Deputy Governor is not allowed to be a member of the Parliament, the Shura Council, or the Local People's Councils. He is treated as a Deputy Minister in terms of salary and pension, and he takes the oath of office in front of the President before starting his job, then he proceeds with its duties under the guidance of the governor.

## SPECIAL STUDIES

### I. Organization lines and recesses in relation to the national urban policies

#### Legal recess and organization line

Article 26 of the Building Law, Point 4 of the Executive Regulations, deals with building requirements in the detailed plan, and is concerned with heights, road width, building density and plots. However, concerning the street width, it is not permitted to have streets less than 6 meters within the urban fabric of all the Egyptian cities. In case the streets are less than 6 meters, the difference of width between the current street and the limited one is divided by two, and accordingly the set back should be applied to the two sides of this street:

**Road width:** The minimum road width at which the plot shall be determined<sup>38</sup>:

<sup>38</sup> According to the Building Law, Executive Regulations, Article 26



- a) For urban areas (cities):
  - 6 meter for roads that don't have an approved organization lines
  - 10 meters for urban expansion
- b) For rural areas (villages):
  - 4 meters for inner streets
  - 6 meters for main roads
  - 8 meters for ring roads

In case of building or rebuilding, if the width of the current road was less than the permitted limit, recess by half the difference shall be applied on both sides of the road to reach the limited width."

Moreover, in relation with the **Organization Line**, it is mentioned in Article 112 of the Building Law:

*"Without prejudice to the provisions of Law 10/1990 on the confiscation of the properties for public utility, construction or heightening works on the parts protruding beyond the organization lines shall not be carried out after the approval of detailed plans, provided that the parties concerned receive fair compensation, with the exception of the support works, as well as the paintings carried out to correct the defects."*

According to the Building Law 119/2008, Executive Regulations<sup>39</sup>: Introduction Part: Definitions:

- **Organization line:** the approved line specifies the border of the road. Such line separates private properties from public utilities, whether drawn at, inside or outside the property border.
- **Border of road:** The line that identifies the border of the road, whether public or private.
- **Excess area:** the excess area between the organization line and property border resulting from drawing the organization line outside the border of property.
- **Wasted area:** Area in-between the organization line and the property border resulting from drawing the organization line inside the private property. This resulting area should be added to the public utility.

According to the Building Law and Executive Regulations, **the organization lines are issued by a decree from the governor** in two cases: either within the detailed plan for an area, or with a separate decree for a specific street, when the realignment of buildings or the street widening is needed. In any case, before issuing any of these two decrees, the buildings cannot protrude out of the border of the road executed and surveyed in the cadastral maps.

### Organization lines (Khat al-Tanzim) and recesses applied in Historic Cairo

Old organization lines existed and were approved in the 60s. However, Decree 393/1972 that was issued by the Cairo Governorate and named the historic city of Cairo "Medieval Cairo" has cancelled all the organization lines and applied new ones. However, the decree freezes the building permits for 6 month till architectural guidelines were set. Furthermore, all the vacant plots in the area were surveyed in order to issue new building permits. Moreover, a technical body was also created to set the architectural regulations and looked into the buildings designs.

Later, the Minister of Culture issued Decree 250/1990, concerned with building regulations in "Historic Cairo". This decree stated that the historic urban fabric of Cairo should be preserved, and no sever urban or architectural changes should be applied.

When the **NOUH regulations for Historic and Khedivial Cairo** were issued, it was decided that any new building (in case of its demolition or reconstruction in the site) must be built on the same building lines as the previous building with no setbacks nor protrusions. No streets widening is allowed, which means that no recesses (whether the legal recesses or the implementation of the approved organization line) should be applied.

<sup>39</sup> According to Ministerial Decree 144/2009

However, with the current implementation of the legislation in the districts, the legal recesses are not applied anymore on alleys less than 6 meters wide, while the old organization lines are still applied.

## II. Courtyards, private roads, basements and car parking regulations

The Executive Regulations of the Building Law define the courtyards' types<sup>40</sup> as follows:

- **Court:** An uncovered space left for ventilation and lighting of rooms and utilities of the building. It extends from the ground floor upwards, with no hindrances except permitted cantilevers.
- **Outer court:** An uncovered space with a least one side overlooking the road border.
- **Common court:** a space shared by more than one property.
- **Residential court:** the space that provides natural ventilation for some rooms of the building, such as living rooms and halls.
- **Service court:** A space that provides natural light and ventilation for the utilities of the building, such as the spaces of the staircase, bathrooms and kitchens.
- **Core:** An uncovered space linked to the court or road from one of its sides, which is a source of ventilation and lighting for the rooms and utilities of the building that can not overlook the court or the road.
- **Common parts:** Parts of the building that serve it or the neighboring properties and cannot be otherwise utilized as cores, entries, stairways, paths and recesses.

The public road, the private road, and the blocked street are defined in the Executive Regulations of the Building Law as follows:

- **Public road:** The space or area allocated for public utility and passage.
- **Private road:** the space or vacant land owned by a person or group of persons to reach their buildings. At least one of such buildings shall not be linked to the public road.
- **One access road (blocked street):** Any road with one exit and having enough space for automobiles to safely run

## Private roads and right of easement

The common outer-court between buildings is sometimes owned by one of the properties overlooking the space. However, surrounding buildings have the **right of easement**<sup>41</sup> that allows windows openings overlooking the court. When the joint court is connected to the main street and owned by one of the buildings, it could be used as an entrance alley for neighboring buildings, without owning the court space. In this case it is called joint alley, which is considered a private street, if it is the only access to one building or more. In this case, all regulations concerning public roads are applied, although it is owned by individuals and not a state/public property.

Concerning Historic Cairo, **it is recommended to protect the registered right of the easement for the neighbors, whenever a property is reconstructed in a private road.** Although the NOUH regulation states that reconstructions on properties in Historic Cairo should respect the old property lines, it is recommended to respect the property line that existed before the demolition, to protect the access to the neighboring buildings, as well as the access to the natural ventilation.

## Basements and car parking regulations

In 2013, a decree was issued by the Minister of Housing that amends the Executive Regulations of the Building Law (119/2008). This decree includes the following definition for basements:

<sup>40</sup> Articles 96, 97, 98, 99, 102 of the Executive Regulations of the Building Law state regulations concerning courtyards.

<sup>41</sup> Easement is defined as the right to that limits the benefit of a property for the benefit of another property owned by someone else; the right of easement is explained in the Egyptian Civil Law, Articles 1015 – 1029.

- **Basement:** One floor (or more) in a building, which is below the ground level, the level of the ground floor finishes shouldn't exceed 1.5 meters measured from the level of the sidewalk in the street.

Article 108 of the Building Law amendment states: *"detailed plans or temporary planning and building regulations determine the conditions of car parking in buildings. The applicant for a building license in a city is committed to provide a space to accommodate cars, according to the Egyptian Code concerned with security regulations in multi-purpose buildings, as well as Annex (A) of the code. This should be respected, especially while calculating the number and the spaces required for a parking place."*

According to the Building Law and its Executive Regulations, it is possible to add a basement (one floor or more), to a building, if the level of the ground floor finishes doesn't exceed 1.5 meters, and if the building height is within the authorized limits.

The NOUH guidebook for the area of peculiar value of Historic Cairo includes special building regulations, which don't refer to basements in new buildings in the historical area. Only for the building heights, the guidelines state that the height of a reconstruction should not exceed the height of the original buildings.

According to the Amendment of the Building Law, in case there is an application for new building permits in Historic Cairo, and the location of the property is subject to the security regulations of multi-purpose buildings, the application for a building license must incorporate a space for car parking in the ground floor of the building.

## BUILDING VIOLATIONS AND PENALTIES

### I. Previous Legislations halting the Removal of Building Violations and Laws that Result in Reconciliation between Different Parties

**Introduction.** Since building regulations for Cairo were issued in 1940, violations were committed by contractors and owners, occurred either by ignorance of the law or by benefits for development purposes (additional surface areas, floors, changing land use, division of plots, etc...). This part of the study, is not addressing the *kind* of building violations, but rather the reconciliation between the State and the violator, as well as the halting of the violation status. A quick background is needed for this study, to understand the current situation:

**Law 259/1956** forbids issuing decisions or decrees to demolish or modify buildings in violation with the following laws: Law 51/1940 and Law 63/1945 concerned with building regulations, and/or Law 52/1940 concerned with the subdivision of plots. Accordingly, all violations before 1956 have been annulated.

**Law 29/1966** forbids issuing decisions or decrees to remove, demolish or modify buildings in violation with the following laws: Law 52/1940 regulating the subdivision of plot, Law 656/1954 and law 45/1962 that concerned building regulation, Law 55/1964 regulating construction works and its amending laws. Moreover, the law halted the implementation of decisions and court orders occurring before 1966 that were violating previous laws. It entered into force starting from the emission date of Law 29/1966 and annulated all the decisions prior to that date.

**Law 30/1983** (an amendment for the implementation of Law 106/1976 regulating the building works). According to Article 3, allowed violators to submit before June the 7<sup>th</sup>, 1987 a request to the competent administrative local unit to halt any procedures taken against the violations and the violator. In this case, the procedures were stopped until the violation was examined. However, if the violation proved to endanger lives or properties, or to contradict with the regulation line or height restrictions specified by the Civil Aviation Law, it has to be reported and re-examined by the concerned Governorate to issue either a demolition or a modification decree. Otherwise, the penalty was specified by fines, as follows:



- 10% of the cost of the constructed violation, when it doesn't exceed 20000, - EGP
- 25% of the cost of the constructed violation, when it doesn't exceed 50000, - EGP
- 50% of the cost of the constructed violation, when it doesn't exceed 200000, - EGP
- 75% of the cost of the constructed violation, when it exceeds 200000, - EGP
- Exemption of violation acts : when the cost of the constructed violation is less than 10000,- EGP
- The preceding provisions should be applied, unless a final sentence has been issued  
This law was only applied till the 7<sup>th</sup> of June, 1987, and was only eligible to violators, who succeed to submit a form before that date. However, if the form was not submitted and no decision was taken, it will still be considered a violation.

## II. Building Violations and Penalties according to the Current Legislations

### According to the Building Law 119/2008

Article 60 of the Building Law states that the following is defined as a violation that needs to be removed by administrative procedures at the expense of the owner:

- 1) Buildings, establishments and works erected without license
- 2) Works violating the limits of the legal heights, for which a resolution by the council is issued
- 3) Trespassing the organization lines and spare areas stipulated in the requirements
- 4) Works violating the allocation of places for the car parking
- 5) Trespassing of lands subject to the law on monuments protection
- 6) Buildings, establishments and works outside the urban area approved for a city or a village

Moreover, Article 60 states that **in case of a violation, a decree by the competent governor shall be issued without regard to the provisions and procedures of halting works**. The concerned authorities shall implement the decree issued for removing or correcting the violations. The violator shall bear the costs of removing or correcting the violations, in addition to the rental value of the premises for the evacuated people.

Article 99 of the Building Law states that any violation by a public employee considering the provisions established in the general strategic plan and the detailed plan or issuing building licenses in absence of an approved detailed plan will be punished with imprisonment and/or a fine in-between 10.000 EGP and 100.000 EGP, in addition a court ruling may be rendered to dismiss such person from his job. It is also considered a violation not complying with the regulations and guidelines set by NOUH for areas, buildings of peculiar value and advertisement. Moreover, the unlicensed constructions, extensions, modifications or demolitions of buildings are considered violations too. Similarly, it applies to the provision of supplies (water, gas, telephone and electricity) without validation certificate of the building. Last but not least to a missed inspection during construction works that allows any violation of any kind or any irregularity from the building drawings. Multiple violations shall result in multiple penalties.

