



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – SECOND SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS
WEDNESDAY, MARCH 27, 2018

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

The Member for Mwingi Central (Hon. Gideon Mulyungi) presented a petition regarding *Exploitation Coal Mining in Kibwezi East*.

5. **PAPERS LAID**

The following Papers were laid on the Table of the House–

- Reports of the Auditor General on the financial statements in respect of the following institutions for the year ending 30th June, 2018 and the certificates therein: -
 - a) Rural Enterprise Fund;
 - b) Salaries and Remuneration Commission;
 - c) Receiver of Revenue (Development);
 - d) The Receiver of Revenue - Pension Department;
 - e) Revenue Statements - State Department for Correctional Services;
 - f) State Department for Correctional Services;
 - g) Energy Regulatory Commission;
 - h) National Land Commission; and
 - i) Ministry of Foreign Affairs.

(The Leader of the Majority Party)

6. **QUESTIONS**

The following Questions were asked –

- (i) Question No. 142/2019 by the Member for Nairobi City County (Hon. Esther Passaris), regarding the list of Government-funded orphanages and related institutions, cost of running them, challenges faced and the plans by Ministry to subsidize cost of housing and utilities.

*(To be replied by the Cabinet Secretary for Labour and Social Protection before the
Departmental Committee on Labour and Social Welfare)*

- (ii) Question No. 151/2019 by the Member for Marakwet West (Hon. William Kisang), regarding existence and reasons for termination of lease agreement between Kisii University and Siokwei Tarita Limited on the tenancy of Tarita center.

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (iii) Question No. 152/2019 by the Member for Sotik (Hon. Dominic Kosgei), regarding criteria used to write-off loans owed by farmers to Agricultural Finance Corporation following a Presidential directive of 2017.

(To be replied by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation before the Departmental Committee on Agriculture and Livestock)

- (iv) Question 154/2019 by the Member for Kaiti (Hon. Joshua Kimilu), regarding continued withholding of Kenya Certificate of Secondary Education certificates for candidates who could afford to pay fee arrears by Public Secondary Schools in Makueni County.

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (v) Question 156/2019 by the Member for Mwatate (Hon. Andrew Mwadime), regarding the Policy on language of instruction for children at pre-primary and lower primary schools vis-à-vis the guiding principle of Section 4 of the Basic Education Act of 2013.

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (vi) Question 157/2019 by the Member for Kitui Rural (Hon. David Mboni) regarding the status of construction of the South Eastern Kenya University (SEKU)-Kwa-Konza Road in Kitui Rural Constituency.

(To be replied by the to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)

7. **MOTION - SENATE AMENDMENTS TO THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)**

Motion made and Question proposed –

THAT, the Senate amendments to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) be now considered.

(Leader of the Majority Party)

Debate on the Bill having been concluded on Tuesday, 26th March, 2019;

Question put and agreed to.

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8. **MOTION - SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2017)**

Motion made and Question proposed –

THAT, the Senate amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017) be now considered.

(Leader of the Majority Party)

Debate on the Motion having been concluded on Tuesday, 26th March, 2019;

Question put and agreed to.

9. **MOTION- REPORT ON AN INSPECTION VISIT TO THE NAMANGA ONE-STOP BORDER POST IN KAJIADO COUNTY**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Committee on Regional Integration on Inspection Visit of the Namanga One Stop Border Post, Kajiado County held from 7th to 10th April 2018, *laid on the Table of the House on Tuesday, November 13, 2018.*

(The Chairperson, Committee on Regional Integration)

Debate on the Motion having been concluded on Tuesday, 26th March, 2019;

Question put and agreed to.

10. **THE NATIONAL COHESION AND INTEGRATION COMMISSION (AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2019)**

(The Chairperson, Select Committee on National Cohesion and Equal Opportunity)

Order for First Reading Read;

Bill Read a First Time and committed to the relevant Departmental Committee pursuant to Standing Order 127(1).

11. **MOTION - SENATE AMENDMENTS TO THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017)**

Motion made and Question proposed –

THAT, the Senate amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017) be now considered.

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Debate Arising;

Rising in his place on a Point of Order under Standing Order 95, the Member for Navakholo Constituency (Hon. Emmanuel Wangwe) claimed to move that the Mover be called upon to reply;

Thereupon question proposed;

Question put and agreed to;

Mover Replied;

Question put and agreed to.

12. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson of Committees

- (i) **Senate amendments to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)**

CLAUSE 1

Senate amendment proposed -

THAT, Clause 1 of the Bill be amended by deleting the words “Value Index” appearing immediately after the words “as the Land”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

THAT, the Senate amendment to Clause 1 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 1 - deleted.

CLAUSE 2

Senate amendment proposed -

THAT, clause 2 of the Bill be amended by—

- (a) deleting the proposed definition of the term “prompt” and substituting therefor the following new definition—
“prompt” means within a reasonable time of, and in any case not more

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than one year after, the taking of possession of the land by the Commission;

- (b) deleting the proposed definition of the term “full” and substituting therefor the following new definition—
“full” in relation to compensation for compulsorily acquired land or creation of way leaves, easements and public rights of way means the restoration of the value of the land, including improvements thereon, as at the date of the notice of intention to acquire the land and any other matter provided for in this Act;

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Question put and agreed to.

Senate amendment to Clause 2 - approved.

CLAUSE 3

Senate amendment proposed -

THAT, the Bill be amended by deleting clause 3.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Question put and agreed to.

Senate amendment to Clause 3 - approved.

CLAUSE 4

Senate amendment proposed -

THAT, the Bill be amended by deleting Clause 4.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Question put and agreed to.

Senate amendment to Clause 4 - approved.

