



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 03, 2015

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Speaker
4. **MESSAGES**

The Speaker conveyed the following Messages:

(i) County Early Childhood Education Bill, Senate Bill, No. 32 of 2014.

Pursuant to the provisions of Standing Order No. 41(4) relating to Messages from the Senate, it requires that the Speaker expeditiously reports to the House any Messages received from the Senate.

In this regard, I wish to report that I have received a Message from the Senate regarding the passage by the Senate of the County Early Childhood Education Bill, Senate Bill, No. 32 of 2014.

Hon. Members, the Message from the Senate states:-

"The County Early Childhood Education Bill, Senate Bill No. 32 of 2014 was published in the *Kenya Gazette* Supplement No. 108 of 11th July 2014 as a Bill originating from the Senate and was passed by the Senate on Tuesday, 1st December 2015 with amendments and in the form attached thereto."

Hon. Members, I direct that the Bill be scheduled for First Reading when the House resumes in the next Session. The Second Message is No. 38 of 2015. This is a Bill from the Senate regarding the passage by the Senate of the Climate Change Bill, National Assembly No. 1 of 2014.

(ii) The Climate Change Bill, National Assembly Bill No. 1 of 2014

The Second Message from the Senate states:-

"The Climate Change Bill, National Assembly No. 1 of 2014 as published in the *Kenya Gazette* Supplement No. 3 of January 2014. It was passed on Tuesday, 1st of December 2015 with amendments and in the form attached." Consequently, the Senate now seeks the concurrence of the National Assembly to the amendments made to the Bill.

Hon. Members,

I now direct that the Departmental Committee on Environment and Natural Resources considers the said amendments and tables its Report when the House resumes in the next Session.

5. **PETITIONS**

The following Members presented Petitions –

- (i) The Member for Meru County (Hon. Florence Kajuju) on behalf of Residents of Kithoka, Nkunga, Tigania West and other parts of Meru County on increased cases of Human & wildlife conflict in Meru County;
- (ii) The Nominated Member (Hon. Patrick Wangamati) on behalf of 1,200 former employees of Pan African Paper Mills Company on payment of their terminal dues; and
- (iii) The Member for Wajir South (Hon. Abdullahi Diriye) on behalf of National Victims and Survivors Network on an appeal to the National Assembly to debate and adopt the report of the Truth, Justice & Reconciliation Commission (TJRC); and

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 127(1)

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Report of the Auditor-General on the Financial Statements of University of Kabianga for the year ended 30th June 2014, and the certificate therein; and
- (ii) Kenya Economic Report 2014 from the Kenya Institute of Public Policy & Analysis (KIPPRA).
- (iii) The Twentieth Report of the Public Investments Committee on the Audited Accounts of State Corporations; and
- (iv) The Report of the Public Investments Committee Benchmarking visit to Washington, DC, USA, June 06-14, 2015.

(Leader of the Majority Party)

(Chairperson Public Investment Committee)

- (v) The Report of the Departmental Committee on Transport, Public Works and Housing Public Petition by Green Pencil Ltd regarding the intervention to have high quality road studs installed on all tarmac roads in the country.

(Vice-Chairperson, Departmental Committee on Transport, Public Works and Housing)

- (vi) The Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Forest Conservation and Management Bill, 2015.

(Hon. Chachu Ganya, Member, Departmental Committee on Environment and Natural Resources)

- (vii) Reports of the Departmental Committee on Lands on -

(a) Petition by residents of Kajiado West Constituency regarding the compulsory aquisition of Land Reference Ngong/Ngong 1959; and

(b) Nyali Constituency Land Issues.

(Chairperson, Departmental Committee on Lands)

6. **NOTICE OF MOTION** – Chairperson, Public Investments Committee

THAT, this House adopts the Twentieth Report of the Public Investments Committee on the Audited Accounts of State Corporations, laid on the Table of the House today, Thursday, December 03, 2015

7. **STATEMENT**

Pursuant to the provisions of Article 114(2) of the Constitution, the Chairperson, Budget and Appropriations Committee issued a statement on the Committee's recommendations on the various Senate Bills.

The Chairperson informed the House that the Committee had recommended that the Assembly SHOULD NOT proceed with the consideration of the following Bills from the Senate as referred to this House-

- (i) The Public Finance Management (Amendment) Bill (Senate Bill No. 11 of 2014);
- (ii) The Parliamentary Service Amendment Bill (Senate Bill No. 21 of 2014);
- (iii) The National Police Service (Amendment) Bill, 2014 Bill (Senate Bill No. 29 of 2014);
- (iv) The National Government Co-ordination (Amendment) Bill (Senate Bill No. 30 of 2014); and
- (v) The Natural Resources (Benefits Sharing) Bill (Senate Bill No. 34 of 2014)

The Chairperson also informed the House that the Bills had been rendered unconstitutional by operation of Articles 109(5) and 114(2). It was therefore the unequivocal recommendation of the Budget and Appropriations Committee that the House **does not** proceed with the said five Bills.

8. **MOTION - ADOPTION OF SESSIONAL PAPER NO. 12 OF 2014**

Motion made and Question proposed-

THAT, this House adopts Sessional Paper No. 12 of 2014 on the National Wetlands and Conservation Management Policy, laid on the Table of the House on Tuesday, 2nd December, 2014.