Article 101: It is considered a violation any unapproved amendment to land subdivision and shall be punished by a fine (in between 50.000 EGP and 200.000 EGP), in addition to the removal or correction of the violations at the expenses of the violator. Moreover, According to Article 102, it is considered a violation whoever carries out work on a building without previously obtaining a permit. Any of the following works, if carried out before obtaining permits would be considered a violation:

- Construction works
- Extension/or partial extension of existing buildings
- Heightening/increase the number of floors in existing buildings
- Building modification (structural repairs)
- Restoration of existing buildings (repairs that don't affect structural elements)
- Demolition of dilapidated buildings (partial or total)

The violator is sentenced either to imprisonment, to a fine twice the value spent on realizing the violating work or to both.

**Article 103:** The engineer or the firm responsible for signing the safety of structures, drawings and structural safety in heightening or modifications projects, the conformity of the completed buildings, and the respect of plans of the financial and formal soils established by law will be held responsible in case the documents and projects will not be respectful of the parameters set by law. The penalty will be 5% of the licensed works value cost <fine>10% of the licensed work value, with a general minimum of 50.000. In addition an order will be given to remove the violations at the expenses of the violator. Multiple violations shall result in multiple penalties. In case of recurrence, the punishment shall be imprisonment for 5 years and at most twice the fines abovementioned. If violation is repeated the court can ban the engineer or the workers of a construction firm off the engineers syndicate record.

In all cases, buildings permissions are issued when architectural and construction drawings are approved. These are an essential part of the building permit. It specifies the layout, the building lines and its relation to the organization line, elevations and sections including building heights. These approved drawings should be respected during the implementation of the works. In case they are not respected, this is considered a building violation. According to **Article 104**, is established a penalty of imprisonment not less than six month and/or a fine not less than twice the value spent on realizing the violating work.

**Article 107:** At the end of the time limit determined by the body authorized in the local unit to execute the removal or any decision concerning the violation, the violator shall pay a fine equal to 1% of the total value of violations per each day exceeding the established deadline until the effective removal or correction of the violation. In case of resuming suspended works, the fine shall apply daily as of the day following the notification of the parties concerned of the suspension decision.

**Article 110:** The maintenance provisions as well as the demolitions decisions have to be respected in the prescribed time, if not any violators shall be punished by imprisonment for one year at most and A FINE between 1.000 EGP and 5.000 EGP. If the building collapsed for failing to execute the court decision by the concerned parties, a penalty of imprisonment for at least 6 months and twice the said fine should be applied.

Neither the Building Law nor the Executive Regulations mentioned any reconciliation concerned with the building violations. However, **Ministerial Decree 200/2010**, amended certain provisions of the Executive Regulations, and according to **Article 135 (Bis)** of this decree: *"the competent Governor may issue a non-removal decision in respect of certain committed violations, which neither affect the public health, or the inhabitants, passengers or neighbours security, nor violates the approved planning and building requirements, and without prejudice to the criminal responsibility within the following limits:*

1. 10% of the cantilevers permitted for the buildings facets overlooking roads and courts.
2. 5% of the stairs step length
3. 5% of the dimensions of the rooms, bathrooms and kitchens, provided that the area shall not be less than 95% of the determined area.
4. 10% permission percentage to be observed upon measuring the dimensions and surface areas of the different kinds of courts.
5. 10% permission percentage to be observed upon measuring the permissible maximum heights, conditional on not increasing the number of licensed stories.

### **According to Law 144/2006, Demolition of Non-Dilapidated Buildings and Establishments, and the Preservation of Architectural Heritage**

The law doesn't accept reconciliation, when it comes to violation. Moreover, the law is strict when it comes to penalties. It assigns a penalty of imprisonment for a period included between 1 and 5 years in addition to a fee comprise between 100.000 EGP and 5.000.000 EGP to whoever demolish entirely or partially a listed

building. In case the execution of the demolition is attempted but not yet started, the judge can decide either the fee or the imprisonment as a penalty. Whenever the building is demolished, no building license is given for the former building footprint for a period of 15 years, unless the new construction doesn't exceed the height or surface area of the demolished building. Furthermore, the name of the architect or engineer or contractor supervising and executing the demolition shall be deleted by the union and association's enrolment for a period not exceeding 2 years, in case of recidivism for a period included between two and five years. For the demolition or attempted demolition of any other building protected by the law, other than the listed ones, shall be liable of a penalty of imprisonment and a fine not less than 20,000 EGP and not exceeding 1,000,000 EGP or either penalty ([Article 12](#)).

In case the demolition time will exceed the established year the violator will be liable to a fine no less than 50 EGP and not exceeding 100 EGP per day, for each day exceeding the year ([Article 9](#)).

### **According to Law 117/1983, Protection of Antiquities**

Part 3 of Law 117/1983 specifies penalties occurring for the different violations. Demolishing, damage, distortion, change or separation of a movable or immovable antiquity or part of thereof shall be punished according to [Article 42](#) by imprisonment and a fine not less than 100,000 EGP and not more than 250,000 EGP, if the violator is an employee at the SCA, an official, employee or worker on the site, a contractor working for the council or one of the contractor's workers.

Building violation is defined in [Article 13](#) as encroaching/intruding the archaeological lands or the buildings that are listed as monuments, i.e. modification, renovation or changing its features without obtaining permission from the Head of the SCA. A total or partial demolition, as well as disfiguring a monument is considered a violation. The violator, according to [Article 43](#) could be sentenced to not less than 1 year and not more than 7 years with a fine up to 100,000 EGP.

According to [Article 45](#), fixing advertisement or billboards on monuments, painting or writing on the wall of monuments, or accidentally distorting a monument is considered a violation. These previously mentioned violations are sentenced to imprisonment not more than 1 year and a fine up to 50,000 EGP.

At last, the non-respect of any confiscation of land falling within an antiquities site or within its aesthetic lines, and the violation occurring in such areas, including the building licenses within archaeological areas, shall be punished by imprisonment for a period no less than 2 years and a fine between 100 EGP and 500 EGP, in addition to payment of the damages resulting from the violation ([Article 46](#)).

The chairman of the SCA, museums managers, their assistants and archaeological site managers, monuments inspectors and their assistant inspectors have the right of the judicial seizure in case violations related to the Antiquities Law are found.

### **According to Law 38/1967, Public Cleanliness**

The penalties according to the Public Cleanliness Law, [Article 9](#), states that whoever commits a violation of the provisions of the law, or [Decree 134/1968](#), shall be liable to a fine not less than 20 EGP and not exceeding 50 EGP.

The competent local government unit may demand from the violator to remove the reasons for the violations within a period to be determined by the local government unit. Otherwise, the local government unit shall remove them at the expense of the violator, along with collecting the associated expenses through the administrative way.

[Articles 1 – 4](#): Handling waste disposal and collection, and prohibiting causes that make public soil dirt or that harm the people or the environment. Conciliation may take place concerning violations of the previously mentioned articles, occurring as a result of non compliance with their provisions, in return for paying 5 EGP in case the violator is passer-by and 10 EGP in case of other violators. The foregoing shall take

place within one week from the date on which the violation was detected. The criminal action shall lapse based on such conciliation.

### According to Law 4/1994, Environment Law

Article 87 of the Environment Law states that violations related to dumping the garbage and the solid waste in places not specified for the purpose, should be punished by a penalty between 1000 EGP and 20,000 EGP and the fines are doubled in case of recurrence.

According to Article 84 Bis, concerned with the violation of the open burning of garbage and solid wastes, which is prohibited by the law, shall be punished by imprisonment for no more than one year and/or a fine between 5000 EGP and 100,000 EGP and the fines are doubled in case of recurrence.

### III. Building Violations in Historic Cairo

One of the main obstacles faced in urban conservation programs in Historic Cairo is the spread of building violations. These might be new buildings that are out of scale, constructed with poor construction techniques, or poor architectural elements that distort the urban and architectural features of the area. Sometimes, these violations are transformations that occur on existing buildings, such as vertical or horizontal expansion, unsuitable changes in the land use, modifications of the overall architecture and structure of the building or in some cases, the total destruction of the building.

### Case Studies on Building Violations

An illegal construction boom has been recorded in Egypt after the civil unrest and consequent turmoil of 2011. This also occurred in Historic Cairo violating the NOUH regulations for the preservation of Historic Cairo. Because of the current political situation, the competent administrative authorities (mainly Cairo Governorate and the affiliated districts) - despite their enforced judicial seizure to stop illegal constructions - are unable to halt or to remove any violation.

Some decrees concerning the removal of building violations in Historic Cairo were issued in year 2012 by the districts of al-Gamalya and al-Darb al-Ahmar. The following table illustrates a sample of 17 decisions and their relative implementation areas:

Violation type	District	No.	Percentage	Case Study
Buildings violating the Building Law but that don't contravene the NOUH regulations for Historic Cairo	Al-Darb al-Ahmar	3	17%	#1
Buildings violating the Building Law and the legal recesses	Al-Gamalia	1	6%	#2
Buildings exceeding heights mentioned in the regulations for Historic Cairo	Al-Gamalia	4	49%	#3
	Al-Darb al-Ahmar	6		
Buildings violating the Building Law. The violation is in accordance with some regulations for Historic Cairo	Al-Darb al-Ahmar	2	12%	#4
Constructions exceeding heights mentioned in the NOUH regulations for Historic Cairo, (using wood as the construction material)	Al-Darb al-Ahmar	1	6%	#5

The previous table reveals the following:

**CASE 1:** Three buildings were constructed without building permits in al-Darb al-Ahmar. However, these buildings didn't violate the regulations set by NOUH. In this case the violation is administrative. The decision taken was the total remove of the building.

**CASE 2:** A building was constructed in al- Gamalya without building permit (violations against the building law) nor followed the measures of the legal recesses (half meter from the street on the ground floor). The decision was adopted to remove the building.

**CASE 3:** Buildings that were constructed in al-Darb al-Ahmar without building permits, which violate the building law. In these cases, the additional floors are also violating the heights, mentioned in the NOUH regulations. These floors are constructed using reinforced concrete, making the removal of these violations very difficult. The administrative body is required to take legal actions against the construction violations before they are ended.

**CASE 4:** Buildings of case 4 were built in accordance with the heights in NOUH regulations; they are considered violations, because they were built without a permit. This case is mentioned in two building within al-Darb al-Ahmar. A total removal of the construction is decided.

**CASE 5:** One case was violating the building height identified by NOUH, by a vertical addition using makeshift material (wood). The decision was made to remove this vertical addition.

Most of the violations are related to either building without permit, or constructing additional floors, exceeding the heights mentioned in the regulations for Historic Cairo. For the above mentioned cases, a removal of the violation was decided. However, none of the decisions (made by the Governor) have been implemented, suggesting that the administrative authorities cannot implement the decisions.

### **Obstacles and Recommendations**

- The removal of violations requires qualified workers and equipment, in addition to protection measures and experienced professionals in order to be implemented. However, the current administration has neither the means nor the qualifications to proceed with these decisions. Usually, the administration hires self-equipped labour not necessarily with background to remove the violations, while the police supervise the works on site to protect the hired staff. However, the staffs give priority to parallel private commissions consequently delaying the public commission, i.e. the removal of these violations.

Recommendation: The administrative body should hire/constitute an internal unit of specialized labours (i.e. construction companies) in order to execute the work. The workers should be provided with equipment and suitable transportation.

- There is an alternative legal mechanism to halt or hinder the violations as a substitute to the removal of irregular buildings: To restrict the supply of infrastructures and facilities (water, electricity ...) for the violating building. Nonetheless, this method is not particularly effective, because the supplying companies violate the law and provide the facilities (such as electricity) regardless of the legal status of the building.

Recommendation: Enforcing Law 119/2008 according to which facilities should not be supplied for buildings unless the administrative body submits a formal letter confirming its legal status (established under a valid building license).



## Proposal for a joint committee for the identification of building violations

After studying the laws concerned with the built environment<sup>42</sup>, defining violations and its related penalties according to the same laws, and presenting case studies on violations within Historic Cairo, a recommendation is made to establish a joint committee in charge of the identification of building violations in the site, by means of a building by building survey in Historic Cairo.