CLAUSE 5

Senate amendment proposed -

THAT, Clause 5 of the Bill be amended —

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) by inserting the following new subsection immediately after subsection (3)—

(3A) Where the Commission rejects a request of an acquiring body in accordance with subsection (3), the Commission shall inform the relevant acquiring body within seven days of the decision to reject the request.;

(b) in paragraph (b) by deleting the proposed new subsection (4)(b) and substituting therefor the following new paragraph—

(c) establish that the acquiring authority has identified the number and maintains a register of persons in actual occupation of the land, confirming

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(d) for each such occupation how much time they have been in uninterrupted occupation or ownership of interest in the land prior to the date of the request for acquisition of the land, and the improvements thereon;

(e) in paragraph (c) by deleting the word “body” appearing immediately after the words “in the acquiring” in the proposed subsection 107(5B) and substituting therefor the word “authority”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

THAT, the Senate amendments to Clause 5 be amended—

(a) in paragraph (a), by deleting the word “seven” appearing in the proposed new subsection (3A) and substituting therefor the word “fourteen”;

(b) by deleting paragraph (b);

(c) by deleting paragraph (c);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 5 as amended - approved.

CLAUSE 6

Senate amendment proposed -

THAT, clause 6 of the Bill be amended—

(a) in the proposed new section 107A—

(i) by deleting subsection (1) and substituting therefor the following new subsection—

(1) Valuation of freehold land and community land for purposes of compensation under this Act shall be based on the provisions of this Part and the land value index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate;

(ii) in subsection (4) by deleting the word “apparent” appearing immediately after the words “increase in the” in the introductory clause in paragraph (c);

(iii) in subsection (4) by inserting the words “and are not capital improvements” immediately after the words “state of repair” in paragraph (c)(ii)

(iv) in subsection (8) by deleting the word “twelve” appearing immediately after the words “uninterrupted period of” in paragraph (a) and substituting therefor the word “six”;

(b) in the proposed new subsection 107B(2)—

- (i) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) the value of the land based on the unexpired term of the lease calculated on the basis of a land value index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate;
- (ii) by deleting the word “cost” appearing immediately after the word “the” in paragraph (b) and substituting therefor the word “value”; and

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- (iii) by inserting the words “in consultation with the Cabinet Secretary and county governments and with the approval of the National Assembly and the Senate” immediately after the words “prescribe in Regulations” in paragraph (c).

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

- THAT**, the Senate amendment to Clause 6 be amended in paragraph (a) by—
- (a) deleting sub-paragraph (ii);
 - (b) deleting sub-paragraph (iv);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 6 as amended - approved.

CLAUSE 7

Senate amendment proposed -

THAT, clause 7 of the Bill be amended—

- (a) in the proposed new subsection (1A) by inserting the following proviso immediately after paragraph (f)—

Provided that regardless of the form of compensation under this section, where an acquisition process is not completed within twenty four months from the date of publication of the notice of intention to acquire, the acquisition shall lapse;
- (b) by renumbering the existing clause as sub-clause (1) and inserting the following new sub-clause immediately after sub-clause (1)—
 - (2) Section 111 of the Land Act is amended in subsection (1A) by deleting the word “body” appearing immediately after the words “The acquiring” and substituting therefor the word “authority”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

THAT, the Senate amendment to Clause 7 be amended by deleting paragraph (b).

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 7 as amended - approved.

CLAUSE 12

Senate amendment proposed -

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THAT, Clause 12 of the Bill be amended by—

- (a) deleting paragraph (a);
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) by deleting subsection (1) and substituting therefor the following new subsection—

(1) After an award has been made, the Commission may take possession of the respective land by serving on every person interested in the land a notice that on a specified day possession of the land and the title to the land will vest in the national or county government as the case may be, provided that such taking of possession will not result in persons being rendered homeless.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Question put and agreed to.
Senate amendment to Clause 12 - approved.

CLAUSE 13

Senate amendment proposed -

THAT, the Bill be amended by deleting Clause 13.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Question put and agreed to.
Senate amendment to Clause 13 - approved.

CLAUSE 14

Senate amendment proposed -

THAT, the Bill be amended by deleting Clause 14.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Question put and agreed to.
Senate amendment to Clause 14 - approved.

CLAUSE 16

Senate amendment proposed -

THAT, Clause 16 of the Bill be amended by deleting paragraph (b).

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Question put and agreed to.

Senate amendment to Clause 16 - approved.

CLAUSE 17

Senate amendment proposed -

THAT, Clause 17 of the Bill be amended in the proposed new section 133A by deleting subsection (2) and substituting therefor the following new subsection—

(2) The members of the Tribunal shall consist of —

- (a) one person nominated by the Judicial Service Commission, who shall serve as the chairperson;
- (b) one person nominated by the Cabinet Secretary;
- (c) one person nominated by the Valuers Registration Board
- (d) one person nominated by Land Surveyors' Board; and

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(e) one person nominated by Attorney General.

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

THAT, the Senate amendment to Clause 17 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 17 - deleted.

Consideration to be reported with amendments

(ii) **Senate amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017)**

CLAUSE 1

Senate amendment proposed

THAT, Clause 1 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “cited as the” and substituting therefor the words “Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

THAT, the Senate amendments to the Title be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 1 - deleted.

