

# Cape Town's shack service plan

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THE CITY of Cape Town is considering introducing a by-law which would allow it to install basic services such as water and electricity at informal settlements on privately owned land without the owner's permission.

Currently, the city cannot install services without this permission.

The change has been welcomed by the opposition ANC in the province and the local Informal Settlement Network.

Speaking at the launch of a pilot project to provide basic services to backyarders this month, Cape Town mayor Patricia de Lille said that according to national legislation, the city could not install services on privately owned land.

Solly Malatsi, De Lille's spokesman, said that, if passed, the by-law would help the city "overcome the biggest obstacle" to providing services to informal settlements on private land.

One such settlement is Jim se Bos in Philippi, which has about 800 residents, some of whom have been living on the 85 000m<sup>2</sup> property for 20 years.

City media manager Kylie Hatton stressed there would be widespread public participation in the process.

Hatton said the idea for the by-law had been on the table for some time.

The city had received legal advice on the matter and had adopted a "very cautious approach".

"It's important that we strike a balance between respecting the rights of the landowner, while providing basic services. Our first objective will always be to get permission from the landowner."

Hatton said that at present, if permission was denied, the city installed services such as water and sanitation on the closest piece of municipal land.

The new by-law would allow the city to install services even if the owner did not give the go-ahead.

"It will mean the city can consider installing the services on a temporary basis on site. The city would take full responsibility for the maintenance of the services."

Informal settlement residents on private land would qualify for a certain amount of free water and electricity. It is not yet clear whether landowners would have to foot the bill once this amount had been used each month.

The free amount would be in line with the city's indigent policy.

Once residents moved, the city would remove the services.

Hatton said the city was "still a while away" from finalising the by-law, and a draft would probably be published later this year or early next year.

"That draft will be open for public comment before it is finalised."

The draft would also be subjected to legal reviews.

The ANC welcomed the move, saying it had been urging the city to consider such a by-law.

Xolani Sotashe, the ANC's chief whip in council, said receiving basic services was a human right.

"When people go to vote, you don't ask them if they are living on privately owned land or state land. Everyone should have access to basic services," Sotashe said.

"This is a move in the right direction and we support it. We have been raising this issue for some time now and we are glad the DA has finally seen the light."

However, Sotashe said he hoped the proposed by-law was not a "PR exercise", saying the party would study the draft carefully.

Informal Settlement Network co-ordinator Mzwanele Zula welcomed the proposed by-law, saying the provision of services was enshrined in the constitution.

“You cannot say that because people are living on privately owned land, they cannot access services. That doesn’t serve justice to the poor.”

Zula said that in many cases property owners were not living in the country when people moved on to their land.

Last year, the city’s Anti-Land Invasion Unit said it removed about 500 illegal structures from city land each month.

The unit may only remove structures erected on municipal land.

Hatton said it is estimated that between 40 and 45 of the city’s 223 informal settlements were on privately owned land.

Private land owners must approach the courts to seek the removal of squatters.

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