Considering the importance of archival collections for the definition of a background on the documented violations, building cease decisions and ownership; a prior research should be performed. In order to obtain all the archival information about a building, the following administrative bodies are responsible:

Administrative Bodies	Information provided
Property Revenues Office in the District, Governorate of Cairo	▪ Ownership
Housing Department in the District, Governorate of Cairo	▪ Registration of building of peculiar value ▪ Building and demolition permits ▪ Violation records ▪ Shop closure decisions
Supreme Council of Antiquities, Ministry of Antiquities	▪ Identifying monuments ▪ Identifying buffer zone ▪ Aesthetic lines for monuments
National Organization for Urban Harmony, Ministry of Culture	▪ Identifying the areas of peculiar value

The suggested committee should therefore include the Cairo Governorate (or concerned districts), responsible for issuing the building and demolition permits, stopping and removing violations, and identifying setback for street (organization lines); the Ministry of State for Antiquities (MSA), responsible for identifying monuments and its buffer zones; and the National Organization for Urban Harmony (NOUH), responsible for preparing the protection measures for Historic Cairo - Area of peculiar value. However, out of these three organizations, only members of Cairo Governorate and SCA have judicial seizure, and are able to decide and stop violation on site.

Such joint committee should perform a multiple stages analysis building by building, as reflected in the survey form for the identification of building violations, which is proposed by the URHC project

### IV. Survey Form for the Identification of Building Violations

A survey form for the identification of the building violations in Historic Cairo was designed by the URHC Project in cooperation with the legal consultant, Mr. Hassan Fahmy. The survey form is divided into three parts: the first part is concerned with the archival information; the second part is completed with an on field survey, while the third part includes the decision reached by the joint committee.

In order to complete the first part of the survey, it is suggested to create a **Technical Body** for the joint committee. This will be responsible of recording previous decisions for each building and of gathering archival information from the concerned administrative bodies. Following the gathering of information, the second part of the survey starts. The representatives of the joint committee will carry out the on-site inspection, by filling in the survey form. By completing the field survey, the committee can reach a decision on whether there is violation concerning the property, or if it needs further or new procedures. It is also suggested to have a representation from the URHC team, to start-up the coordination between different administrations and to introduce the information in the GIS in its early stages.

The current violations and the affiliated procedures:

<sup>42</sup> Based on Law 144/2006 (non-dilapidated buildings and establishments), Law 119/2008 (Building Law), Law 117/1983 (the Antiquities Law), as well as the previously mentioned laws that affect the protection of the historical city.



Violations	Applicable Law	Procedures Prescribed by Law
Demolishing a property listed as peculiar	144/2006	<ul style="list-style-type: none"> <li>• Ceasing work</li> <li>• Referral for criminal prosecution</li> <li>• Denial of license for more than what existed during 15 years</li> </ul>
Demolishing a property not listed	144/2006	<ul style="list-style-type: none"> <li>• Ceasing work</li> <li>• Referral for criminal prosecution</li> </ul>
Construction, ramping or modifying a building without license	119/2008	<ul style="list-style-type: none"> <li>• Ceasing and removing</li> <li>• Referral for criminal prosecution</li> <li>• Prevention of utilities supply</li> </ul>
Operating a shop without license	453/1954 371/1956 372/1956 1/1974	<ul style="list-style-type: none"> <li>• Administrative closure for the shop</li> <li>• Referral for prosecution</li> </ul>
Public Roads Occupancy	140/1956	<ul style="list-style-type: none"> <li>• Removing the occupancy at the violator expense</li> <li>• Referral for prosecution</li> </ul>

## ANNEXES

### ANNEX 1. Survey Form Sample (Draft 2013, later modified)

Cairo Governorate  
Supreme Council of Antiquities  
National Organization for Urban Harmony  
Urban Regeneration Project for Historic Cairo

#### Irregular Property Prescription Card for the World Heritage Property in Historic Cairo

<b>1. Location data:</b>	
District:	.....
No.	.....
Street / lane/	.....
Sheikhdom:	.....
Police Department:	.....
<b>2. Property Data:</b> (to be reviewed by the Real Estate Revenue Administration at the District Administration)	
Owner:	.....
Beneficiary name:	.....
<b>3. NOUH Data About the Property:</b>	
Is the property listed as a distinct architectural model?	Listed <input type="checkbox"/> Not Listed <input type="checkbox"/>
Register no.:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Protection zone of the property:	.....
Has the property license been presented to NOUH (see item 5)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>4. SCA Data About the Property:</b>	
Is the property inscribed as an antique?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Inscription No. and date:	.....
Has a renewal license been issued for the property by SCA head?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the property located inside a region or borderlines of antique improvement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there any violations for the Law of Protecting Antiques? (See item 6.2.4)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Actions taken by Antique officials against the property:	
.....	
.....	
.....	
.....	
.....	
.....	

5. Property Data at the Administrative Authority (District Administration) Concerned:	
Is there a license issued for the property?	Yes <input type="checkbox"/> No <input type="checkbox"/>
License No. and Date:	.....
License Decision:	.....
Are there halting decisions for the property?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Halting decisions statement:	..... ..... .....
Are there building violation records?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Violations statement:	..... ..... .....
Are there records of demolition without license?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Demolition records statement:	..... ..... .....
Are there removal decisions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Removal decisions statement:	..... ..... .....
Are there records for daily fines?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Daily fines statement:	..... ..... .....
Is there any decision for closing irregular shops?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Statement of administrative closing decision:	..... ..... .....
Are there decisions for removing fixed occupancy?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Statement of occupancy removal decisions:	..... ..... .....
Are there cleaning records (law 38/1967)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cleaning records statement	..... ..... .....
Are there records about violating the environment law?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Statement of environment law violation records	..... ..... .....

6. On-Site Inspection Data about the Property:	
On-site inspection date:	..... .....
Land status	Vacant <input type="checkbox"/> Has Buildings <input type="checkbox"/>
<b>6.1. In case of Vacant Land:</b>	
Does it have a fence around?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there any violation?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>6.2. In case it has buildings:</b>	
6.2.1. No. of floors	Ground Floor + 2 or less floors <input type="checkbox"/> Ground Floor + 3 floors <input type="checkbox"/> Ground Floor + 4 floors or more <input type="checkbox"/>
<b>6.2.2. Conformity of facades to the terms of historic Cairo</b>	
Openings Shape	Rectangle <input type="checkbox"/> Circular <input type="checkbox"/> Square <input type="checkbox"/> Other <input type="checkbox"/>
Openings Orientation	Horizontal <input type="checkbox"/> Vertical <input type="checkbox"/>
Opening percentage out of the total facade	Less than or equal 20% <input type="checkbox"/> From 20% to 50% <input type="checkbox"/> More than 50% <input type="checkbox"/>
Covering the openings with blind or oriel	Covered <input type="checkbox"/> Uncovered <input type="checkbox"/>
Covering color	Brown in all grades <input type="checkbox"/> Other <input type="checkbox"/>
Covering material	Wood <input type="checkbox"/> Aluminium <input type="checkbox"/> Crafted steel <input type="checkbox"/>
Glass color	Transparent <input type="checkbox"/> Fumed brown <input type="checkbox"/> other <input type="checkbox"/>
Parapets (Screens)	Wood <input type="checkbox"/> Crafted steel <input type="checkbox"/> Patterned buildings <input type="checkbox"/> Other <input type="checkbox"/>
Are there fixtures on the facades?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Color and material of plasters and coatings	Beige <input type="checkbox"/> Natural stone color <input type="checkbox"/> Cladding <input type="checkbox"/>
Balcony and tower juts	Regular <input type="checkbox"/> Irregular <input type="checkbox"/>
Ground floor usages	Commercial <input type="checkbox"/> Professional <input type="checkbox"/> Residential <input type="checkbox"/> Administrative <input type="checkbox"/> Other <input type="checkbox"/>
<b>6.2.3. Main Road Occupancy:</b>	
Are there fixed occupancies?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Type of fixed occupancy	Sunshades <input type="checkbox"/> Juts <input type="checkbox"/> Vatrine <input type="checkbox"/>



6.2.4. Property Inspection for Violations of Antiques Protection Law		
• In case the property is inscribed as an antique		
Has the antiques been demolished or part of it?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has the antique been renewed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have the landmarks of the antique been changed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are there advertisements hung on the antique?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are there writings on the antique?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are there engravings or carvings on the facade?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are there deformations or defacements with the antique	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• In case the property is located inside a region or borderlines of antique improvement		
Does the building height exceed the height of the neighboring antique	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**The Joint Committee Decision:**

The property needs new procedures: Yes ☐ No ☐

Required procedures statement: .....

.....

.....

.....

.....

Cairo Governorate representative

Supreme Council of Antiquities (SCA) representative

National Organization for Urban Harmony (NOUH) representative:

## ANNEX 2. Paper submitted to NOUH concerning the Regulations for Historic Cairo

### Introduction

The paper aims to achieve a common understanding between the Urban Regeneration Project for Historic Cairo (URHC) and the National Organization for Urban Harmony (NOUH) to reach the best practice for a conservation plan that is needed to protect Historic Cairo World Heritage property in the Arab Republic of Egypt.

According to the Building Law 119/2008, and as mentioned in the chapter concerned with areas of peculiar values<sup>43</sup>, the NOUH is responsible for identifying these areas and proposing the related protection measures. A decree has to be approved by the Supreme Council of Urban Planning and Development<sup>44</sup>, headed by the Prime Minister, to make the protection measures effectuated and binding to all the competent authorities involved with the management of these areas. The Supreme Council of Urban Planning and Development approved the delimitation of the areas of peculiar value of Historic and Khedivial Cairo on the 29th of July 2009. However, the regulations for Historic Cairo and Khedivial Cairo were only adopted on the 25<sup>th</sup> of January, 2011.

Following several meetings held between URHC and NOUH, and after comparing the delimitation and protection measures proposed by URHC for Historic Cairo, with the current regulations applied by NOUH for the areas of peculiar values of Historic and Khedivial Cairo; the following points of discrepancy were found and need to be discussed and agreed about.

### Points of Discrepancy between URHC and NOUH

#### a. Concerning the protection zones

The NOUH regulations divide the area of Historic Cairo into 3 protection zones:

Zone A (Intersection Zone between Historic and Khedivial Cairo)
Zone B
Zone C

While the URHC Project proposes the following 5 protection zones:

• Zone 1: Pre-modern urban areas	<i>subdivided into sub-zones</i>
• Zone 2: Transitional urban areas	
• Zone 3: Monumental cemeteries	
• Zone 4: Archaeological areas	
• Zone 5: Parks and landscape areas,	

By comparing these zones, It should be noted that:

<sup>43</sup> Building Law 119/2008, Part 2: Urban harmony, Chapter 2: Areas of Peculiar value

<sup>44</sup> Presidential Decree 298/2008 establishing the Supreme Council of Planning and Urban Development headed by the Prime Minister and the membership of:

1<sup>st</sup> The Ministers of: Defense and Military Production; Culture; Investment; Housing, Utilities and Urban Communities; State for Economical Development and State for Local Administration;

2<sup>nd</sup> The Heads of the Institutions concerned with urban development and land uses: the Chairman of the General Organization for Physical Planning and the Director of the National Centre for Planning State Land Uses;

3<sup>rd</sup> Experts specialized in issues related to urban development: Chairman of the Chamber of Commerce, Chairman of the Chamber of Industry, Chairman of the Chamber of Tourism, Dr. Mona Serag Al-Din, Dr. Tarek Wafiq, Dr. Hisham Al-Sherif, Dr. Abuzeid Rageh, Dr. Ola Al-Hakim, Dr. Abdel Mohsen Barada and Dr. Ahmed Mito.