CLAUSE 2

Senate amendment proposed

THAT, Clause 2 of the Bill be amended by—

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- (a) deleting the word “planning” appearing immediately after the words “matter related to” in the definition of the term “Cabinet Secretary” and substituting therefor the words “land use”; and
- (b) deleting the definition of the term “land use planning” and substituting therefor the following new definition—
“land use planning” refers to the interdisciplinary process of evaluating, organising and controlling the present and the future development and use of land and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities;
- (c) deleting the definition of the term “local physical planning development plan” and substituting therefor the following new definition—
“local land use development plan” means a plan for the area or part thereof of a city, municipality, town or urban council and includes a plan with reference to any trading or marketing centre;
- (d) deleting the definition of the term “National Director of Physical Planning” and substituting therefor the following new definition in its proper alphabetical sequence—
“Director General of Land Use Planning” means the Director General of Land Use Planning appointed under section 10 of this Act;
- (e) deleting the definition of the term “physical planning” and substituting therefor the following new definition—
“physical planning” refers to a form of land use planning which attempts to achieve an optimal spatial coordination of different human activities for the enhancement of the quality of life;
- (f) deleting the words “responsible for matters relating to physical planning” appearing immediately after the words “Executive Committee Member” in paragraph (b) in the definition of the term “planning authority”;
- (g) deleting the definition of the term “Inter-County physical development plan” and substituting therefor the following new definition—
“Inter-County Land Use Development Plan” means a plan for an area covering two or more counties or parts thereof;
- (h) deleting the definition of the term “spatial planning” and substituting therefor the following new definition—
“spatial planning” means the methodology and approach used to influence the distribution of people and activities to achieve optimal utilization of physical, economic and sociocultural resources;
- (i) inserting the following new definitions in their proper alphabetical sequence—
“county executive committee member” means the county executive committee member responsible for matters relating to land use planning in the respective county;
“registrar” has the same meaning assigned it under section 2 of the Land Registration Act

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to the Senate amendment proposed

THAT, the Senate amendments to Clause 2 be amended by—

- (a) deleting the definition of the term “planning”;

(b) deleting the definition of the term “land use planning”;
deleting the definition of the term “local land use development plan”;

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- (c)
- (d) deleting the definition of the term “physical planning”;
- (e) deleting the definition of the term “Inter-County Land Use Development Plan”;
- (f) deleting the definition of the term “spatial planning”;
- (g) deleting the definition of the term “registrar”;

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 2 as amended - approved.

CLAUSE 3

Senate amendment proposed

THAT, clause 3 of the Bill be amended by—

- (a) inserting the words “with respect to land use planning” immediately after the words “for dispute resolution” in paragraph (e); and
- (b) inserting the following new paragraphs immediately after paragraph (g) —
 - (h) a robust, comprehensive and responsive system of land use planning and regulation; and
 - (i) provide a framework to ensure that investments in property benefit local communities and their economies.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to clause 3 be amended—

- (a) in paragraph (a) by deleting the words “land use” and substituting therefor the word “physical”;
- (b) in paragraph (b), by deleting the words “land use” appearing in the proposed new paragraph (h) and substituting therefor the word “physical”;

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 3 as amended - approved.

CLAUSE 4

Senate amendment proposed

THAT, clause 4 of the Bill be amended by deleting the marginal note and substituting

therefor the following new marginal note—

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Values and principles.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Question of the Senate amendment put and agreed to

Senate amendment to Clause 4 – approved

PART II

Senate amendment proposed

THAT, the title to PART II of the Bill be amended by deleting the word “**PHYSICAL**” and substituting therefor the words “**LAND USE**”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Part II be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Part II - deleted.

CLAUSE 5

Senate amendment proposed

THAT, Clause 5 of the Bill be amended —

- (a) by deleting the word “Physical” appearing immediately after the words “established the National” in sub-clause (1) and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by—
 - (i) deleting the word “physical” appearing immediately after the words “matters related to” in paragraph (a) and substituting therefor the words “land use”
 - (ii) deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) the Director General of land use planning;
 - (iii) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) three Governors appointed by the Council of Governors or their respective designated representatives;
 - (iv) deleting paragraph (e);
 - (v) inserting the words “or a designated member of the Commission” immediately after the words “National Land Commission” in paragraph (d);
 - (vi) inserting the words “or a designated principal secretary” immediately after the words “to economic planning” in paragraph (f);
 - (vii) inserting the words “or a designated principal secretary” immediately after the words “to the environment” in paragraph (g);
 - (viii) inserting the words “or a designated principal secretary” immediately after the words “roads and infrastructure” in paragraph (h);
 - (ix) inserting the words “or a designated principal secretary” immediately after the words “and community development” in paragraph (i);
 - (x) inserting the words “or a designated principal secretary” immediately after

(xi) the words “related to culture” in paragraph (j);
inserting the words “or a designated principal secretary” immediately after
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- (xii) the words “related to defence” in paragraph (k);
(xiii) deleting paragraph (o) and substituting therefor the following new paragraph—
(o) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya; and
(xiv) deleting paragraph (p) and substituting therefor the following new paragraph—
(p) a person nominated by a registered national association representing the largest number of residents in Kenya;
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
(3) The Cabinet Secretary shall appoint members nominated under subsection (2)(l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.
- (d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

- THAT**, the Senate amendments to Clause 5 be amended—
(a) by deleting paragraph (a);
(b) in paragraph (b), by—
(i) deleting sub-paragraph (i);
(ii) in sub-paragraph (ii) by deleting the words “land use and substituting therefor the word “physical”;
(iii) deleting sub-paragraph (xii);
(iv) deleting paragraph (xiii);
(c) by deleting paragraph (c);
(d) by deleting paragraph (d);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 5 as amended - approved.

CLAUSE 6

Senate amendment proposed

- THAT**, Clause 6 of the Bill be amended by—
(a) by deleting the word “Physical” appearing immediately after the words “of the National” in the introductory clause and substituting therefor the words “Land Use”;
(b) deleting the word “physical” appearing immediately after the words “on the national” in paragraph (a) and substituting therefor the words “land use”;
(c) deleting the word “physical” appearing immediately after the words “and integration of” in paragraph (b) and substituting therefor the words “land use”;
(d) deleting the word “physical” appearing immediately after the words “and implementation of” in paragraph (c) and substituting therefor the words “land use”;
and
(e) deleting the word “Physical” appearing immediately after the words “of the National” in the marginal note and substituting therefor the words “Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

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Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 6 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 6 - deleted.

CLAUSE 7

Senate amendment proposed

THAT, clause 7 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “Act, the National” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”; and
- (d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 7 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 7 - deleted.

CLAUSE 8

Senate amendment proposed

THAT, clause 8 of the Bill be amended in paragraph (c) by deleting the word “physical” appearing immediately after the words “parameters relating to” and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 8 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 8 - deleted.