(Chairperson Departmental Committee on Environment and Natural Resources – 02.12.2015(AM))

Debate on the Motion having been concluded on Wednesday, December 02, 2015 (Morning Sitting);

Question put and agreed to.

9. **MOTION - ADOPTION OF SESSIONAL PAPER NO. 13 OF 2014**

Motion made and Question proposed-

THAT, this House adopts Sessional Paper No.13 of 2014 on the Integrated Coastal Zone Management (ICZM) Policy, laid on the Table of the House on Tuesday, 2nd December, 2014.

(Chairperson Departmental Committee on Environment and Natural Resources – 03.12.2015(AM))

Debate on the Motion having been concluded on Wednesday, December 02, 2015 (Morning Sitting);

Question put and agreed to.

10. **THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL (SENATE BILL NO. 10 OF 2014)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Government Proceedings (Amendment) Bill (Senate Bill No.10 of 2014) be now read a Third Time

(Vice-Chairperson, Departmental Committee on Justice and Legal Affairs – 03.12.2015(PM))

Debate on the Motion having been concluded on Wednesday, December 02, 2015 (Afternoon Sitting);

Question put and agreed to.

Bill read a Third Time and **passed**.

11. **PROCEDURAL MOTION - EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES FOR VARIOUS APPOINTMENTS**

Motion made and Question proposed -

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, this House resolves to extend the period for consideration of the nominees for appointment as Cabinet Secretaries, Principal Secretaries and Members of the Ethics and Anti-Corruption Commission (EACC), referred to the House during the current Third Part of the Third Session, by a further seven (7) days, from 15th December, 2015.

(The Leader of the Majority Party)

There being no Member wishing to debate;

Question put and agreed to.

12. **MOTION - ADOPTION OF SESSIONAL PAPER NO. 8 OF 2013**

Motion made and Question proposed –

THAT, this House adopts Sessional Paper No.8 of 2013 on National Values and Principles of Governance, laid on the Table of the House on Tuesday, 22nd April, 2014.

(Vice-Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate arising;

Question put and agreed to.

13. **MOTION - RATIFICATION OF WORLD TRADE ORGANIZATION (WTO) AGREEMENT ON TRADE FACILITATION**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on its consideration of the World Trade Organization (WTO) Agreement on Trade facilitation, laid on the Table of the House on Thursday, 3rd December, 2015 (Morning Sitting) and Pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the World Trade Organization (WTO) Agreement on Trade Facilitation.

(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Mover replied;

Question put and agreed to.

14. **PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend its Sitting until the conclusion of Business appearing under Order No.14, namely the consideration of the Physical Planning Bill (National Assembly Bill No. 46 of 2015)

(Hon. Benjamin Langat)

There being no Member wishing to debate;

Question put and agreed to.

15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended in paragraph (a) by inserting the word “rural” immediately after the word “urban”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - agreed to

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended in sub-clause (2)—

(a) by inserting the following new paragraph immediately after paragraph (a)–
“(aa) the National Director of Physical Planning”

(b) in paragraph (k) by deleting the word “Institute” and substituting therefor the word
“Institution”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Further amendment proposed –

THAT, clause 5 of the Bill be amended in sub-clause (2) by inserting the following new paragraphs immediately after paragraph (m) –

(ma) a person nominated by a registered body representing a national
association of residents;

(mb) a person nominated by the National Council for Persons with Disability;

(Hon. Isaac Mwaura)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to;

Clauses 6 & 7 - agreed to

Clause 8 - amendment proposed –

THAT, clause 8 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 8 - deleted

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to (deleted);

Further amendment proposed –

THAT, clause 9 of the Bill be amended in sub-clause (2) by inserting the following new paragraphs immediately after paragraph (1) –

(la) a person nominated by a registered body representing a national association of residents;

(lb) a person nominated by the National Council for Persons with Disability;

(Hon. Isaac Mwaura)

Clause 9 - deleted

Clause 10 - amendment proposed –

THAT, clause 10 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 10 - deleted

Clause 11 - amendment proposed –

THAT, clause 11 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 11 - deleted

Clause 12 - amendment proposed –

THAT, clause 12 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 12 - deleted

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended—

(a) in paragraph (b) by deleting the expression “(b)” appearing at the beginning of the sentence; and

(b) by inserting the following new paragraph immediately after paragraph (b)–
“(c) develop monitoring framework and formulate oversight parameters relating to physical planning”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - amendment proposed –

THAT, the Bill be amended by deleting clause 14 and substituting therefor the following new clause—

Functions of
the Cabinet
Secretary.