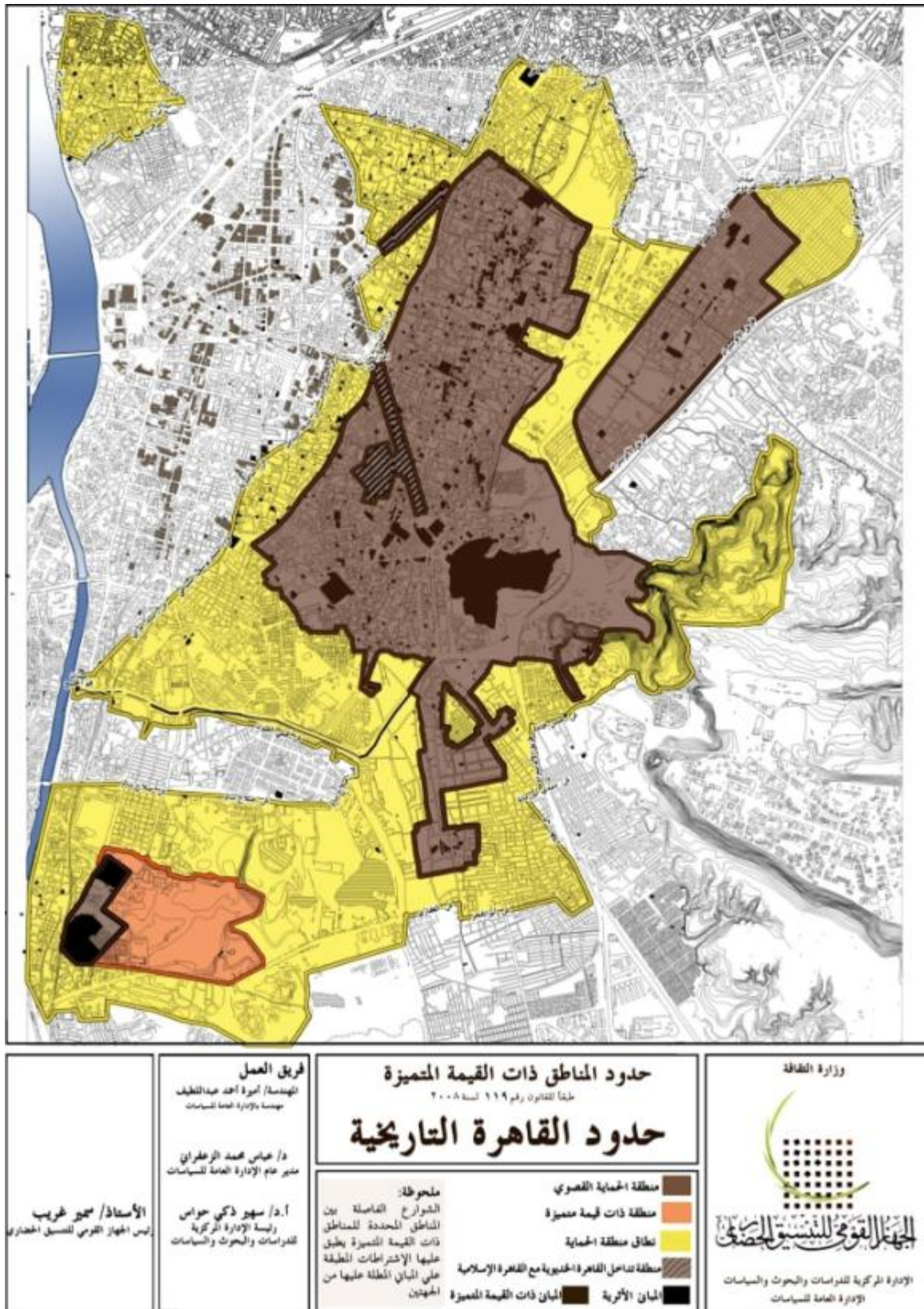


- **Zone 1: Pre-modern urban areas** (according to URHC) mainly corresponds to **Zone A** (as identified by NOUH). Nevertheless, some areas such as al-Husseineya (north of al-Gamaleya) and Clot Bey Area (north-west of al-Gamaleya) are not included in Zone A. Moreover, parts of the area to the west of Port Said Street are considered either Historic Cairo (Zone C) or Khedivial Cairo (Zone A or C) according to NOUH, whereas URHC recommends adding them to Zone A.
- **Zone 2: Transitional urban areas** (according to URHC) corresponds to the **intersection area between Historic and Khedivial Cairo** (part of zone A, as identified by NOUH). However, it is recommended to add the 19<sup>th</sup> century openings of al-Azhar and al-Muski, as well as the transitional zones around Port-Said Street and al-Helmeyya area to the NOUH's intersection area between Historic and Khedivial Cairo.
- **Zone 3: Monumental cemeteries** (according to URHC) were not identified by NOUH as cemeteries. NOUH included the cemeteries as parts of Zone A and C, with building heights up to 13 meters. It is recommended to prepare detailed protection measures for this special zone, taking into consideration that the cemeteries law 5/1966, identifies the cemeteries as areas dedicated for burial activities, which properties belong to the state.<sup>45</sup>
- **Zone 4: Archaeological areas** (according to URHC) correspond to **Zone B** (as defined by NOUH). However, Zone B is considered within the NOUH guidelines an urban area, in which construction activities and building height up to 13 meters are allowed. According to the Antiquities Law 117/1983 and the ministerial decree No. 158/1981, no building licenses are allowed in the archaeological area. Therefore, it is recommended to issue special protection measures for the archaeological areas as an amendment of the NOUH regulation, in accordance with the Egyptian Antiquities Law.
- NOUH guide for Historic Cairo doesn't refer to **Zone 5: Parks and Landscape Areas** (as defined by URHC) as special areas that require detailed protection measures. However, NOUH has produced guidelines for preserving historical parks, which didn't include important parks in the property (e.g. Al-Azhar Park and Children Park in Sayeda Zeinab). It is recommended to outline special protection measures for parks and landscape areas in Historic Cairo.

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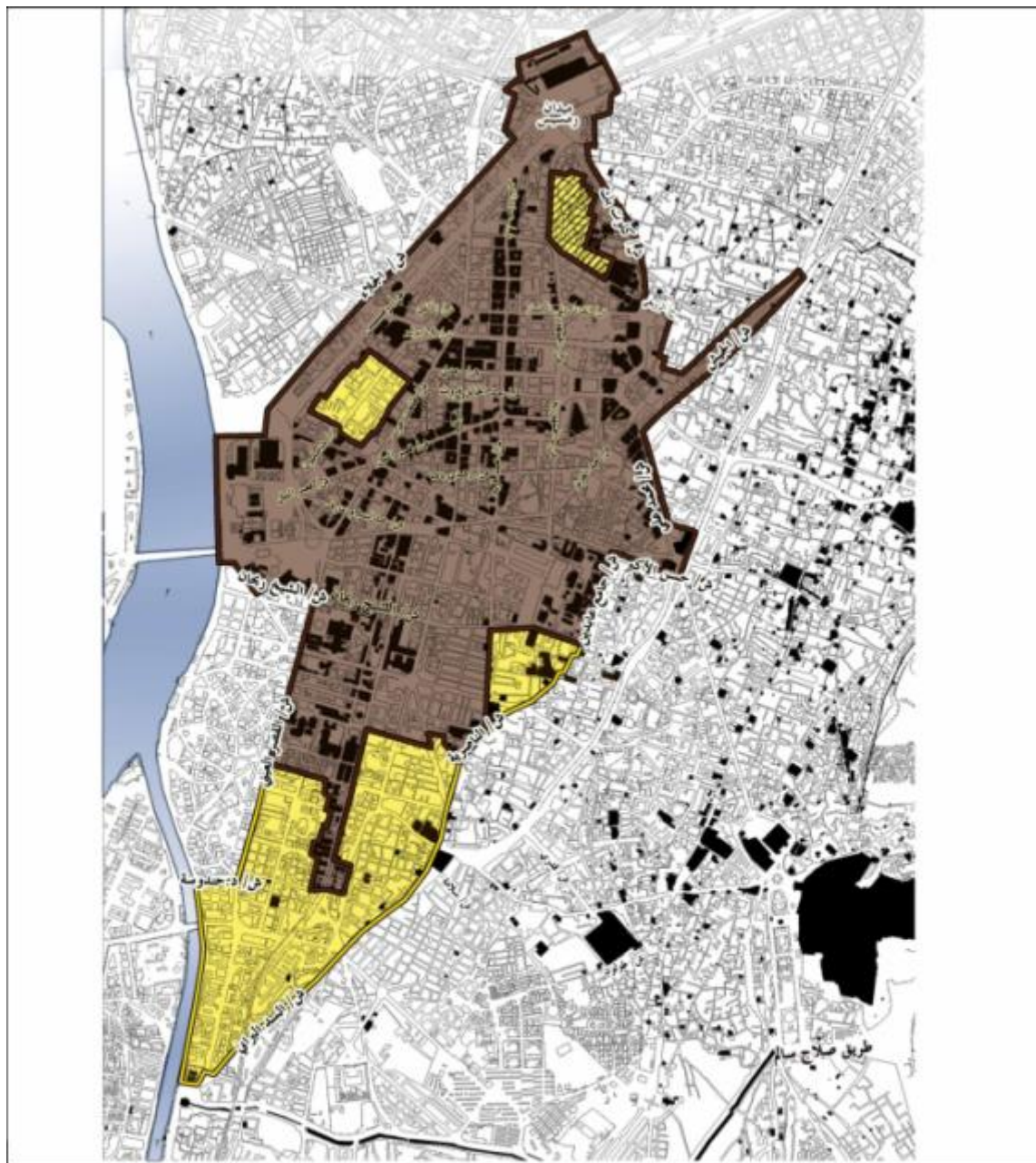
<sup>45</sup> The current legislations for cemeteries are not comprehensive: The cemeteries law 5/1966 explicitly defined the cemeteries as a special area; however, it didn't mention regulations related to construction activities in these areas; On the other hand, the governor issued decree 163/2003 to protect the cemeteries in Cairo, stating that all industrial and workshop activities should be removed from the cemeteries, however, he didn't address further protection measures.