CLAUSE 9

Senate amendment proposed

THAT, Clause 9 of the Bill be amended—

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- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy on” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) approval and oversight over the preparation of national land use development plans;
- (d) by deleting paragraph (d); and
- (e) in paragraph (e) by inserting the words “land use” immediately after the words “county levels of”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 9 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting the words “land use” appearing in paragraph (c) and substituting therefor the word “physical”;
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 9 as amended - approved.

CLAUSE 10

Senate amendment proposed

THAT, Clause 10 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “National Director of Physical” appearing immediately after the words “office of the” and substituting therefor the words “Director General of Land Use”;
- (b) in sub-clause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in sub-clause (3) by deleting words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note —
Director General of Land Use Planning.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 10 be deleted and substituted therefor the following new amendment—

THAT, Clause 10 of the Bill be amended—
in sub-clause (1) by deleting the words “National Director of Physical” appearing immediately after the words “office of the” and substituting therefor the words “Director General of Physical”;

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- (a)
- (b) in sub-clause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Physical”;
- (c) in sub-clause (3) by deleting words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Physical”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note —

Director General of Physical Planning.
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 10 as amended - approved.

CLAUSE 11

Senate Amendment proposed

THAT, Clause 11 of the Bill be amended—

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the words “appointment as the” and substituting therefor the words “Director General of Land Use”;
- (b) in paragraph (b) by deleting word “bachelor’s” appearing immediately after the words “holds a” and substituting therefor the word “master’s”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (d) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) has the relevant post-qualification professional experience in land use planning;
 - and
- (e) by deleting the marginal note and substituting therefor the following new marginal note —

Qualifications of the Director General of Land Use Planning.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 11 be amended—

- (a) in paragraph (a), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (b) in paragraph (e), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 11 as amended - approved.

CLAUSE 12

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Senate amendment proposed

THAT, Clause 12 of the Bill be amended —

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (b) in paragraph (a) by —
 - (i) deleting the word “physical” appearing immediately after the words “government on strategic” and substituting therefor the words “land use”; and
 - (ii) deleting the word “on” appearing immediately after the words “matters that impact”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating national” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of national” and substituting therefor the words “land use”;
- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
- (f) by inserting the following new paragraphs immediately after paragraph (e) —
 - (f) undertaking research related to land use planning and development and making appropriate recommendations to relevant bodies; and
 - (g) the preparation of development plans for strategic national installations and projects; and
- (g) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of the Director General of Land Use Planning.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT the Senate amendments to clause 12 be amended by—

- (a) in paragraph (a), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);
- (e) by deleting paragraph (e);
- (f) in paragraph (f), by deleting the words “land use” and substituting therefor the word “physical”;
- (g) in paragraph (g), by deleting the words “Land Use” and substituting therefor the word “Physical”;

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 12 as amended - approved.

CLAUSE 13

Senate amendment proposed

THAT, Clause 13 of the Bill be amended—

- (a) in the introductory clause by deleting the words “responsible for physical planning” appearing immediately after the words “executive committee member”;
- (b) in paragraph (a) by deleting the word “physical” appearing immediately after the

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- (c) words “county policy on” and substituting therefor the words “land use”;
- (d) by deleting paragraph (b);
- (e) in paragraph (c) by deleting the word “physical” appearing immediately after the words “integration of county” and substituting therefor the words “land use”;
- (f) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of the County Executive Committee Member.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 13 be amended by—

- (a) deleting paragraph (b);
- (b) deleting paragraph (c);
- (c) deleting paragraph (d);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 13 as amended - approved.

CLAUSE 14

Senate amendment proposed

THAT, Clause 14 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) The County Director of Land Use Planning shall advise and be responsible to the county executive committee member.
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

County Director of Land Use Planning.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 14 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (c) by deleting paragraph (c);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 14 as amended - approved.

CLAUSE 15

Senate amendment proposed

THAT, Clause 15 of the Bill be amended—
in the introductory clause by deleting the word “Physical” appearing immediately
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- (a) after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (c) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) has the relevant post-qualification professional experience in land use planning;
- and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Qualifications of a County Director of Land Use Planning.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 15 be deleted.
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 15 - deleted.

CLAUSE 16

Senate amendment proposed

- THAT**, Clause 16 of the Bill be amended—
- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
 - (b) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) advising the county government on land use planning matters that impact the county;
deleting the word “physical” appearing immediately after the words “county government on” and substituting therefor the words “land use”; and
deleting the words “on the whole country” appearing immediately after the words “matters that impact” and substituting therefor the words “the county”;
 - (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating county” and substituting therefor the words “land use”;
 - (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of county” and substituting therefor the words “land use”;
 - (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of local” and substituting therefor the words “land use”;
 - (f) in paragraph (e) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
 - (g) in paragraph (f) by deleting the word “physical” appearing immediately after the words “matters relating to” and substituting therefor the words “land use”;

- (h) by inserting the following new paragraphs immediately after paragraph (g) —
 - (h) maintaining a land information system to guide land use planning;
 - (i) communicating decisions of the county government on development applications; and
 - (j) issuance of development permission and other development control instruments under this Act with the approval of the county executive committee member responsible for land use planning;
- (i) by deleting the marginal note and substituting therefor the following new marginal

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(j) note —

Responsibilities of a County Director of Land Use Planning.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 16 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b) and substituting therefor the following new amendment—
 - “(b) by deleting the word “country” appearing in paragraph (a) and substituting therefor the word “county”.
- (c) deleting paragraph (c);
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);
- (f) deleting paragraph (f);
- (g) deleting paragraph (g);
- (h) deleting paragraph (i);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 16 as amended - approved.

PART III

Senate amendment proposed

THAT, the title to PART III of the Bill be amended by deleting the words “**TYPES OF PHYSICAL**” and substituting therefor the words “**LAND USE**”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Part III be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Part III - deleted.