14. The Cabinet Secretary shall be responsible for–

- (a) formulating a national policy on physical planning;
- (b) issuing in the Gazette policy statements, guidelines and circulars on general and specific aspects of physical planning;
- (c) approval of national physical development plans;
- (d) monitoring and overseeing the technical arm at the national level in the performance of their functions; and
- (e) coordinating the national and county levels of planning.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 14 - as amended agreed to

Clause 15 - agreed to

Clause 16 - amendment proposed –

THAT, clause 16 of the Bill be amended—

- (a) in the opening sentence by deleting the word “Spatial” and substituting therefor the word “Physical”; and
- (b) in paragraph (b) by inserting the words “in urban and regional planning or related discipline” immediately after the words “postgraduate degree”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed –

THAT, the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

- 17.** The National Director of Physical Planning shall be responsible for—
- (a) advising the government on strategic physical planning matters that impact on the whole country;
 - (b) formulating national physical planning policies, guidelines and standards;
 - (c) preparation of national physical development plans;
 - (d) coordination of the preparation of regional physical development plans; and
 - (e) undertaking capacity building and technical support for county planning authorities.

Responsibilities of the National Director of Physical Planning.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - amendment proposed –

THAT, the Bill be amended by deleting clause 18 and substituting therefor the following new clause—

Responsibilities of
the County
Executive
Committee member
responsible for
physical planning.

18. The County Executive Committee member responsible for physical planning shall be responsible for—

- (a) formulating a county policy on physical planning;
- (b) approving county physical development plans;
- (c) monitoring and overseeing the planning function; and
- (d) promoting the integration of county physical planning functions and sectoral planning levels.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - amendment proposed –

THAT, clause 19 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Cabinet Secretary shall initiate, and the National Director of Physical Planning shall finalize, the preparation of a National Physical Development Plan.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 19 - as amended agreed to

Clause 20 - amendment proposed –

THAT, clause 20 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) The National Physical Development Plan is the basis for—

- (a) environmental conservation, protection and improvement;
- (b) promoting social and economic development including national competitiveness;
- (c) promoting balanced national development;
- (d) optimal use of land and natural resources;
- (e) formulation of national physical development planning policies;
- (f) guiding regional, county and local planning;
- (g) coordinating sectoral planning and development;
- (h) managing human settlements; and

- (i) providing a framework for guiding the location and development of strategic national investments and infrastructural development.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 20 - as amended agreed to

Clause 21 - amendment proposed –

THAT, clause 21 of the Bill be amended in sub-clause (1)—

- (a) in the opening paragraph by deleting the words “Cabinet Secretary” and substituting therefor the words “National Director of Physical Planning”; and
- (b) by deleting paragraph (d).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 21 - as amended agreed to

Clause 22 - amendment proposed –

THAT, clause 22 of the Bill be amended—

- (a) in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) policies, strategies and measures necessary to optimize opportunities and potentials and resolve challenges relating to physical development planning in Kenya;”

- (b) in sub-clause (2) by deleting the word “Cabinet” and substituting therefor the words “National Director of Physical Planning”; and
- (c) in sub-clause (4) by inserting the word “Secretary” immediately after the word “Cabinet”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 22 - as amended agreed to

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “one newspaper” appearing immediately after the words “in at least” and substituting therefor the words “two newspapers”; and
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
“(3) Any person dissatisfied with the decision of the Cabinet Secretary may apply to the Cabinet Secretary for review of his or her decision and the Cabinet Secretary shall consider the same and communicate his or her decision within sixty days of receipt of application for review.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 23 - as amended agreed to

Clause 24 - amendment proposed –

THAT, clause 24 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) If there have been no applications for review of the decision of the Cabinet Secretary or if the applications for review have been heard and determined, the Cabinet Secretary shall submit the draft National Physical Development Plan to the National Physical Planning Consultative Forum for comments.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - amendment proposed –

THAT, clause 25 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Notwithstanding the lack of a National Physical Development Plan, planning authorities at the county level shall prepare County and Local Physical Development Plans”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 25 - as amended agreed to

Clause 26 - amendment proposed –

THAT, clause 26 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “records” appearing at the end of the sentence and substituting therefor the word “purposes”; and
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) At least three months before the end of the financial year, each public institution of a government that is responsible for the application or the implementation of a National Physical Development Plan shall prepare and submit a status report on the implementation of the National Physical Development Plan to the Cabinet Secretary or the County Executive Committee member responsible for physical planning and the National Land Commission for their purposes”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 26 - as amended agreed to

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 27 - deleted

Clause 28 - amendment proposed –

THAT, clause 28 of the Bill be amended—

- (a) in sub-clause (3)–

- (i) by deleting paragraph (b);
- (ii) by deleting paragraph (c) and substituting therefor the following new paragraph—
“(c) the County Executive Committee member responsible for physical planning for each county involved and any other relevant County Executive Committee member”; and

(b) by deleting sub-clause (5) and substituting therefor the following new sub-clause—

“(5) The National Director of Physical Planning shall provide the secretariat services for the purposes of this section.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 28 - as amended agreed to

Clause 29 - agreed to

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 30 - deleted

Clause 31 - amendment proposed –

THAT, clause 31 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 31 - deleted

Clause 32 - amendment proposed –

THAT, clause 32 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new clause—

"(2) The Regional Physical Planning Joint Committee preparing a Regional Physical Development Plan shall publish a notice of intention to prepare a plan in the gazette and in at least two newspapers with a national circulation"; and

(b) in sub-clause (4) by deleting the words "and approval".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 32 - as amended agreed to