NOUH's identification for Historic Cairo - Area of Peculiar Value



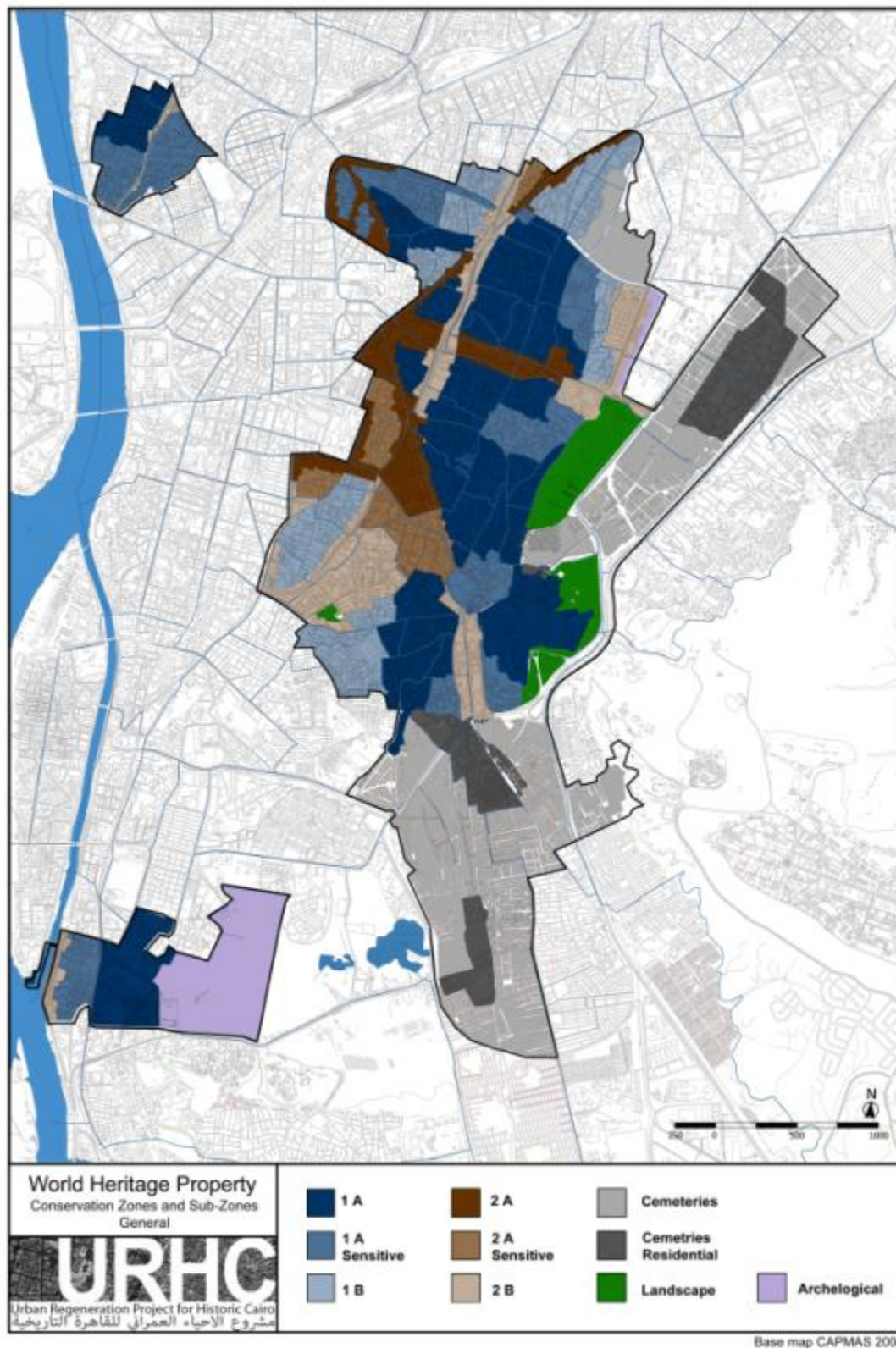


# NOUH's identification for Khedivial Cairo - Area of Peculiar Value



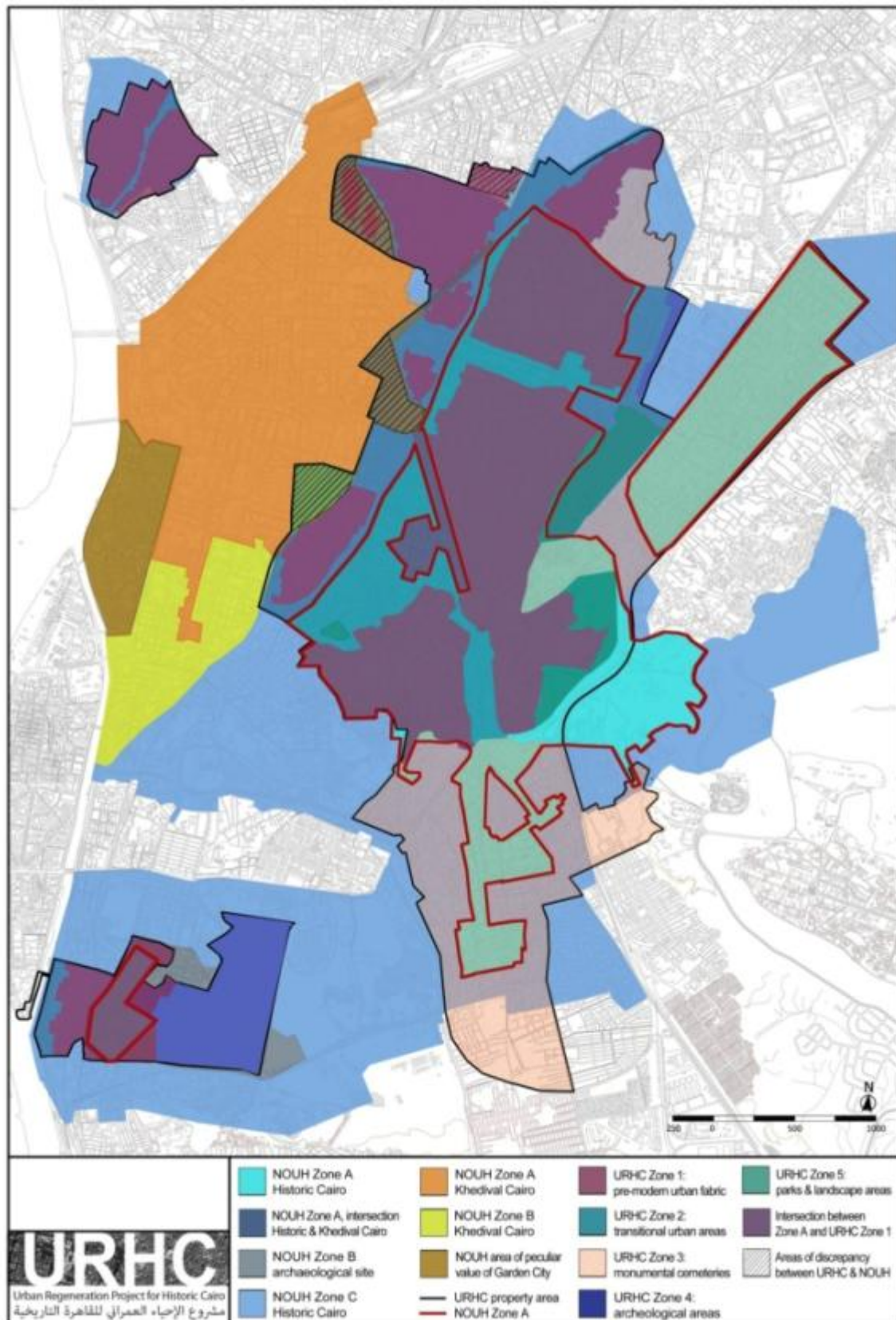
<p><b>فريق العمل</b> المهندسة/ أميرة أحمد عبد التوفيق مهندسة بالإدارة العامة للسياسات</p> <p>د/ عباس محمد الزعتراني مدير عام الإدارة العامة للسياسات</p> <p>الأستاذ/ سمير غريب رئيس الجهاز القومي لتنسيق الحضارة</p>	<p><b>أ.د/ سهر ذكي حواس</b> رئيسة الإدارة المركزية للدراستات والبحوث والسياسات</p>	<p><b>حدود المناطق ذات القيمة المتميزة</b> طبقاً للقانون رقم ١١٩ لسنة ٢٠٠٨</p> <p><b>حدود القاهرة الخديوية</b></p> <p><b>ملحوظة:</b> الشوارع الفاصلة بين المناطق المحددة للمناطق ذات القيمة المتميزة تطبق عليها الإختراطات المطبقة على المباني المطلة عليها من الجهتين</p> <p><b>منطقة الحماية القصوى</b> حدود منطقة الحماية القصوى نطاق منطقة الحماية حدود نطاق منطقة الحماية منطقة تتداخل القاهرة الإسلامية مع القاهرة الخديوية المباني الأثرية</p>	<p>وزارة الثقافة</p> <p><b>الجهاز القومي لتنسيق الحضارة</b> الإدارة المركزية للدراستات والبحوث والسياسات الإدارة العامة للسياسات</p>
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### URHC proposed protection zones for Historic Cairo



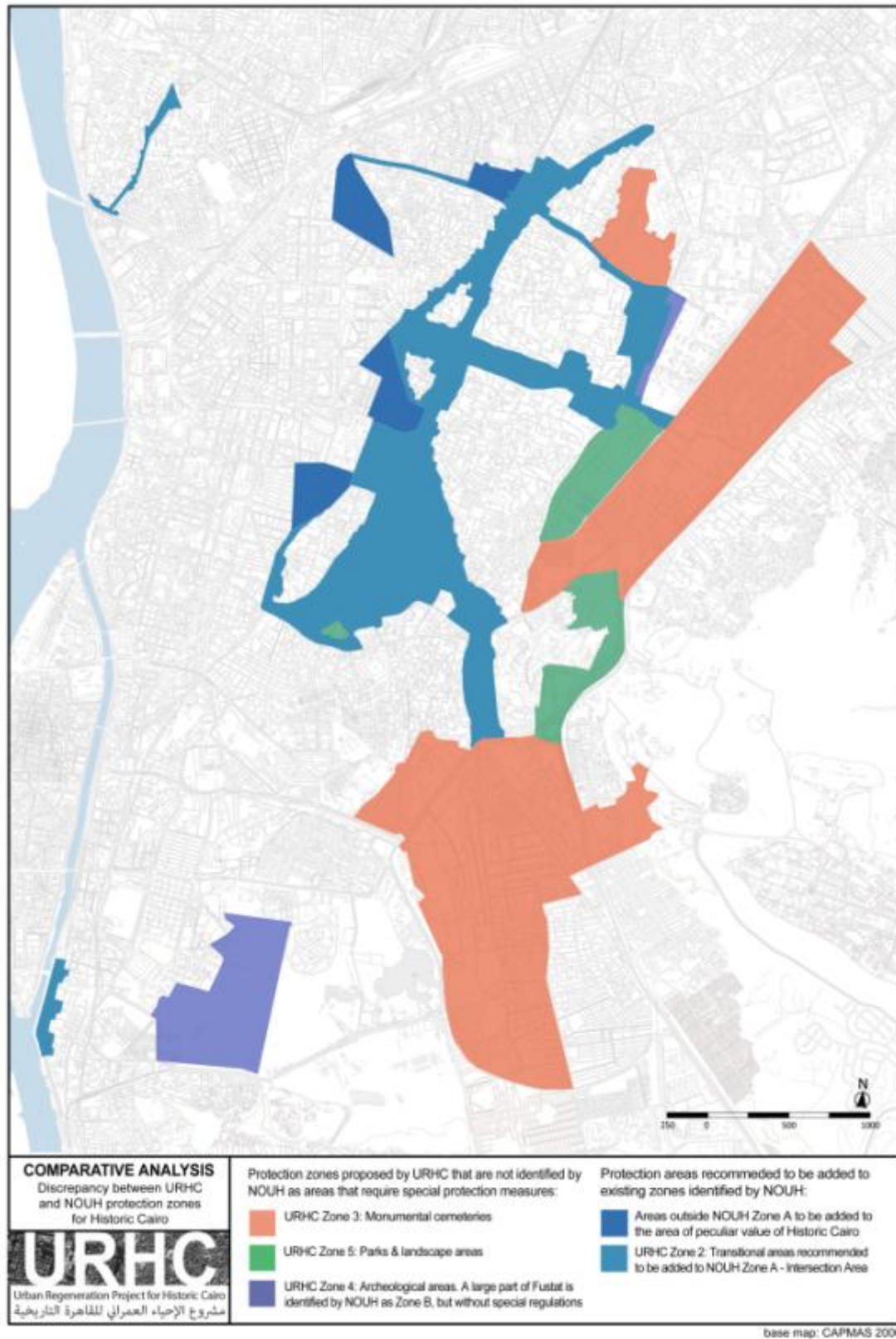
### Comparison between URHC and NOUH protection zones for Historic Cairo







### Areas of discrepancy between NOUH and URHC



**b. Concerning the protection measures (as mentioned in the guide for Historic Cairo)**

General Remarks

- Except for prohibiting activities that cause pollution in buildings of peculiar value (Section 2.1), the NOUH guide doesn't regulate land uses in the Historic Cairo area of peculiar value. It is strongly recommended to amend **land use regulations** for the protection of the World Heritage property<sup>46</sup>. A detailed list of possible land uses, regulating the shop activities can be issued with the specific target of the World Heritage property.
- It is recommended to further develop the **architectural guidelines** mentioned in the NOUH guide for new buildings in Historic Cairo<sup>47</sup>, although these guidelines are not prescriptive and therefore will be only essential when a conservation plan and legal planning tools are established for Historic Cairo.
- As for **the restoration of buildings in Historic Cairo**, the NOUH guide mentions that the same architectural guidelines for new buildings should be applied. URHC recommends the definition of special architectural guidelines concerning the rehabilitation of buildings in Historic Cairo.
- In **Section 7-1** of the NOUH guide concerning **buildings of peculiar value** (registered by a committee created by the governorate according to Law 144/2006 and decree 2276/2006), it is mentioned that there are 3 levels of protections for buildings:
  - Level (A): Buildings and structures, where all internal and external elements should be preserved, while restoration and reuse are allowed.
  - Level (B): Building and structures, where façades should be preserved, while some modifications on façades that are not overlooking streets are allowed. Moreover, internal renovation needed for the reuse of the building is allowed, provided that it does not affect its structural condition.
  - Level (C): Buildings and structures, where façades should be preserved, while the following can be modified:
    - Complete modifications behind the façades, including demolitions and reconstructions that don't exceed the original façades height without affecting its structural safety. The approval of NOUH is needed concerning the new design before starting its implementation.
    - The horizontal extension on the vacant land that belongs to the building, according to the building regulations of each area, however, building in front of the original street façades is prohibited.
    - The vertical extension above the original building is allowed (not more than 1 additional floor, which height doesn't exceed the original floor height). However, a horizontal set back is required on all the façades overlooking the streets (with the same distance of the floor height), only if the structural safety of the building is not affected.