CLAUSE 17

Senate amendment proposed

THAT, Clause 17 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) The Cabinet Secretary shall cause the National Land Use Development Plan to be prepared for approval and publication in accordance with this Part;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and

by deleting the marginal note and substituting therefor the following new marginal note —

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(c)

The National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 17 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 17 - deleted.

CLAUSE 18

Senate amendment proposed

THAT, Clause 18 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) The National Land Use Development Plan shall define strategic policies for the determination of the general direction and trends of land use development and sectoral development in Kenya and provide a framework for the use and development of land.
- (b) in sub-clause (2) by—
 - (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;
 - (ii) deleting the word “physical” appearing immediately after the words “formulation of national” in paragraph (e) and substituting therefor the words “land use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of the National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 18 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 18 - deleted.

CLAUSE 19

Senate Amendment proposed

THAT, Clause 19 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the in the introductory clause and substituting therefor the following new introductory clause—

(1) In preparing a National Land Use Development Plan, the Director General of Land Use Planning shall—;

(ii) deleting the words “National Director of Physical” appearing immediately after the words “Development Plan the” in the introductory clause and substituting therefor the words “Director General of Land Use”;

deleting paragraph (d) and substituting therefor the following new

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(iii) paragraph—

(d) consult the National Land Use Planning Consultative Forum prior to the initiation of the National Land Use Development Plan and submit the proposed plan to the National Land Use Planning Consultative Forum for consideration and input before its final approval;

(b) in sub-clause (2) by—

(i) deleting the word “Physical” appearing immediately after the words “consult the National” and substituting therefor the words “Land Use”;

(ii) deleting the word “Physical” appearing immediately after the words “prepare a National” and substituting therefor the words “Land Use”; and

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) A notice published in accordance with this section shall state the objectives of National Land Use Development Plan, the purpose of the National Land Use Development Plan, the information to be set out in the plan, and the places where members of the public may provide written comments on the National Land Use Development Plan;

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure for preparation of the National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 19 be amended—

(a) in paragraph (a)–

(i) by deleting the words “Land Use” appearing in sub-paragraph (i) and substituting therefor the word “Physical”;

(ii) by deleting the words “Land Use” appearing in sub-paragraph (ii) and substituting therefor the word “Physical”;

(iii) by deleting sub-paragraph (iii);

(b) by deleting paragraph (b);

(c) by deleting paragraph (c);

(d) by deleting paragraph (d);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 19 as amended - approved.

CLAUSE 20

Senate amendment proposed

THAT, Clause 20 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “a National” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the word “Physical” appearing immediately after the words “the state of” in paragraph (b)(i) and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “and reports concerning” in paragraph (b)(ii) and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “challenges relating to” in paragraph (c) and substituting therefor the words “land use”;

in sub-clause (2) by deleting the words “National Director of Physical” appearing

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- (b) immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “which a National” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Content of National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 20 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);
- (e) by deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 20 as amended - approved.

CLAUSE 21

Senate amendment proposed

THAT, Clause 21 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 the National Land Use Development Plan, the Cabinet Secretary shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that the draft National Land Use
 - (2) Development Plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the draft National Land Use Development Plan.
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
- (3) The Cabinet Secretary shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made on the National Land Use Development Plan and may incorporate the comments in the plan.
- (c) by inserting the following new sub-clause immediately after sub-clause (2)—
- (2A) Within seven days of making a decision under subsection (2), the Cabinet Secretary shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that a decision on the comments received by the Cabinet Secretary has

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been made and that the reviewed draft National Land Use Development Plan is available at the places and times designated in the notice for perusal.

- (d) by inserting the words “within fourteen days of the publication of the notice under subsection (2A)” immediately after the words “Cabinet Secretary may” in sub-clause (3); and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of preparation of National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 21 be amended—

- (a) in paragraph (a), by deleting the words “Land Use” wherever it appears and substituting therefor the word “Physical”;
 - (b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;
 - (c) in paragraph (c), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- by deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 21 as amended - approved.

CLAUSE 22

Senate amendment proposed

THAT, Clause 22 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Physical Development Plan to the National Physical” appearing immediately after the words “the draft National” and substituting therefor the words “Land Use Development Plan to the National Land Use”;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the word “The National” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) deleting the word “Physical” appearing immediately after the words “by the National” and substituting therefor the words “Land Use”; and
- (d) in sub-clause (5) deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (e) deleting the marginal note and substituting therefor the following new marginal note—

Approval of the National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 22 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 22 - deleted.

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CLAUSE 23

Senate amendment proposed

THAT, Clause 23 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) Planning authorities shall base the preparation of inter-county land use development plans, integrated county land use development plans, city land use development plans, urban area land use development plans and sectoral plans on the National Land Use Development Plan.
- (b) deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) Notwithstanding the lack of a National Land Use Development Plan, planning authorities at the county level shall prepare County and Local Land Use Development Plans.
- (c) deleting the marginal note and substituting therefor the following new marginal note—

Implementation of a National Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 23 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 23 - deleted.

CLAUSE 24

Senate amendment proposed

THAT, Clause 24 of the Bill be amended—

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

(1) 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 Land Use Development Plan shall prepare and submit a status report on the implementation of the National Land Use Development Plan to the Cabinet Secretary or the county executive committee member and the Commission for their purposes.

in sub-clause (2) by inserting the word “be” immediately after the words “this section shall”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 24 be amended by deleting paragraph (a).

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 24 as amended - approved.

CLAUSE 25

Senate amendment proposed

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THAT, the Bill be amended by deleting Clause 25 and substituting therefor the following new clause—

Establishment of Inter-County Joint Land Use Planning Development Committees.

25. (1) Two or more counties may, by mutual agreement or out of compelling necessity, formulate an inter-county land use development plan.

(2) In the preparation of an inter-county land use development plan, the counties shall form an inter-county land use planning joint committee.