Clause 33 - amendment proposed –

THAT, clause 33 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) Within thirty days of the completion of a Regional Physical Development Plan, the Regional Physical Planning Joint Committee shall publish a notice in the Gazette and in at least two newspapers of national circulation informing the public that the plan is available at the places and times designated in the notice for inspection and that any interested person may comment on the content of the plan.";

(b) by deleting sub-clause (2);

(c) in sub-clause (3) by inserting the word "Joint" immediately after the word "Planning";

(d) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

"(4) Any person dissatisfied with the decision of the Regional Physical Planning Joint Committee may appeal to the National Physical Planning Liaison Committee and the committee shall consider the application and make its determination within (60) days of the receipt of the application"; and

(e) by inserting the following new sub-clause immediately after sub-clause (4)–

"(5) Any person dissatisfied with the decision of the National Physical Planning Liaison Committee may appeal to Environment and Land Court."

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 33 - as amended agreed to

Clause 34 - amendment proposed –

THAT, the Bill be amended by deleting clause 34 and substituting therefor the following new clause—

Approval of
Regional Physical
Development
Plan.

34. (1) The County Executive Committee members of all counties participating in the regional physical development plan shall separately approve the plans and submit the same to the National Director of Physical Planning for final approval.

(2) Within thirty days of the completion of a Regional Physical Development Plan or if objections have been heard and determined the Cabinet Secretary shall approve and publish the Regional Physical Development Plan in the Gazette and in at least two newspapers of national circulation.

(3) Before the Regional Physical Development Plan can be implemented, the governors of the relevant counties shall adopt the plan at a joint meeting of the relevant governors that shall be organized by the Regional Physical Planning Joint Committee.

(4) The approved Regional Physical Development Plan shall be deposited with the relevant County Director of Physical Planning.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 34 - as amended agreed to

Clause 35 - amendment proposed –

THAT, clause 35 of the Bill be deleted.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - deleted

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “city” appearing immediately after the word “county physical development plan” and substituting therefor the word “local”; and

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

"(2) Where a National Physical Development Plan and a Regional Physical Development Plan have not been prepared or approved, county governments may prepare other physical development plans which will be incorporated into the National Physical Development Plan or the relevant Regional Physical Development Plan after they have been prepared and approved."

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 36 - as amended agreed to
Clause 37 - amendment proposed –

THAT, clause 37 of the Bill be amended by deleting the word "records" appearing at the end of the sentence and substituting therefor the word "purposes".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 37 - as amended agreed to
Clause 38 - amendment proposed –

THAT, clause 38 of the Bill be amended—

(a) in sub-clause (2) by deleting the words "and the county spatial plan contemplated under section 110 of the County Governments Act."; and

(b) by inserting the following new sub-clause immediately after sub-clause (3)–

"(4) The county physical development plan shall suffice for purposes of the provisions of section 110 of the County Governments Act."

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 38 - as amended agreed to
Clause 39 - amendment proposed –

THAT, clause 39 of the Bill be amended by inserting the following new paragraph immediately after paragraph (g)–

“(h) any other purposes that may be determined by the planning authority.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Further amendment proposed –

THAT, clause 39 of the Bill be amended by inserting the following new paragraph immediately after paragraph (g) –

“(h) to provide for the mechanisms of zoning of settlements of the various residential areas.”

(Hon. Isaac Mwaura)

Proposed amendment dropped;

Clause 39 - as amended agreed to

Clause 40 - amendment proposed –

THAT, clause 40 of the Bill be amended—

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) The notice shall be displayed for a period of fourteen days at the offices of the county government and such other places as may be necessary in all the wards within the county.”; and

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause–

“(3) The county planning authority shall hold adequate stakeholder meetings in each ward before the completion of the preparation of the county physical development plan.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 40 - as amended agreed to

Clause 41 - agreed to

Clause 42 - amendment proposed –

THAT, clause 42 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) Within thirty days of the preparation of a county physical development plan, the county planning authority shall publish a notice in the Gazette and in at least two newspapers of national circulation informing the public that the draft county physical development plan is available at the places and times specified in the notice.”;

(b) by inserting the following new sub-clauses immediately after sub-clause (3)–

(3A) Any person aggrieved by a decision of the county planning authority concerning the county physical development plan or matters connected therewith, may within sixty days of receipt by him of notice of such decision, appeal to the county physical planning liaison committee in writing against the decision in such manner as may be prescribed.

(3B) Subject to sub-section (3A), the county physical planning liaison committee may reverse, confirm or vary the decision appealed against and make such order as it deems necessary or expedient to give effect to its decision.

(3C) When a decision is reversed by the county physical planning liaison committee it shall, before making any order under subsection (5), afford the county planning authority an opportunity of making representations as to any conditions or requirements which in his opinion ought to be included in the order, and shall also afford the appellant an opportunity to replying to such representations.