However, it is left vague, who is responsible for the classification of the buildings categories and for the notification of the administrative responsible body about those categories<sup>48</sup>. According to Law 144/2006, there is a committee established in the governorate (article 4) that determines the buildings of peculiar value, nonetheless, it is not mentioned who is in charge of their subdivision into categories.

<sup>46</sup> See B.2.2 Remarks on specific sections of the NOUH guide, Section 2.1

<sup>47</sup> The current guidelines concentrate on the monotype appearance of buildings, while the 19<sup>th</sup> and 20<sup>th</sup> century architecture of significant value in the site is not taken into consideration. For example, the regulations only allow the use of transparent or fume glass, while traditional buildings often use color glass.

<sup>48</sup> When a license is required for the modification of a building of peculiar value, these categories should be verified by the administrative body.

**It is recommended to amend Law 144/2006** to include the 3 classification categories and to define, who is responsible for the classification of the buildings identified as of peculiar value, as well as for the notification of the responsible body.

- The modifications permitted for **listed buildings** classified as level C by the NOUH regulations, contradict with the provision of Article II of Law 144/2006: “It shall be prohibited to authorize demolition or adding to buildings and establishments with peculiar architectural style that are correlated to the country’s national history or historical figure, or represent a historical epoch, or considered a tourist sight, without derogation from the legally payable compensation. Demolition or setting about the demolition of other buildings and establishments shall not be allowed by virtue of a license to be issued according to the provisions of the present law.....”
- Concerning **buildings of peculiar value**, and according to Article 3 of Law 144/2006 “The State may assume at its expense at any time – after notifying the owners and the occupants – whatever works it considers necessary for buttressing, restoring and maintaining the buildings and establishments prohibited to be demolished...” However, there is no detail on which funds the works should be implemented<sup>49</sup>.
- Building Law 119/2008 doesn’t exclude **buildings of peculiar value** from applying the articles dealing with maintenance and restoration and demolition of dilapidated buildings. Nonetheless, it is recommended to issue a dedicated legislation explaining the mechanisms of inspection, repair, or demolition of dilapidated buildings of peculiar value.

#### **Remarks on specific sections of the NOUH guide for Historic and Khedivial Cairo**

- **Section 4.2** states that “it is possible to demolish dilapidated listed buildings (listed according to Law, 144/2006) after carrying out a complete photographic documentation of its façade(s).” While the URHC proposed protection measures prohibit total demolition, partial demolition or reconstructions of listed buildings registered by the SCA, as well as “buildings of peculiar value” identified by NOUH and listed by the Governorate of Cairo. Only conservation interventions that consider the historic building in its entirety should be allowed.  
Recommendation: To this purpose, existing regulations should be revised to ensure adherence to international standards and consistency with Law 144/2006.
- **Section 4.1** states that “It is not allowed to issue demolition licenses for buildings before checking its status within the list of registered buildings (the inventory), according to Law, 144/2006 and its Executive Regulations”.

On the other hand, URHC recommends prohibiting the demolition of non-registered buildings in the site. This should only be allowed on the basis of the conservation plan or other approved planning tools, and according to procedures established by the management plan. Before the establishment of these tools, the demolition must be approved by a body created by competent local authorities (such as NOUH or the Cairo Governorate) following a detailed study of the building till the establishment of these tools.

Recommendation: To this purpose, all decrees allowing demolitions in the property area should be temporarily suspended.

<sup>49</sup> In decree 266/2009 executive of law 144/2006 article 10 states that within each Governorate there is a list of certified engineering offices that can determine the condition of the building, the procedures of intervention and eventually can implement the works. Furthermore in Decree 144/2009 executive to the building law in part 2: urban harmony: articles 87-88 it states that NOUH can enter into contracts with governmental or public bodies, companies, NGO’s or individuals to prepare the projects and studies. NOUH shall define the standards and conditions that this enrolled firms and or individuals must have and subdivide them into 5 categories: site coordinator, technical restoration, illumination and outdoor lighting, advertisements, outer maintenance for building of peculiar value. But the budget or the financial mechanism to fund the works are not specified.

- **Section 2.1** states: “It is not allowed to issue licenses for activities that cause pollution and negatively affect buildings of peculiar value (ex. workshops, warehouses and shops) unless in places originally designed for these purposes. However, it is allowed to reuse buildings for purposes that do not require changes in its architectural style”.

While the URHC proposed regulations widen the circle of activities prohibited, it proposed the enforcement of land-use measures to avoid activities that endanger the urban fabric (not only the listed buildings) and worsen its liveability, such as large-scale polluting industries and wholesale activities. Moreover, the adaptive reuse of buildings in the site should be encouraged with activities that are compatible with the historic urban context.

Recommendation: To this purpose, plot land use should be identified and adaptive reuse of the building should be encouraged. A new list of land uses and activities for Historic Cairo issued with reference to law regulating shop activities.

- The **NOUH regulations** don't include limitations concerning the **area of plots** that result from land pooling. While the URHC proposed protection measures only allow land pooling if:
  - the resulting plots do not exceed 150 square meters, with a street front up to eight meters (for zone 1A),
  - if the resulting plots do not exceed 200 square meters, with a street front up to 10 m (for zone 1B).
- Moreover, the **NOUH regulations** do not include limitations concerning the number of rooms allowed for **tourist accommodation** services. While the URHC protection measures allow tourist accommodation in new buildings and reconstructions on ruins and vacant plots comprising up to 30 rooms (for zone 1A) and up to 60 rooms (for zone 1B).

### Suggested Strategy

- A **conservation plan**<sup>50</sup> and **legal planning tools** should be established for Historic Cairo World Heritage property. These should provide a regulatory framework to control urban transformations and building activities in the protected areas.
- For the protection of the historic fabric and the archaeological areas in Historic Cairo, it is recommended to **make amendments to the decree that is already in power**. Since these areas are already identified in the decree, a modification and updating of the decree would be easier.
- For the **identification of the monumental cemeteries and the parks and landscape areas**, and since it was not mentioned in the previous decree identifying the protection areas of Historic Cairo, it is recommended to create a new decree that includes the identified areas along with the required protection measures.
- **Urgent procedures and decrees needed for the protection of the World Heritage property:**
  - There is an urgent need to immediately issue a decree for a **temporary suspension of the application of all regulations permitting the demolition of non-listed buildings** in Historic Cairo, until the establishment of a conservation plan or other legal planning tools dedicated for the area.
  - Issue an official decree **cancelling the recommendations of the parliament's local administration committee (applied since 3/4/2011) that allow providing infrastructures and electricity to informal settlements and illegal buildings** without waiting for the district's approval. These recommendations should be cancelled for the area of peculiar value of Historic Cairo.

<sup>50</sup> This should be based on a plot-by-plot survey for the site.



### **Annex 3. Proposal for a steering committee for the management of Historic Cairo<sup>51</sup>**

To ensure the setting of general legislation and special regulations for the World Heritage property of Historic Cairo, and to evaluate the influence of enforcing legislations and regulations, it is recommended to establish a Board of Trustees, which represents authorities, stakeholders and civil society representatives concerned with protection of the World Heritage property. It is recommended to establish the board under the supervision of the Cairo governor, and assign the deputy governor for West Cairo Area to manage the board.

It is suggested that the Board of Trustees for Historic Cairo include representatives of the following authorities:

1. Assistant Secretary General of the Cairo Governorate (Treasurer)
2. Representatives of the Cairo Governorate:
  - Head of districts located in Historic Cairo
  - Cairo Housing Directorate
  - General Administration for Properties, Cairo Governorate  
+ the affiliated Cemeteries Dept.
  - Cairo Cultural Directorate
  - Tourism Promotion Department
  - Endowment Directorate
  - Financial Directorate
  - Legal Affairs
  - Cleaning and Beautification Agency
  - Central Administration for Council Affairs and Conferences
3. Cairo Security Directorate
4. Local People Council (of the Governorate and the Districts located in the site)
5. National Organisation for Urban Harmony, Ministry of Culture
6. Supreme Council of Antiquities, Ministry of Antiquities
7. Active representatives of the civil society and vital activities sectors (such as the craftsmen, workshop owners, shops owners)

The board of trustees should have a technical body including architects, engineers, urban planners, surveyors, etc.... headed by the treasurer. It could be in charge of the following:

- Provide engineering assistants to the board to ensure the fulfilment of the laid out strategies by different Egyptian stakeholders to protect Historic Cairo.
- Organizing the board's meetings
- Documenting the discussions and recommendations of the sessions
- Follow up the responsible authorities to ensure the implementation of the recommendations

The board should be responsible of the following:

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<sup>51</sup> This proposal is drafted by the legal consultant of the URHC project, Mr. Hassan Fahmy



- follow up the implementation of legislation and regulation
- create and update a full survey for the area
- discuss policies and take decisions
- flag up pressing issues
- delegate things to other bodies/entities

Requirements for an effective management committee/board of trustees:

- financial resources
- management plan (realistic policies and strategies)

#### Annex 4.Organizational structure of the Cairo Governorate

SYSTMIZED STRUCTURE FOR CAIRO GOVERNORATE (for corresponding administration of housing and urban planning)	
Local People's Council	Executive Council for Governorate
The council is elected by the people. It can issue legislations and supervise various departments and bodies of the governorate. In order to supervise the governorate, the council has a number of specialized committees (housing, education, health, youth affairs, planning and financial support). Their decisions become effective if it complies with the law; however, the governor has the right to reject if it contradicts economic plans and the budget	Chaired by the governor and made up of his Assistants, Head of Districts, Directors of Service Departments (electricity, fresh water, sewage and transportation), and the Secretary General. It is responsible for following up the activities of institutions involved in the management of the city and issuing the decrees to facilitate such management.

#### Organizational Structure of the Cairo Governorate

GOVERNOR'S OFFICE						
Central Administration for the Governor's Office Affairs						
Technical Office	Slums Development	Citizen Service Administration	Public Relation Administration	Security Administration	Production & Economic Affairs	Parliament & <i>Shura</i> Council representative.