(3) The inter-county land use planning joint committee shall consist of—

(a) the county executive committee member of the respective counties;

(b) two other relevant county executive committee members from the respective counties nominated by the relevant county governor; and

(c) the Director General of Land Use Planning who shall be an *ex-officio* member of the Committee;

(4) The inter-county joint land use planning joint

committee may co-opt such other persons as may be necessary to assist it in performance of its duties.

(5) The members of the inter-county joint land use planning joint committee appointed under subsection (3)(a) and (b) shall, during the first meeting of the Committee, elect from amongst themselves a chairperson and a vice chairperson provided that the chairperson and the vice chairperson shall not be county executive committee members from the same county.

(6) The Director General of Land Use Planning shall, in consultation with other members of the Committee, convene the first meeting.

(7) The Director General of Land Use Planning shall co-ordinate meetings of the inter-county joint land use planning joint committee and provide it with secretariat services.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 25 be deleted and substituted therefor the following new amendment—

THAT, the Bill be amended by deleting Clause 25 and substituting therefor the following new clause—

Establishment of Inter-County Joint Physical Planning Development Committees.

25 (1) Two or more counties may, by mutual agreement or out of compelling necessity, formulate an inter-county physical development plan.

(2) In the preparation of an inter-county physical development plan, the counties shall form an inter-county physical planning joint committee.

(3) The inter-county physical planning joint

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committee shall consist of—

the county executive committee member of the respective counties;

(d) two other relevant county executive committee members from the respective counties nominated by the relevant county governor; and

(e) the Director General of Land Use Planning who shall be an *ex-officio* member of the Committee;.

(4) The inter-county joint physical planning joint committee may co-opt such other persons as may be necessary to assist it in performance of its duties.

(5) The members of the inter-county joint physical planning joint committee appointed under

subsection (3)(a) and (b) shall, during the first meeting of the Committee, elect from amongst themselves a chairperson and a vice chairperson provided that the chairperson and the vice chairperson shall not be county executive committee members from the same county.

(6) The Director General of Physical Planning shall, in consultation with other members of the Committee, convene the first meeting.

(7) The Director General of Physical Planning shall co-ordinate meetings of the inter-county joint physical planning joint committee and provide it with secretariat services.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 25 as amended - approved.

CLAUSE 26

Senate amendment proposed

THAT, Clause 26 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “An Inter-County” and substituting therefor the words “Land Use”; and
- (b) by deleting the marginal note and substituting therefor the following new marginal note—

Scope of the Inter-County Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

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Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 26 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 26 - deleted.

CLAUSE 27

Senate amendment proposed

THAT, Clause 27 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Physical Planning Joint Committee preparing an Inter-County Physical” appearing immediately after the words “The Inter-County” and substituting therefor the words “Land Use Planning Joint Committee preparing an Inter-County Land Use”; and
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”;

- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “complete the Inter-County” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Commencement of Inter-County Land Use Planning Process.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 27 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 27 - deleted.

CLAUSE 28

Senate Amendment proposed

THAT, Clause 28 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) Within thirty days of the completion of an Inter-County Physical Development Plan, the Inter-County 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 place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the plan.
- (b) deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (2) The Inter-County Land Use Planning Joint Committee shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made about the plan and may or may not incorporate the comments in the plan.

inserting the following new sub-clause immediately after sub-clause (2)—

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- (2A) Within seven days of making a decision under sub-clause (2), the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that a decision on the comments received by the joint committee has been made and that the reviewed draft Inter-County Physical Development

Plan is available for perusal at the place and time specified in the notice.

- (c) deleting sub-clause (3);
- (d) deleting sub-clause (4); and
- (e) deleting the marginal note and substituting therefor the following new marginal note—

Notice of and objections to an Inter-County Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 28 be amended—

- (a) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (b) by deleting paragraph (d);
- (c) by deleting paragraph (e);
- (d) by deleting paragraph (f);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 28 as amended - approved.

CLAUSE 29

Senate Amendment proposed

THAT, Clause 29 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “physical” appearing immediately after the words “in the Inter-County” and substituting therefor the words “land use”; and
- (ii) deleting the words “and thereafter submit the same to the National Director of Physical Planning for processing and certification” appearing immediately after the words “Assemblies for approval”;

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

(2) Within thirty days of the completion of an Inter-County Land Use Development Plan or if comments on the plan have been heard and determined, the Inter-County 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 Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.

(c) in sub-clause (3) by—

- (i) deleting the word “Physical” appearing immediately after the words “Before the Inter-County” and substituting therefor the words “Land Use”; and
- (ii) deleting the word “Physical” appearing immediately after the words “by the Inter-County” and substituting therefor the words “Land Use”;

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

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(4) The approved Inter-County Land Use Development Plan shall be deposited with the relevant County Director of Land Use Planning who shall submit certified copies of the plan to the Director General of Land Use Planning and the National Land Commission.

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Approval of an Inter-County Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 29 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the

- word "Physical";
- (c) by deleting paragraph (c);
- (d) in paragraph (d), by deleting the words "Land Use" wherever it appears and substituting therefor the word "Physical";
- (e) by deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 29 as amended - approved.

CLAUSE 30

Senate amendment proposed

THAT the Bill be amended by deleting Clause 30 and substituting therefor the following new clause—

Implementation of the Inter-County Land Use Development Plan.

30. (1) In addition to the National Land Use Development Plan, the Inter-County Land Use Development Plan shall inform the preparation of a county land use development plan, a local land use development plan or an urban area land use development plan for the county governments within the planning area covered by the Inter-County Land Use Development Plan.

(2) Where a National Land Use Development Plan and an Inter-County Land Use Development Plan have not been prepared or approved, a county government may prepare other land use development plans which will be incorporated into the National Land Use Development Plan or the relevant Inter-County Land Use Development Plan after they have been prepared and approved in accordance with this Act.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 30 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

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Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 30 - deleted.

CLAUSE 31

Senate amendment proposed

THAT, the Bill be amended by deleting Clause 31 and substituting therefor the following new clause—

Status Reports on an Inter-County Land Use Development Plan.

