



**NATIONAL
BUILDING
REVIEW
BOARD**

Safe Building, Better living

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December 11, 2024

NBRB/02/03

**Executive Director,
Kampala Capital City Authority
Kampala, UGANDA**

Dear Sir,

Subject: INVESTIGATION INTO THE COMPLAINT OF BUILDING OPERATIONS AT KIBUGA BLOCK 5, PLOTS 352, 1600, 1371, 788, AND 790, KIWINVU ZONE, MULAGO II PARISH, KAMPALA

The above-captioned subject refers.

The Government of Uganda through the Ministry of Works and Transport (MoWT) enacted the Building Control Act, Cap. 136 (The Act) to consolidate, harmonise and amend the law relating to erection of buildings; provide for Building Standards; establish a National Building Review Board (NBRB) and Building Committees; promote and ensure planned, decent and safe building structures that are developed in harmony with the environment.

Section 2 (1) of the Act established NBRB as a government agency under the MoWT and Section 8 of the Act mandates NBRB to: monitor building developments; ensure that the design and construction of buildings and utilities to which the public is to have access cater for persons with disabilities; oversee, inspect and monitor the operations of Building Committees; hear and determine appeals from persons dissatisfied with the decisions of a Building Committee; among other functions.

The National Building Review Board on 28th May 2024, received a copy of a communication authored by the Deputy Resident City Commissioner (D/RCC) Kawempe Division, Mr Ndidde Yasin vide Ref; D/RCC/100/01 addressed to Dr Lugero Charles alleging demolition of properties of Kibanjja holders, including that of Mr. Ssegawa Brian. The identified properties are situated at Kiwonvu Zone, Mulago on Kibuga Block 5, Plots 352, 1600, 1371, 1094, 788 and 790.

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The letter was further copied to the Executive Director Kampala Capital City Authority (KCCA), amongst others.

Furthermore, on September 16, 2024, NBRB received a complaint from Mr. Brian Samuel Ssegawa about intentional dangerous and illegal excavation activities at Plots 1370 & 1371, Block 5 Mulago by Dr Charles Lugero.

Pursuant to Regulation 41 (2) (e) of the Building Control Regulations, 2020 (BCR, 2020) and Section 8 (a-c) of the Act, NBRB constituted a taskforce to investigate the complaint. The taskforce has since completed the investigations and hereunder are the key highlights of the findings and recommendations.

KEY INVESTIGATION FINDINGS:

- 1) The developer (Dr Charles Lugero) complied with all the relevant provisions of the Building Control Act, Cap. 136 and Building Control Regulations (2020) regarding building operations on Plot 1371 Block 5 Kibuga. Key amongst this was obtaining the development permission from KCCA-PPC in accordance to the provision of **Section 33(1) of the Physical Planning Act (2010) as amended; obtaining building permit and approved building plans pursuant to S.34, & S.35 of The Act, and; engagement of professionals for design and construction supervision of building operations pursuant to the provisions of Paragraphs 5 and 6 of Building Control Regulations (2020).**
- 2) The complainant's developments (Mr. Brian Ssegawa) situated along Dwaliro Road, Mulago **did not meet the requirements of the regulatory framework including non-compliance with S.43 (1) (a & b) of the Building Control Act, Cap 136** that states:
"S.43 (1) – Upon the completion of a building, the owner of the building shall – (a) notify the Building Committee of the practical completion of the building in accordance with the approved plans and the regulations; and (b) apply to the Building Committee for an occupation permit".
- 3) The complainant's **existing shops along Dwaliro Road encroach on Plot 1371 Block 5 Kibuga by 31.018 square meters (0.767 Decimals)** as was observed in the boundary opening survey report of 29th April 2024, executed by Ministry of Lands, Housing and Urban Development vide High Court Miscellaneous Application No. 430 of 2024 arising from High Court Civil Suit No. 181 of 2024.

INVESTIGATION RECOMMENDATIONS

The taskforce recommends as follows:

To KCCA Building Committee

- 1) Cause the complainant to comply with the provisions of BCA Cap. 136 and BCR (2020);
- 2) Implement the provisions of the 28th July 2022 enforcement notice;

To the Developer, Dr Charles Lugero

The developer/client ensure that all building operations are executed in accordance to the building permit issued and approved building plans.

To the Complainant, Mr. Brian Ssegawa

- 1) Ensure that all building operations in his kibanjja piece of land comply with the built environment regulatory framework.
- 2) Comply with Court findings and if aggrieved, lodge an appeal.

CONCLUSION:

The investigations concluded that all the allegations tendered in by the complainant in various Ministries, Departments and Agencies (MDAs) were non-factual and was meant to interrupt the building operations being executed by the developer of Plot 1371 Block 5, Kibuga. ***Instead the taskforce found the behaviour of the complainant to be a tactical decoy to prolong his continued encroachment on the property of the developer.***

The purpose of this communication therefore is to forward to you the investigation findings and recommendations for your attention and appropriate action.

Safe Building, Better Living!



Eng. Anthony Rucukye
Ag. Executive Secretary

Cc:

The Chairperson, KCCA Building Committee
The Hon. Minister for Kampala Capital City & Metropolitan Affairs
The Deputy Executive Director, KCCA
The Principal Private Secretary to H.E The President of Uganda
The Resident City Commissioner, Kampala
The Director Physical Planning, Kampala Capital City Authority
The Head State House Anti - Corruption Unit
The Director, Public Health & Environment, KCCA
The Deputy RCC, Kawempe Division, KCCA
The Town Clerk, Kawempe Division, KCCA
The DPC Wandegeya Police Station
The O/C Police Kubiri, Mulago
Dr. Charles Lugero 0772544392
Mr. Brian Samuel Ssegawa 0772612799/0701612795