#### Governorate Entities/Departments concerned with Housing and Urban Development

General <i>Diwan</i> <sup>1</sup>		Departments	Authorities
General Secretary	Governor Deputy	Service Directorates***	
Assistant Secretary General	North Cairo	Housing & Infrastructure Directorate ****	Cleaning & Beautification Agency (CCBA)
	South Cairo*	Real Estate Taxes Directorate	
	East Cairo	<i>Waqf</i> Directorate	Public Transportation Authority
	West Cairo**	Road & Transport. Directorate	
		Culture Directorate	

<sup>1</sup> Government bureau or administration

*Egyptian Legislations in relation to the rehabilitation of historic Cairo*  
*Hassan Fahmy consultant & URHC team*

		Agriculture Directorate	
		Organization & Administration Directorate	
		Social Affairs Directorate	
		Others	

Companies	Projects	Administration directly affiliated to the Governor's office:
Sewage Company	vocational training center	General Administration for Technical & Administration Inspection
Electricity Company	special parks	Central Administration for Properties (Housing / Cemeteries)
Water Company	parking areas	
	infrastructures	

**\*Southern Cairo deputy has under his authority the WHC districts of El Khalifa, Old Cairo and Sayeda Zeinab**

**\*\* Western Cairo deputy has under his authority the WHC districts of Abdien, Azbakeya, Central District (this includes AlDarb AlAhmar and Gamalia), Muski, Bab al Shareya, Bulaq and Manshiet Nasr.**

**\*\*\*The head of the Service directorates are usually chosen and hired by the Respected Ministers after consulting the Governor.**

**\*\*\*\* Departments that are affiliated to the Housing and Infrastructure Directorate:**

- General Department for urban planning (according to the building law, assigned to prepare the detailed plans. It is also responsible for preparing the decrees for organization lines, approving land subdivisions for new developments)
- General Department for Expropriation of properties
- General department for improvement

## Districts

SYSTEMIZED STRUCTURE FOR DISTRICTS	
Local People's Council for districts	Executive Council for districts
The council is elected by the people.	Chaired by the head of the district and made up of Service Departments

Head of district			
Secretary General	Housing division*		Cleaning & Beautification local office
	Permits administration	Project administration	
Employees affair administration	Building permits department	Construction project department	Cleaning administration
Property tax Division	Shop permits department	Public buildings repair department	Gardens administration
Financial affairs administration	Advertisement permits department		streets administration
Legal affairs administration	Street usage department		Public light administration
	Elevator permit department		
	Execution of the court verdicts department		

\*every directorate in the Governorate has a representative division in the district. Usually these divisions belong to the directorate administratively and technically. However, only in the housing division that it administratively it follow the head of the District but technically it is under the Housing & Infrastructure Directorate.

## Annex 5. List of laws and decrees available at URHC

Law No.	Name		Remarks
	English	Arabic	
119/2008	The Building Law	قانون البناء	
148/2001	Promulgating the Real Estate Finance Law with its Executive Regulations + D. No. 277/2001 concerning the Real Estate Finance Public Authority + P. D. No. 4/2003 concerning the System of Real Estate Finance Activity Guarantee and Sunsidy Fund..	صدار قانون التمويل العقاري ولائحته التنفيذية قرار وزارى رقم 2001/277 بشأن الهيئة العامة لشئون التمويل العقاري + قرار يس جمهورية مصر العربية رقم 2003/4 فى شأن نظام صندوق ضمان ودعم نشاط التمويل العقاري	
144/2006	Regulating the Demolition of Non-Dilapidated Buildings and Establishments, and the Preservation of Architectural Heritage	فى شأن تنظيم هدم المباني والمنشآت غير الآيلة للسقوط والحفاظ على الطراز المعماري	
	New Law on Regulating the Demolition of Non-Dilapidated Buildings and Establishments, and the Preservation of Architectural Heritage	نون تنظيم هدم المباني والمنشآت الغير آيلة للسقوط الجديد ولائحته فيضية وجميع القرارات المنفذة والمعدلة للقانون والصيغ القانونية الخاصة بترخيص الهدم	
57/1978	On Getting Rid of Pools and Swamps and Prevention of Digging Works		
	Set of Laws on the Rental and Sale of Buildings & Places and LandLordTenant Relation	مجموعة قوانين وقرارات العلاقة بين المالك والمستأجر	
14/1981	Promulgating Co-operative Housing Law	الإسكان التعاوني	
113/1975	Amending Law No. 62/1974 as Regards Certain Provisions Connected with Reconstruction		
62/1974	Regarding Certain Reconstruction (Urbanization) Provisions		
10/1990	Concerning the Expropriation of Real Estates for Public Interest	بشأن نزع ملكية العقارات للمنفعة العامة	



117/1983	Promulgating The Law on Protection of Antiquities	قانون حماية الآثار	
	Local Administration System	قانون الإدارة المحلية	
1/2010	Amending Certain Provisions of the Law on Constructed Real Estate Tax Promulgated by Law No. 196/2008	تعديل أحكام قانون الضريبة على العقارات المبنية الصادر بالقانون رقم 196 لسنة 2008	
83/2006	Amending Certain Provisions of Decree-Law No. 70 of the Year 1964 Concerning Notarization and Registration Fees and the Land Register System Law as Promulgated by Decree-Law No. 142 of the Year 1964	تعديل بعض أحكام القرار بالقانون رقم 70 لسنة 1964 بشأن رسوم التوثيق والشهر وقانون نظام السجل العيني الصادر بالقانون رقم 142 لسنة 1964	
4/1994	Environment Law With Its Executive Regulations	البيئة والتلوث ولائحته التنفيذية	
38/1967	Public Cleanliness with its Executive Statue Decree No. 134/1968	بإصدار قانون النظافة العامة ولائحته التنفيذية	
453/1954		في شأن المحال الصناعية والتجارية وغيرها من المحال المقلقة	
371/1956		في شأن المحال العامة والقرارات المنفذة لأحكامه	
372/1956		في شأن الملاهي	

#### Others with relevance

222/1955		بأن فرض مقابل تحسين على العقارات التي يطرأ عليها تحسين بسبب أعمال المنفعة	
5/1966		قانون الجبانات	
66/1956		في شأن تنظيم الإعلانات	
10/1990		في شأن نزع ملكية العقارات للمنفعة العامة	

Decree No.	Name		Remarks
	English	Arabic	
423/2005	Organizing the Ministry of Planning and Local Development	بتظيم وزارة التخطيط والتنمية المحلية	
23/2001	Establishing the National Organization for Urban Harmony (NOUH)	بإنشاء الجهاز القومى للتنسيق الحضارى	
80/1971	Establishing the Egyptian Awqaf Authority	بإنشاء هيئة الأوقاف المصرية	
289/2008		بتشكيل المجلس الأعلى للتخطيط والتنمية العمرانية	

Decree No.	Name		Remarks
	English	Arabic	
1864/2008	Amending Certain Provisions of the Executive Regulations of the Real Estate Finance Law	بتعديل بعض أحكام اللائحة التنفيذية لقانون التمويل العقاري	Prime Minister
266/2006	Issuing the Executive Regulations of Law No. 144/2006 Regulating the Demolition of Non-Dilapidated Buildings and Establishments, and the Preservation of Architectural Heritage	بإصدار اللائحة التنفيذية للقانون رقم 144/2006 في شأن تنظيم دم المباني والمنشآت غير الآيلة للسقوط والحفاظ على الطراز المعماري	Ministry of Housing, Utilities and Urban Development
116/2006	Form Concerning the Real Estate Finance Agreement for (Restoration/Improvement) of Building	نموذج إتفاق تمويل عقارى (ترميم/تحسين) عقار	Ministry of Investment
118/2006	Form Concerning the Real Estate Finance Agreement for Purchasing a Realty/Unit	نموذج إتفاق التمويل العقاري لشراء (عقار/وحدة)	Ministry of Investment
2276/2006	Concerning (Article 1) in Law 144/2006	تعلق بالمادة الأولى من قانون رقم 144 لسنة 2006	Prime Minister
144/2009	Promulgating the Executive Regulaions of Building Law	بإصدار اللائحة التنفيذية لقانون البناء	Ministry of Housing, Utilities and Urban Development
200/2010	Amending Certain Provisions of the Executive Regulations of the Building Law	بتعديل بعض أحكام اللائحة التنفيذية لقانون البناء	Ministry of Housing, Utilities and Urban Development
766/1981	Implementing Certain Provisions Related to Leasing and Selling Premises and Relationship Organization Between Lessor and Lessee with its Amendment M. D. No. 342/1982		Minister of Reconstruction & Minister of State for Housing and Land Reclamation

933/1988	Determining the Areas Liable for Tourist Investment and Lands Reclamation and Reconstruction Areas, as well as, new urban Communitites	بتحديد المناطق القابلة للإستثمار السياحى ومناطق استصلاح أراضي والتعمير والمجتمعات العمرانية الجديدة	Prime Minister
109/2013	Modifications on the Executive Regulaions of Building Law	بعض التعديلات على اللائحة التنفيذية لقانون البناء	Ministry of Housing, Utilities and Urban Development

#### Others with relevance

158/1981		بشأن إخضاع منطقة الفسطاط واسطبل عنتر لأحكام المادة 12 من لقانون رقم 215 لسنة 1951 بشأن حماية الآثار	Minister of State for Culture and Media
2003/2007		بشأن تقييد لارتفاعات في بعض مناطق محافظة القاهرة	Prime Minister
179/2008		بشأن حرم القلعة	Minister of Culture
250/1990		في شأن تحديد ارتفاعات المباني في بعض المناطق بالقاهرة التاريخية	Minister of Culture
21/1994		تعديل جدول بيان أنواع الملاهي الملحق بالقانون رقم 373 لسنة 1956 في شأن الملاهي	
43/1994		ديل بعض أحكام القرار الوزاري رقم (21) لسنة 1994 بشأن تعديل جدول بيان أنواع الملاهي الملحق بالقانون رقم 372 لسنة 1956 في شأن الملاهي	
19/2013		بأن إنشاء اللجنة الوطنية لإدارة مواقع التراث العالمي بمصر واختصاصاتها	Minister of State for Antiquities

Decree No.	Name		Remarks
	English	Arabic	
207/1982	Licence of Building	تراخيص البناء	
47/1986	In Connection with the Rules of Providing Places for Housing of Motorcars in the Building in the City of Cairo	بشأن قواعد توفير أماكن لإيواء السيارات في العقارات بمدينة القاهرة	

### Others with relevance

645/1973		مكتب فني يلحق بمحافظة القاهرة لدراسة وإقرار الاشتراطات فنية ومراجعة الرسومات المعمارية للمباني التي تقام في منطقة باهرة الوسطى ذات الطابع السياحي والأثري الهام وكذلك تحديد مختصاصاته وإمكانية تشكيل لجان فرعية واختصاصاتها	
28/1973		بشأن مشروع إعادة تخطيط القاهرة العصور الوسطى	
457/1999		في شأن المناطق التاريخية بمدينة القاهرة	
2469/2002		شأن تطبيق قرار المحافظة رقم 14 لسنة 2002 على تراخيص بناء التي تقدم في أحياء القاهرة القديمة تاريخياً	
163/2003		لجميع الأنشطة الصناعية والحرفية التي تمارس على أراضي لجبانات بمدينة القاهرة	
170/1998		في شأن ضوابط إنشاء مراكز تجارية متعددة الطوابق بمدينة القاهرة	
3717/2009		أن الاشتراطات البنائية المؤقتة لمحافظة القاهرة تطبيقاً لقانون البناء رقم (119) لسنة 2008 ولائحته التنفيذية	



5440- 5441/2009	Establishing the "Cairo Heritage Conservation Center (CUCC)"	أن إنشاء مركز القاهرة للحفاظ على التراث العمراني وتشكيل جلس إدارة المركز	
		مجموعة قرارات إزالة	

Document	Name		Remarks
	English	Arabic	
Report	Report on Occupants Union Regulations "Extracted from Building Law No. 119/2008	تقرير عن اتحاد الشاغلين (الملاك)	
Form	Built Real Estate Tax Return filed as per Article (14) of Law No. 196/2008. Form (1A) Residential and Non-Residential units at Residential Properties	نموذج إقرار ضريبة العقارات المبنية 1A وحدات سكنية ووحدات غير سكنية بعقارات سكنية	
Appendix	Definition of Targets and Duties of Control Agencies in Egypt, and General Regulations on Planning and Follow Up...		

## **Annex 6. NOUH regulations for Historic Cairo area of peculiar value, english translation by URHC team**

### **Reference 1:**

## **Borders and regulations for the preservation of the areas of peculiar value of Historic Cairo and Khedivial Cairo<sup>1</sup>**

Arabic booklet, published by NOUH, 2011

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### **HISTORIC CAIRO**

#### **1. The delimitation of Historic Cairo**

The booklet starts with the delimitation of Historic Cairo, based on a ministerial decree, dated 29.07.2009, 04/07/09/08. The northern, eastern, southern and western borders were described through street names (as seen on the map). Three protection areas (A, B, C) are identified for Historic Cairo<sup>2</sup>.