31. At least three months before the end of each financial year, every county executive committee member in a county covered by an Inter-County Land Use Development Plan shall submit a report on the implementation of the respective Inter-County Land Use Development Plan to the Commission and the Cabinet Secretary for their purposes.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 30 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 31 - deleted.

CLAUSE 32

Senate amendment proposed

THAT, Clause 32 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “ten years a” and substituting therefor the words “land use”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) Each county land use development plan shall be in conformity with the National Land Use Development Plan and any relevant Inter-County Land Use Development Plan.
- (c) in sub-clause (3) by—
 - (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “ensure the county” and substituting therefor the words “land use”;
- (d) by deleting sub-clause (4); and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

County Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 32 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting sub-paragraph (ii) of paragraph (c);

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- (d) deleting paragraph (d);

- (e) deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 32 as amended - approved.

CLAUSE 33

Senate amendment proposed

THAT, Clause 33 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing

immediately after the words “of a county” and substituting therefor the words “land use”;

- (ii) in paragraph (a) by deleting the word “physical” appearing immediately after the words “provide an overall” and substituting therefor the words “land use”; and
- (iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of a county land use development plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 33 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 33 - deleted.

CLAUSE 34

Senate amendment proposed

THAT, Clause 34 of the Bill be amended—

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

- (1) At least twenty-one days before commencing the preparation of a county land use development plan, the county executive committee member shall publish a notice in the Gazette and the notice shall include the intention to prepare a county land use development plan, the objects of the plan and the matters to be considered in the plan and the address to which any views on the plan may be sent.

- (b) in sub-clause (3) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”;

- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of intention to prepare a county land use development plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 34 be deleted.

THAT, Clause 35

of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “A county” and substituting therefor the words

- (ii)

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(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 34 - deleted.

CLAUSE 35

Senate amendment proposed

- (iii) “land use”;

- (iv) by deleting the marginal note and substituting therefor the following new marginal note—
Contents of a county land use development plan.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 35 be deleted.
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 35 - deleted.

CLAUSE 36

Senate amendment proposed

THAT, Clause 36 of the Bill be amended—

- (a) in sub-clause (1) by—
- (i) deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;
- (c) in sub-clause (3) by—
- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;
- (d) in sub-clause (4) by—
- (i) deleting the word “physical” appearing immediately after the words “concerning the county” and substituting therefor the words “land use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;
- (e) in sub-clause (5) by deleting the word “physical” appearing immediately after the words “(4) the county” and substituting therefor the words “land use”;
- in sub-clause (6) by deleting the word “physical” appearing immediately after the words “by the county” and substituting therefor the words “land use”;

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- (f) in sub-clause (7) by deleting the word “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”; and
- (g) by deleting the marginal note and substituting therefor the following new marginal note—

Public participation in the preparation of a county land use development plan.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 36 be amended by—

- (a) deleting paragraph (a);
- (b) deleting sub-paragraph (ii) of paragraph (c);

deleting paragraph (d);

- (c) deleting paragraph (e);
- (d) deleting paragraph (f);
- (e) deleting paragraph (g);
- (f) deleting paragraph (h);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 36 as amended - approved.

CLAUSE 37

Senate amendment proposed

THAT, the Bill be amended by deleting clause 37 and substituting therefor the following new clause—

Completion and approval of a county land use development plan.

37. (1) If there are no applications for the review of a county land use development plan or if all applications for review have been heard and determined, the county executive committee member shall submit the draft county land use development plan to the County Land Use Planning Consultative Forum for comments.

(2) The County Land Use Planning Consultative Forum shall consider the plan and may propose changes which shall be incorporated in the plan.

(3) Upon incorporation of the proposed changes by the County Land Use Planning Consultative Forum, the county executive committee member shall submit the completed county land use development plan to the county governor who shall cause it to be placed before the county assembly for approval.

(4) On the approval of the county land use development plan by the respective county assembly, the county executive committee member shall publish the approved plan in the *Gazette* and in at least two newspapers with a national circulation within fourteen days of the approval and no development shall take place on any land unless it is in conformity with the approved plan

(5) A county land use development plan shall be the basis for the preparation of sectoral programmes and projects in the county and sub-county levels.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 37 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 37 - deleted.

CLAUSE 38

Senate amendment proposed

THAT, Clause 38 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “in charge of spatial planning” appearing immediately after the words “executive committee member” in the introductory clause;
- (ii) deleting the word “physical” appearing immediately after the words “of a county” in the introductory clause and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “of that

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- (iv) county” in paragraph (a) and substituting therefor the words “land use”; and
- (v) deleting the word “physical” appearing immediately after the words “since the county” in paragraph (b) and substituting therefor the words “land use”;
- (b) in sub-clause (2) by—
 - (i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;
- (c) in sub-clause (3) by—
 - (i) deleting the word “physical” appearing immediately after the words “amending a county” in the introductory clause and substituting therefor the words “land use”; and
 - (ii) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) be in conformity with the National Land Use Development Plan and all relevant Inter-County Land Use Development Plans;
- (d) by deleting sub-clause (4) and substituting therefor the following new sub-clause—
 - (4) Where a county executive committee member determines that a proposed amendment to the county land use development plan shall affect other counties, the county executive committee member shall consult the county executive committee members in the counties that are likely to be affected and shall take into account their comments before incorporating the amendment to the county land use development plan.
- (e) in sub-clause (5) by deleting the word “physical” appearing immediately after the words “amending a county” and substituting therefor the words “land use”;
- (f) in sub-clause (6) by deleting the word “physical” appearing immediately after the words “The amended county” and substituting therefor the words “land use”;
- (g) in sub-clause (7) by deleting the word “physical” appearing immediately after the words “to the County” and substituting therefor the words “Land Use”; and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—
 - Modification of a County Land Use Development Plan.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 38 be amended—

- (a) in paragraph (a)–
 - (i) by deleting sub-paragraph (ii);
 - (ii) by deleting sub-paragraph (iii);
 - (b) by deleting sub-paragraph (ii) of paragraph (b);
 - (c) by deleting paragraph (c);
 - (d) by deleting paragraph (d);
 - (e) by deleting paragraph (e);
 - (f) by deleting paragraph (f);
 - (g) by deleting paragraph (g);
 - (h) by deleting paragraph (h);
- (Chairperson, Departmental Committee on Lands)*

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 38 as amended - approved.