(3D) Any person aggrieved by a decision of the County Physical Planning Liaison Committee under this section may appeal to the Environment and Land Court against such decision in accordance with the rules of procedure for the time being applicable to the High Court.; and

(c) by deleting sub-clause (4).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 42 - as amended agreed to

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “one newspaper” and substituting therefor the words “two newspapers”;

(b) by inserting the following new sub-clause immediately after sub-clause (3)–

"(3) On the approval of the county physical development plan no development shall take place on any land unless it is in conformity with the approved plan.";

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 43 - as amended agreed to

Clause 44 - amendment proposed –

THAT, clause 44 of the Bill be amended–

- (a) in sub-clause (1) by inserting the word "if" at the end of the opening paragraph;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

"(2) On the approval of the county government, the County Executive Committee member in charge of physical planning shall publish a notice in the Gazette and in at least two newspapers of national circulation notifying any interested parties of the proposed amendments to the county physical development plan and the period within which interested parties may make representations to the County Executive Committee member.";

- (c) in sub-clause (3) by deleting paragraph (c) and substituting therefor the following new paragraph–

"(c) be in conformity with the National Physical Development Plan, Inter-County Physical Development Plan and any existing regional development plan."; and

- (d) in sub-clause (6) by deleting the word "government" and substituting therefor the words "planning authority".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 44 - as amended agreed to

Clause 45 - amendment proposed –

THAT, clause 45 of the Bill be amended in sub-clause (1) by deleting the word "eight" appearing immediately after the words "development plan after" and substituting therefor the word "five".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and negatived;

Clause 45 - agreed to

Clause 46 - amendment proposed –

THAT, clause 46 of the Bill be amended in sub-clause (2) by deleting the word “spatial” appearing immediately after the words “A local” and substituting therefor the word “physical”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 46 - as amended agreed to

Clause 47 - amendment proposed –

THAT, clause 47 of the Bill be amended by deleting the opening sentence and substituting therefor the following new opening sentence–

“(1) A county government shall prepare a local physical development plan for–”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be amended by deleting the words “or an officer in charge of city or municipal physical planning as may be appropriate, but only with the approval of the County Executive Committee”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 48 - as amended agreed to

Clause 49 - agreed to

Clause 50 - amendment proposed –

THAT, clause 50 of the Bill be amended–

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) Within thirty days of the preparation of a local physical development plan, a county planning authority shall publish a notice in the Gazette and in at least two newspapers of national circulation informing the public that the plan is available at the places and times designated in the notice for inspection and that an interested person may comment on the content of the plan.”;

(b) by inserting the following new sub-clause immediately after sub-clause (1)–

“(1A) The provisions of section 42 relating to the making of representations or objections to the county physical planning liaison committee concerning county physical development plans and to the consideration by the committee of such representations or objections and to appeals shall apply *mutatis mutandis* to this section.

(1B) The provisions of section 43 relating to the approval of a county physical development plan shall apply *mutatis mutandis* to the approval or disapproval of a local physical development plan.”

(c) by deleting sub-clause (2);

(d) by deleting sub-clause (3); and

(e) by deleting sub-clause (4).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 50 - as amended agreed to

Clause 51 - amendment proposed –

THAT, the Bill be amended by deleting clause 51 and substituting therefor the following new clause–

Approval of Local
Physical
Development
Plan.

51. The County Executive Committee member in charge of physical planning shall within fourteen days after the approval of a local physical development plan publish a notice in the Gazette and in at least two newspapers of national circulation that the plan has been approved

with or without modification and that the plan may be inspected at the place or places and times specified in the notice during normal working hours.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 51 - as amended agreed to

Clause 52 - amendment proposed –

THAT, clause 52 of the Bill be amended–

- (a) in sub-clause (2) by deleting the words “the executive committee member shall submit to the county physical development consultative forum a proposal for the amendment of the local physical development plan and set out the grounds for the proposed amendment” and substituting therefor the words “the provisions of section 44 shall apply with the necessary modifications”;
- (b) by deleting sub-clause (3)
- (c) by deleting sub-clause (4);
- (d) by deleting sub-clause (5) and substituting therefor the following new sub-clause–
“*(5) A County Executive Committee member in charge of physical planning may initiate the revision of a local physical development plan after a period of three years after the plan has been approved in accordance with section 51 of this Act or as the need may arise.*”; and
- (e) by deleting sub-clause (6).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 52 - as amended agreed to

Clause 53 - amendment proposed –

THAT, clause 53 of the Bill be amended–

- (a) in sub-clause (2) by deleting the words “by the County Assembly” appearing at the end of the sentence; and
- (b) in sub-clause (5) by deleting the word “government” and substituting therefor the words “planning authority”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 53 - as amended agreed to

Clauses 54 & 55 - agreed to

Clause 56 - amendment proposed –

THAT, the Bill be amended by deleting clause 56 and substituting therefor the following new clause–

Power to
undertake
development
control.
No. 13 of 2011.
No. 17 of 2012.