#### **2. General regulations**

2.1. With reference to Law No.119/2008 and its Executive Regulations, Chapter 2, Article 33 concerning areas of peculiar value:

- Areas of peculiar value are defined according to the proposal of the Agency (NOUH), and according to a decree issued by the Supreme Council of Planning and Urban Development. In the stated areas, the following is not allowed without obtaining the required license from the competent administrative body:
  - Erection, modification, heightening, and restoration of buildings, projects or establishments (movable or fixed).
  - Installation of temporary or fixed occupations.
  - Moving or transferring architectural elements, statues, sculptures or ornamental units in public urban spaces.

The Supreme Council for Planning and Urban Development may require the approval of NOUH for some areas identified.

- It is not allowed to establish constructions in open and public spaces, as well as streets and squares in the identified area, which interfere with the visual image of the buildings

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<sup>1</sup> Translated and summarized by the URHC team, 2012.

<sup>2</sup> In the map, Area A (brown color, includes the intersection between Historic and Khedivial Cairo), Area B (orange, archaeological site), Area C (yellow).

fronts. (constructions such as pedestrian flyovers, elevated roads for vehicles, advertisements, or signboards)

- It is not allowed to issue licenses for activities that cause pollution and can have a negative effect buildings of peculiar value (such as workshops, warehouses and shops) unless in places originally designed for these purposes. However, it is allowed to reuse buildings for purposes that do not require changes in the buildings architectural elements.

*2.2. Aerials and satellite dishes or any other technical installations on roof tops should not be visible from the street, so they should be fixed on the roof floor and should be lower than the parapet. In case larger satellite dishes are installed, they should be fixed far from the edge of the roof, so that they are not seen from the street.*

2.3. Regulations mentioned in the “*Guide on the Principles and Criteria for Urban Harmony in Heritage Areas*”, approved by the Supreme Council for Planning and Urban Development, have to be respected.

### **3. Urban Tissue**

- 3.1. The historic urban tissue of the area should be preserved.
- 3.2. It is not allowed to divide plots, or erect more than one building on one plot.
- 3.3. New construction should follow the construction line (the current boundaries of the building) even within alleys less than 6 meters. New constructions should follow the boundaries of each plot without leaving recesses.
- 3.4. The surface area of buildings shouldn't exceed 70% of the surface area of the plot.
- 3.5. Buildings should be erected without leaving spaces on the sides or pockets; in order to create continuous urban fabric like the old one. Voids should be left either as courtyards or backyards, and should be planted. The cadastral maps of 1937 should be taken as a reference.

### **4. Demolition and Reconstruction**

- 4.1. It is not allowed to issue demolition licenses for buildings before checking its status within the list of registered buildings (the inventory), according to Law, 144/2006 and its Executive Regulations.
- 4.2. In case the building has been demolished, the new construction should follow the regulation as mentioned in 3.3 and 3.4. Moreover, the local unit concerned should

insure the photography and documentation of any dilapidated registered building (according to Law 144/2006), before its demolition.

## **5. Architectural Style**

5.1. The architectural style in the surroundings of the new structure should be respected.

5.2. Odd architectural elements should be avoided in areas of peculiar value.

5.3. Openings:

5.3.1. Openings should be rectangular and vertical (percentage should not be less than 1:1.5, and not more than 1:2), while horizontal openings are not allowed.

5.3.2. Openings should not exceed 50% of the surface of the facades.

5.3.3. Colours and materials of openings:

- Brown colours shades should be used for all openings.
- Wooden materials should be used for doors and windows, while the use of metals or other polished materials is not allowed.
- The use of transparent glass or brown tinted glass is allowed, while the use of other glass colours, reflective glass, or curtain walls are not allowed.
- The glass surface should be covered by shutters or *mashrabeyas* if the percentage of the opening exceeds 20%.
- Parapets should be of wood, decorated iron, or non-massive buildings.

5.4. Technical Installations:

- Air conditions should not be installed on facades overlooking main streets.
- Sewage, water and gas pipes should be covered through special architectural treatment in harmony with the design of the building, or they should be set on the roof tops if they are related to the last floor of a building.

## **6. New Buildings**

### **6.1. Building heights:**

6.1.1. Building Heights for Areas A and B

1<sup>st</sup>: On streets less than 10 meters wide; and on alleys and lanes, it is allowed to build a ground floor and 2 upper floors with a maximum height of 10 meters.

2<sup>nd</sup>: On streets, which are 10 meters wide or more, it is allowed to build a ground floor and 3 upper floors with a maximum height of 13 meters.

- If the new building is located on more than one street, the building height should respect the regulations of the narrower street.



- The measurement of the height starts at the level of the sidewalk and flooring of the last slab of the building.
- The parapet of the roof should not exceed 130 cm.
- Exceeding the maximum building height is not allowed, except for stair/elevator shafts and water tanks with an additional building height of 4 meters, and a set-back of 3 meters from the front façade.

#### 6.1.2. Building Heights for Area C

It is allowed to increase the heights in Area C one floor (3 m) more than Areas (A-B).

### 6.2. Facades:

6.2.1. Beige or colours of natural stones should be used for the façades.

6.2.2. Natural stone should be used in cladding or building on the ground floor with a height not less than the height of the ground floor, and the height of the course should not be less than 30 cm.

6.2.3. Plastering is allowed for the upper floors with the above mentioned colours (article 6.2.1), while rough Plastering is not allowed.

### 6.3. Projections:

#### 6.3.1. Towers

- Projections are allowed on the façade without exceeding 50% of the façade's surface area.
- Projections are not allowed on streets that are 4 meters wide or less.
- The height between lower surface of the projection and the sidewalk should not be less than 4 meters.
- The towers projection should not exceed 5% of the street's width, with a maximum of 60 cm (street's width up to 12 meters) and max. 1 meter is allowed on streets over 12 meters wide.
- Projections related to the façade or the signboards of shops are not allowed outside the building line of the ground floor.

#### 6.3.2. Balconies

- Balconies are allowed in streets over 12 meters wide.
- The balconies projection should not exceed 10% of the street's width with a maximum of 120 cm, according to Law 119/2008.

#### 6.3.3. Cornices

- Cornices are allowed in the ground floor, provided that they are installed at least 2.5 meters higher than the sidewalk's level.
- The projection of cornices should not exceed 13 cm in streets less than 12 meters wide, and 25 cm in streets more than 12 meters wide.

## **7. Existing buildings, listed according to Law 144, 2006**

7.1. Classification levels in the “*Guide on the Principles and Criteria for Urban Harmony in Buildings and Heritage Areas*” should be applied on listed buildings, as follows:

- Level (A): Buildings and structures, where all internal and external elements should be preserved, while restoration and reuse are allowed.
- Level (B): Building and structures, where facades should be preserved, while some modifications on façades that are not overlooking streets are allowed. Moreover, internal renovation needed for the reuse of the building is allowed, provided that it does not affect its structural condition.
- Level (C): Buildings and structures, where façades should be preserved, while the following can be modified:
  - Complete modifications behind the façades, including demolitions and reconstructions that don't exceed the original façades height without affecting its structural safety. The approval of NOUH is needed concerning the new design before starting its implementation.
  - The horizontal extension on the vacant land that belongs to the building, according to the building regulations of each area, however, building in front of the original street façades is prohibited.
  - The vertical extension above the original building is allowed (not more than 1 additional floor, which height doesn't exceed the original floor height). However, a horizontal set back is required on all the façades overlooking the streets (with the same distance of the floor height), only if the structural safety of the building is not affected.

7.2. A signboard should be installed on each registered building, with information concerning its name, construction date, architect's name, as well as the reason and number of its registration.

7.3. Technical installations:

- Air conditions should not be installed on building facades on main streets.
- Sewage, water and gas pipes should be covered through special architectural treatment in harmony with the design of the building, or they should be set on the roof tops if they are related to the last floor of a building.

## **8. Existing buildings, that are not registered**

8.1. **Façades restoration and modification:** in case a façade is to be restored or modified, the requirements mentioned in section 5 (except for 5.1) should be applied.

- 8.2. **Vertical extension:** non-registered buildings, with heights lower than the maximum permitted, are allowed to reach the maximum height.
- 8.3. **Technical installations:** air conditions should not be installed on façades overlooking the streets. When necessary, they can be covered by architectural elements compatible with the style, or they can be placed on rooftops.

## **9. Restoration, rehabilitation and reuse**

- 9.1. Historical architectural elements (such as gates, street sheds) should be reconstructed in their original places.
- 9.2. Street names: competent authorities should revise street names in the area in order to preserve the original names of the streets.

## **10. Land uses and activities**

Permits are not allowed for activities that cause environmental pollution, or negatively affect the urban and heritage values of the area.

## **11. Shops fronts**

- 11.1. The original openings of shop fronts should be respected according to the original design of the façade. Moreover, the external original walls of the buildings should be preserved in terms of material, colours and finishes, and the corners of the buildings should not be covered.
- 11.2. In case original parts of the façade get damaged (before or during the preparation of the shops), they should be restored to the original shape of the building and its architectural elements.
- 11.3. Signboards of the shops should be installed in designated spaces within the shop opening.

## **12. Plantation**

- 12.1. The plantation of open spaces, squares and streets, which are at least 12 meters wide, is allowed (with trees on both sides of the streets). However, appropriate means should be considered to protect the historical buildings from the irrigation water, the effect of the plants roots, which are close to the building. It should also not obscure the vision of the historical building.
- 12.2. Grass and soil layers should not be used in the open spaces.

### **13. Sidewalks and roads**

- 13.1. Sidewalks are not allowed in streets less than 6 meters wide.
- 13.2. Sidewalks can be placed in streets (between 6 – 20 meters wide), while the width of the sidewalk should be 10% of the street width (at least 60 cm).
- 13.3. In streets over 20 meters wide the sidewalk should correspond to 20% of the street width on each side.
- 13.4. The height of the sidewalk should not exceed 15 cm, while special ramps for disabled people should be available at distances of no more than 50 meters, and on the street corners (1 meter wide, and with a slope of 1:5)
- 13.5. All sidewalks should be unified (same finishes, specifications, measures). Polished materials are not allowed, while special specifications should be provided for the surface treatment to prevent slipping. Stone or basalt material should be used for curbs.
- 13.6. Owners or occupants of shops and buildings are not allowed to install sidewalks without the approval of the competent administrative authority.

### **14. Lighting**

Lighting elements should be installed every 30 meters in streets that are 12 meters wide or more. However, in streets less than 12 meters, lighting elements should be in form of cantilevers, installed on the building walls, with a height of at least 4 meters.

### **15. Intersection between Historic Cairo and Khedivial Cairo**

- 15.1. Regulations of Khedivial Cairo should be applied on the streets of Mohammed Ali (from al-Attaba till the Citadel squares), on the area of New Helmeia, and on both sides of al Geish street (from al-Attaba till Bab al-Sharia squares).
- 15.2. Regulations concerning the protection of Historic Cairo should be applied on both sides of the streets setting its boundaries, according to the attached map.
- 15.3. The arched porticoes of Mohammed Ali and Clot Bey streets:
  - 15.3.1. Porticoes, covering the sidewalks and providing shade, should be protected.
  - 15.3.2. New constructions on vacant plots should provide arched porticoes, as a design element to support the urban and architectural style of the street (with height between 4 and 4.5 meters, and a depth not less than 2.5 meters), specifying this area covered with porticoes for pedestrians.
  - 15.3.3. In case a building with arched porticoes is demolished, porticoes should be reconstructed according to their original style.

## **16. Procedural regulations**

For buildings within Area A, the competent administrative authority concerned with planning and organization (according to Law, 119, 2008), has to acquire the approval of NOUH before issuing permissions.



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