



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**THURSDAY DECEMBER 03, 2015 AT 2.30 P.M**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

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

(The Chairperson, Departmental Committee on Environment and Natural Resources)

**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, 2<sup>nd</sup> December, 2014.

*(Question to be put)*

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

(The Chairperson, Departmental Committee on Environment and Natural Resources)

**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, 2<sup>nd</sup> December, 2014.

*(Question to be put)*

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

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Third Reading  
*(Question to be put)*

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**11\*. PROCEDURAL MOTION - EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES FOR VARIOUS APPOINTMENTS**  
(The Leader of the Majority Party)

**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 15<sup>th</sup> December, 2015.

**12\*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 8 OF 2013**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

**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, 22<sup>nd</sup> April, 2014.

**13\*. MOTION - RATIFICATION OF WORLD TRADE ORGANIZATION AGREEMENT ON TRADE FACILITATION**  
(The Chairperson, Departmental Committee on Finance, Planning and Trade)

**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, 3<sup>rd</sup> 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.

**14\*\*. COMMITTEE OF THE WHOLE HOUSE**  
The Physical Planning Bill (National Assembly Bill No. 46 of 2015)  
(The Leader of the Majority Party)

**15\*\*. THE FOREST CONSERVATION AND MANAGEMENT BILL**  
**(NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**  
(The Leader of the Majority Party)

Second Reading  
(Resumption of debate interrupted on Thursday, December 03, 2015 – Morning Sitting)

**16\*\*. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**  
(The Leader of the Majority Party)

Second Reading  
(Resumption of debate interrupted on Tuesday, December 01, 2015)

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\* Denotes Orders of the Day  
\*\* Denotes Bill with Constitutional Timeline

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# N O T I C E S

## I. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

- 1) **Notice is given that the Chairperson, Departmental Committee on Lands (Hon. Alex Mwiru) intends to move the following amendments to the Physical Planning Bill, 2015 at the Committee Stage—**

### **CLAUSE 2**

**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.

### **CLAUSE 3**

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

### **CLAUSE 5**

**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”.

**CLAUSE 8****THAT**, clause 8 of the Bill be deleted.**CLAUSE 9****THAT**, clause 9 of the Bill be deleted.**CLAUSE 10****THAT**, clause 10 of the Bill be deleted.**CLAUSE 11****THAT**, clause 11 of the Bill be deleted.**CLAUSE 12****THAT**, clause 12 of the Bill be deleted.**CLAUSE 13****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”

**CLAUSE 14****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.

**CLAUSE 16****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”.

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

Responsi-  
bilities of  
the  
National  
Director  
of  
Physical  
Planning.

**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.

**CLAUSE 18**

**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.

**CLAUSE 19**

**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.”

**CLAUSE 20**

**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.

**CLAUSE 21**

**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).

**CLAUSE 22**

**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”.

#### **CLAUSE 23**

**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.”

#### **CLAUSE 24**

**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.”

#### **CLAUSE 25**

**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”.

#### **CLAUSE 26**

**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”.

#### **CLAUSE 27**

**THAT**, clause 27 of the Bill be deleted.

**CLAUSE 28**

**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.”

**CLAUSE 30**

**THAT**, clause 30 of the Bill be deleted.

**CLAUSE 31**

**THAT**, clause 31 of the Bill be deleted.

**CLAUSE 32**

**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”.

**CLAUSE 33**

**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.”

**CLAUSE 34**

**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.

**CLAUSE 35**

**THAT**, clause 35 of the Bill be deleted.

**CLAUSE 36**

**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.”

**CLAUSE 37**

**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”.

**CLAUSE 38**

**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.”



**CLAUSE 39**

**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.”

**CLAUSE 40**

**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.”

**CLAUSE 42**

**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).

**CLAUSE 43**

**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.”;

**CLAUSE 44**

**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”.

**CLAUSE 45**

**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”.

**CLAUSE 46**

**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”.

**CLAUSE 47**

**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—”

**CLAUSE 48**

**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”.

**CLAUSE 50**

**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).

### **CLAUSE 51**

**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.

### **CLAUSE 52**

**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).

### **CLAUSE 53**

**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”.

**CLAUSE 56**

**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.

**CLAUSE 57**

**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.”

**CLAUSE 58**

**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.”

**CLAUSE 59**

**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).

**CLAUSE 61**

**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.”

**CLAUSE 62**

**THAT**, clause 62 of the Bill be deleted.

**CLAUSE 63**

**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).

**CLAUSE 64**

**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).

**CLAUSE 65**

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

**CLAUSE 66**

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

**CLAUSE 67**

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

**CLAUSE 68**

**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).

**CLAUSE 70**

**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.”

**CLAUSE 71**

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

**CLAUSE 72**

**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.”

**CLAUSE 73**

**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.

**CLAUSE 74**

**THAT**, clause 74 of the Bill be deleted.

**CLAUSE 76**

**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).”

**CLAUSE 77**

**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”.

**CLAUSE 79**

**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."

**CLAUSE 82**

**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.

**CLAUSE 86**

**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."

**CLAUSE 87**

**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".

**CLAUSE 88**

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

**CLAUSE 89**

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

**CLAUSE 90**

**THAT**, clause 90 of the Bill be deleted.



**CLAUSE 94**

**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.

**FIRST SCHEDULE**

**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 18A, 18B, 18C**

**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.

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.

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.

**NEW CLAUSE 85A**

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

Appeals to National  
Physical Planning  
Liaison Committee.

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

**2) Notice is given that the Nominated Member (Hon. Isaac Mwaura), intends to move the following amendments to the Physical Planning Bill, 2015 at the Committee Stage –**

**CLAUSE 5**

**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;

**CLAUSE 9**

**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;

**CLAUSE 39**

**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.”

**CLAUSE 90**

**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.”

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

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

*(Thereafter, the House to adjourn without question put)*

### MOTION – (The Leader of the Majority Party)

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

### The House resolved on Wednesday, February 11, 2015 as follows:-

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

**The House further resolved on Wednesday, November 11, 2015 as follows:-**

- V. **THAT**, pursuant to the provisions of Standing Order No. 97(1) and notwithstanding the resolution of the House of 11<sup>th</sup> February, 2015 regarding limitation of time in debates, each speech in a debate on any **Sessional Paper during the current part of the Session** shall be limited as follows: - A maximum of sixty (60) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- VI. **THAT**, notwithstanding the provisions of Standing Order 97(4), the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, shall be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

**Provided that, when the period of Recess proposed by any such motion does not exceed fifteen (15) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.**

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