56. Subject to the provisions of this Act, the Urban Areas and Cities Act, 2011 and the County Governments Act, 2012, the planning authorities shall have the power within their areas of jurisdiction to–

- (a) prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area;
- (b) control or prohibit the subdivision of land;
- (c) consider and approve all development applications and grant all development permissions;
- (d) ensure the proper execution and implementation of approved physical development plans;
- (e) formulate by-laws to regulate zoning in respect of use and density of development; and
- (f) reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical development plans.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 56 - as amended agreed to

Clause 57 - amendment proposed –

THAT, clause 57 of the Bill be amended–

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) A person shall not carry out development within the area of a planning authority without a development permission granted by the planning authority.”; and

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) A person who commences any development without obtaining development permission commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 57 - as amended agreed to

Clause 58 - amendment proposed –

THAT, clause 58 of the Bill be amended–

(a) in sub-clause (3) by deleting the word “surrender” appearing immediately after the words “the applicant shall” and substituting therefor the word “provide”;

(b) by deleting sub-clause (5) and substituting therefor the following new sub-clause–

“(5) The development permission granted by planning authorities shall be subject to compliance with the provisions of any other written law.”; and

(c) by inserting the following new sub-clause immediately after sub-clause (5)–

“(6) Where an applicant does not receive a response for development permission, such permission shall be assumed to have been given in terms of this Act.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Amendment to amendment proposed;

That the proposed amendment be further amended by inserting the word ‘*written*’ appearing immediately after the word receive on paragraph (6) and further inserting the words ‘ within sixty days (60) days’ appearing after the word permission on paragraph (6)

“(6) Where an applicant does not receive **written** response for development permission **within sixty (60) days**, such permission shall be assumed to have been given in terms of this Act.”

Question put and agreed to;

Clause 58 - as amended agreed to

Clause 59 - amendment proposed –

THAT, clause 59 of the Bill be amended–

(a) in sub-clause (1) by inserting the words “the relevant” immediately after the words “have been prepared by”; and

(b) by deleting sub-clause (3).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 59 - as amended agreed to

Clause 60 - agreed to

Clause 61 - amendment proposed –

THAT, clause 61 of the Bill be amended–

- (a) in sub-clause (1) by deleting the words “tree cover” appearing in paragraph (b) and substituting therefor the word “environmental”;
- (b) by deleting sub-clause (2);
- (c) by deleting sub-clause (3);
- (d) in sub-clause (4) by deleting paragraph (c);
- (e) in sub-clause (5) by deleting the words “County Spatial Planning Tribunal” and substituting therefor the words “County Physical Planning Liaison Committee”;
- (f) by deleting sub-clause (6) and substituting therefor the following new sub-clause–

“(6) An applicant or an interested party who files an appeal under sub-section (5) and who is aggrieved by the decision of the committee may appeal against that decision to the Environment and Land Court.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 61 - as amended agreed to

Clause 62 - amendment proposed –

THAT, clause 62 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 62 - deleted

Clause 63 - amendment proposed –

THAT, clause 63 of the Bill be amended–

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) A planning authority shall maintain a register of documents submitted by applicants for development permission and shall issue a submission certificate to every applicant who submits such documents.”; and

(b) by deleting sub-clause (2).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 63 - as amended agreed to

Clause 64 - amendment proposed –

THAT, clause 64 of the Bill be amended–

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) A planning authority may levy a development fee against an applicant for development permission.”; and

(b) by deleting sub-clause (3).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 64 - as amended agreed to

Clause 65 - amendment proposed –

THAT, clause 65 of the Bill be amended in sub-clause (3) by inserting the word “further” immediately after the words “it may impose”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 65 - as amended agreed to

Clause 66 - amendment proposed –

THAT, clause 66 of the Bill be amended by deleting sub-clause (1).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 66 - as amended agreed to

Clause 67 - amendment proposed –

THAT, clause 67 of the Bill be amended by deleting sub-clause (2).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 67 - as amended agreed to

Clause 68 - amendment proposed –

THAT, clause 68 of the Bill be amended–

- (a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (b)–

“(ba) Despite the provisions of subsections (1)(a) and (1)(b)(iii) of this section, in case of any material variations in a development permission, the applicant may apply to the planning authority for development permission.”

- (b) in sub-clause (2)–

- (i) by deleting paragraph (a) and substituting therefor the following new paragraph–
“(a) a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both”
- (ii) by deleting paragraph (b).

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 - as amended agreed to

Clause 69 - agreed to

Clause 70 - amendment proposed –

THAT, clause 70 of the Bill be amended–

- (a) by deleting sub-clause (2);
- (b) in sub-clause (3) by deleting the word “spatial” and substituting therefor the word “physical”;
- (c) by inserting the following new paragraph immediately after paragraph (3)–

“(3A) The Cabinet Secretary shall within sixty days of the enactment of this Act make regulations prescribing for the projects that may be classified as strategic national or inter-county projects.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 70 - as amended agreed to

Clause 71 - amendment proposed –

THAT, clause 71 of the Bill be amended in sub-clause (2) by deleting the word “spatial” and substituting therefor the word “physical”.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 71 - as amended agreed to

Clause 72 - amendment proposed –

THAT, clause 72 of the Bill be amended–

- (a) in sub-clause (1) by deleting the words “the development of land has been or is being carried out” appearing in paragraph (a) and substituting therefor the words “a developer commences development on any land without development permission”;

- (b) by deleting sub-clause (4) and substituting therefor the following new sub-clause–

“(4) Any party aggrieved with the determination of the county physical planning liaison committee may appeal to the court only on a matter of law and the court shall hear and determine the appeal within thirty days.”; and

- (c) by deleting sub-clause (5) and substituting therefor the following new sub-clause–

“(5) A person who has been served with an enforcement notice and who refuses to comply with the provisions of that notice commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 72 - as amended agreed to

Clause 73 - amendment proposed –

THAT, clause 73 of the Bill be amended–

(a) in sub-clause (1) by deleting the opening paragraph and substituting therefor the following new opening paragraph–

“(1) A planning authority in charge of an urban area or a city shall require an owner, agent or developer of property or land to present a development application for consideration of the planning authority if, after the commencement of this Act–”

(b) in sub-clause (2)–

- (i) by deleting the word “occupier” appearing in paragraph (a);
- (ii) by deleting paragraph (b); and

(c) in sub-clause (3) by deleting the word “occupier” wherever it appears.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 73 - as amended agreed to

Clause 74 - amendment proposed –

THAT, clause 74 of the Bill be deleted

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 74 - deleted

Clause 75 - agreed to

Clause 76 - amendment proposed –

THAT, clause 76 of the Bill be amended–

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) The National Physical Planning Liaison Committee shall consist of–

- (a) a representative of the National Land Commission;
- (b) the Director-General of the National Environment Management Authority or a designated representative;
- (c) the Director-General of the Water Resources Management Authority or a designated representative;
- (d) the Director-General of the Kenya National Highways Authority or a designated representative;
- (e) the Chairperson of the National Construction Authority or a designated representative;
- (f) the Chief of Defence Forces or a designated representative;
- (g) a representative of the Council of Governors;
- (h) a person nominated by an alliance representing associations in the private sector in Kenya and appointed by the Cabinet Secretary;
- (i) a registered architect nominated by an association of architects in Kenya and appointed by the Cabinet Secretary;
- (j) a registered physical planner nominated by the Kenya Institute of Planners and appointed by the Cabinet Secretary;
- (k) a registered surveyor nominated by the Institution of Surveyors of Kenya and appointed by the Cabinet Secretary; and
- (l) an advocate of the High Court nominated by the Law Society of Kenya and appointed by the Cabinet Secretary.”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) The Cabinet Secretary shall provide the secretariat services to the committee.”;
and

(c) by inserting the following new sub-clause immediately after sub-clause (3)–

“(3A) The Chairperson of the committee shall be a person appointed under paragraphs (h), (i), (j), (k) or (l).”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 76 - as amended agreed to

Clause 77 - amendment proposed –

THAT, clause 77 of the Bill be amended in sub-clause (2) by deleting the words “National Physical Planning Consultative Forum” and substituting therefor the words “national planning authority”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 77 - as amended agreed to

Clause 78 - agreed to

Clause 79 - amendment proposed –

THAT, clause 79 of the Bill be amended–

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) The County Physical Planning Liaison Committee shall consist of–

- (a) an advocate of the High Court nominated by the Law Society of Kenya and appointed by the County Executive Committee member in charge of physical planning, who shall be the chairperson;
- (b) a representative of the National Land Commission;
- (c) a registered physical planner nominated by the Kenya Institute of Planners and appointed by the County Executive Committee member in charge of physical planning;
- (d) a registered architect nominated by an association of architects in Kenya and appointed by the County Executive Committee member in charge of physical planning;
- (e) a registered surveyor nominated by the Institution of Surveyors of Kenya and appointed by the County Executive Committee member in charge of physical planning; and
- (f) two members, being one male and one female, nominated by the county chamber of commerce and appointed by the County Executive Committee member in charge of physical planning.”

(b) by inserting the following new sub-clause immediately after sub-clause (2)–

“(3) The County Executive Committee member in charge of physical planning shall provide secretariat services to the committee.”

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 79 - as amended agreed to

Clauses 80 & 81 - agreed to

Clause 82 - amendment proposed –

THAT, clause 82 of the Bill be amended in sub-clause (1) by inserting the words “in the

prescribed form" at the end of the sentence.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 82 - as amended agreed to

Clauses 83, 84 & 85 - agreed to

Clause 86 - amendment proposed –

THAT, clause 86 of the Bill be amended–

(a) in sub-clause (2) by deleting the word "County" appearing immediately after the words "A member of a "; and

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause–

"(3) A member of a physical planning liaison committee who does not disclose an interest as required under this section commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months or to both."

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 86 - as amended agreed to

Clause 87 - amendment proposed –

THAT, clause 87 of the Bill be amended in sub-clause (1) by deleting the word "that" appearing in paragraph (b) and substituting therefor the word "the".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 87 - as amended agreed to

Clause 88 - amendment proposed –

THAT, clause 88 of the Bill be amended by deleting the word "County" wherever it

appears.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 88 - as amended agreed to

Clause 89 - amendment proposed –

THAT, clause 89 of the Bill be amended by deleting the word "County" and substituting therefor the word "the"

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 89 - as amended agreed to

Clause 90 - amendment proposed –

THAT, clause 90 of the Bill be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Further amendment proposed –

THAT, clause 90 of the Bill be amended–

- (a) in sub-clause (1) by deleting the words "Each County Physical Planning Consultative Forum" and substituting therefor the words "the National Physical Planning Consultative Forum in consultation with the Cabinet Secretary."
- (b) in sub-clause (2) by inserting the following paragraph immediately after paragraph (c) –
"(c) mechanisms of zoning of settlements of the various residential areas."

(Hon. Isaac Mwaura)

Question of the further amendment proposed;

Debate arising

Question put and agreed to;

Clause 90 - as amended agreed to

Clauses 91, 92 & 93 - agreed to

Clause 94 - amendment proposed –

THAT, the Bill be amended by deleting clause 94 and substituting therefor the following new clause–

Pending
disputes. **94.** All disputes relating to physical planning shall, before establishment of the national and county physical planning liaison committees shall be heard and determined by the Environment and Land Court.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 94 - as amended agreed to

Clause 95 - agreed to

First Schedule – amendment proposed –

THAT, the First Schedule of the Bill be amended by deleting the title and substituting therefor the following new title–

“PROCEDURE OF APPOINTMENT OF MEMBERS OF THE NATIONAL PHYSICAL DEVELOPMENT CONSULTATIVE FORUM”

INSERTION OF NEW CLAUSES

New Clauses 8A, 18B, 18C proposed –

THAT the Bill be amended by inserting the following new clauses immediately after clause 18—

County Director of
Physical Planning. **18A.** (1) There is established the office of the County Director of Physical Planning which shall be an office in the county public service.

(2) The County Director of Physical Planning shall advise and be responsible to the County Executive Committee Member in charge of physical planning.

(Chairperson, Departmental Committee on Lands)

Motion made and Question proposed -

THAT, the New Clause 18A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 18A be part of the Bill

Question put and agreed to.

Qualifications of
the County Director
of Physical
Planning.

18B. The qualifications for appointment as a County Director of Physical Planning shall be similar to those for the appointment of the National Director of Physical Planning.

(Chairperson, Departmental Committee on Lands)

Motion made and Question proposed -

THAT, the New Clause 18B be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 18B be part of the Bill

Question put and agreed to.

Responsibilities of
the County Director
of Physical
Planning.

18C. The County Director of Physical Planning shall be responsible for—

- (a) advising the county government on physical planning matters that impact on the whole country;
- (b) formulating county physical planning policies, guidelines and standards;
- (c) preparation of county physical development plans;
- (d) preparation of local physical development plans;
- (e) participating in the preparation of regional physical development plans;
- (f) undertaking research on matters relating to physical development planning at the county level; and
- (g) recommending to the county government the establishment of planning units as may be necessary.

(Chairperson, Departmental Committee on Lands)

Motion made and Question proposed -

THAT, the New Clause 18C be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 18C be part of the Bill

Question put and agreed to.

New Clause 85A proposed –

THAT the Bill be amended by inserting the following new clause immediately after clause 85—

Appeals to **85A.** The provisions of sections 82, 83, 84 and 85 shall apply with the
National necessary modifications in the case of appeals to the National Physical
Physical Planning Liaison Committee.
Planning Liaison Committee.

(Chairperson, Departmental Committee on Lands)

Motion made and Question proposed -

THAT, the New Clause 18A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 18A be part of the Bill

Question put and agreed to.

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended—

(a) in the definition of the term “planning authority” by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the County Executive Committee member responsible for matters relating to physical planning”; and

(b) by inserting the following new definitions in their proper alphabetical sequence—

“commercial use” includes shops, offices, hotels, restaurants, bars, kiosks and similar business enterprises but does not include petroleum filling stations;

“emerging technologies” include telecommunication installations, information and communications technology parks and aviation services;

“industrial use” includes manufacturing, processing, distilling, brewing, warehousing and storage, workshops and garages, mining and quarrying, power generation and similar industrial activities including petroleum filling stations;

“land use planning” refers to a branch of physical planning encompassing various disciplines which seek to order and regulate land use in an efficient and ethical way;

“physical planning” refers to the active process of organizing the structures and functions to ensure orderly and effective sitting or location of land uses, and it encompasses deliberate determination of spatial plans with an aim of achieving the most optimum level of land utilization in a sustainable manner.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 2 - as amended agreed to

First Schedule - amendment proposed

THAT, the First Schedule of the Bill be amended by deleting the title and substituting therefore the following new title—

“PROCEDURE OF APPOINTMENT OF MEMBERS OF THE NATIONAL PHYSICAL DEVELOPMENT CONSULTATIVE FORUM”

Question of the amendment proposed;

Debate arising

Question put and agreed to;

First Schedule - as amended agreed to

Second Schedule - agreed to

Third Schedule - agreed to

Fourth Schedule - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

16. **HOUSE RESUMED** - the Third Chairperson in the Chair

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report

(Chairperson, Departmental Committee on Lands)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Physical Planning Bill (National Assembly Bill No.46 of 2015) be now read a Third Time

(Chairperson, Departmental Committee on Lands)

Question of the Third Reading deferred to another day.

17. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2015)

Motion made -

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until **Tuesday, 9th February, 2016** in accordance with the Calendar of the Assembly (Regular Sessions).

(Leader of the Majority Party)

Debate arising;

And the time being Eight O'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at Eight O'clock

MEMORANDUM

The Speaker will take the Chair on
Tuesday, February 09, 2016 at 2.30 p.m.

-- X --