CLAUSE 39

Senate amendment proposed

THAT, Clause 39 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and

(ii) deleting the word “physical” appearing immediately after the words “revising a county” and substituting therefor the words “land use”;

(b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and

(c) by deleting the marginal note and substituting therefor the following new marginal note—

Revision of a county land use development plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 39 be amended by—

(a) deleting sub-paragraph (ii) of paragraph (a);

(b) deleting paragraph (b);

(c) deleting paragraph (c);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 39 as amended - approved.

CLAUSE 40

Senate amendment proposed

THAT, Clause 40 of the Bill be amended by—

- (a) deleting the word “Physical” appearing immediately after the words “and the County” and substituting therefor the words “Land Use”; and
- (b) deleting the marginal note and substituting therefor the following new marginal note—

Contents of the National, Inter-County and County Land Use Development Plans.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 40 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 40 - deleted

CLAUSE 41

Senate amendment proposed

THAT, Clause 41 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the words “physical development plan may be for long-term physical development, short-term physical” appearing immediately after the words “A local” and substituting therefor the words “land use physical development plan may be for long-term land use development, short-term land use”.
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
 - (3) A local land use development plan shall be consistent with an Integrated City or Urban Development Plan formulated under Part V of the Urban Areas and Cities Act.
 - (i) deleting the words “physical development plan shall be consistent with” appearing immediately after the words “A local” in the introductory phrase and substituting therefor the words “land use development plan shall not cover an area covered by”; and
 - (ii) deleting the words “as contemplated” appearing immediately after the words “Urban Development Plan” and substituting therefor the word “formulated”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 41 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 41 - deleted

CLAUSE 42

Senate amendment proposed

THAT, Clause 42 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;
- (ii) by deleting paragraph (e); and
- (iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose of a Local Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 42 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 42 - deleted

CLAUSE 43

Senate amendment proposed

THAT, Clause 43 of the Bill be amended by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Initiation and preparation of a local land use development plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 43 be amended by deleting paragraph (ii).

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 43 as amended - deleted

CLAUSE 44

Senate amendment proposed

THAT, Clause 44 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “A local” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “in a local” and substituting therefor the words “land use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a Local Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 44 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 44 - deleted

CLAUSE 45

Senate amendment proposed

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THAT, Clause 45 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by—
 - (i) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “committee concerning county” and substituting therefor the words “land use”;
- (c) in sub-clause (3) by—
 - (i) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendment to Clause 45 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 45 - deleted

CLAUSE 46

Senate amendment proposed

THAT, Clause 46 of the Bill be amended by—

- (a) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;
- (b) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (c) deleting the marginal note and substituting therefor the following new marginal note—

Approval of local land use development plans.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 46 be amended by deleting paragraph (b).

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 46 as amended - approved

CLAUSE 47

Senate Amendment proposed

THAT, Clause 47 of the Bill be amended—

- (a) in sub-clause (1) by deleting the introductory clause and substituting therefor the following new introductory clause—
 - (1) A county executive committee member may amend or revise a local land use development plan where—
- (b) in sub-clause (2) by—
 - (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “revise a local” and substituting therefor the words “land use”;
- (c) in sub-clause (3) by—
 - (i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Amendment or revision of a local land use development plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 47 be amended by—

- (a) deleting sub-paragraph (ii) of paragraph (b);
- (b) deleting paragraph (d);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 47 as amended - approved

CLAUSE 48

Senate Amendment proposed

THAT, Clause 48 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words “or the National” in the introductory clause and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “and” appearing immediately after the words “has unique development” and substituting therefor the words “natural resource or”;
- in sub-clause (2) by deleting the word “physical” appearing immediately after the words “area until a” and substituting therefor the words “land use”;

- (b)
- (c) in sub-clause (6) by deleting the word “physical” appearing immediately after the word “A” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 48 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 48 - deleted

CLAUSE 50

Senate amendment proposed

THAT, Clause 50 of the Bill be amended in sub-clause (1) by—

- (a) deleting the word “physical development” appearing immediately after the words “to ensure orderly” in paragraph (a) and substituting therefor the words “development of land”;
- (b) deleting the word “physical” appearing immediately after the words “implementation of approved” in paragraph (c) and substituting therefor the words “land use”; and
- (c) deleting the word “physical” appearing immediately after the words “public participation in” in paragraph (f) and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 50 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 50 - deleted

CLAUSE 51

Senate amendment proposed

THAT, Clause 51 of the Bill be amended by—

- (a) deleting the words “the planning authorities” appearing immediately after the words “Governments Act 2012” in the introductory clause and substituting therefor the words “county governments”;
- (b) deleting the word “physical” appearing immediately after the words “implementation of approved” in paragraph (d) and substituting therefor the words “land use”; and
- (c) deleting the word “physical” appearing immediately after the words “with the approved” in paragraph (f) and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed**THAT**, the Senate amendments to Clause 51 be deleted.*(Chairperson, Departmental Committee on Lands)*

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.Senate amendment to Clause 51 - deleted**CLAUSE 52****Senate amendment proposed****THAT**, Clause 52 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 a county without a development permission granted by the respective county executive committee member.
- (b) in sub-clause (3) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”;
- (c) in sub-clause (4) by—
 - (i) deleting the words “planning authority” appearing immediately after the words “sub-section (3) the” and substituting therefor the words “relevant county executive committee member”; and
 - (ii) deleting the word “may” appearing immediately after the words “as required and” and substituting therefor the word “shall”; and
- (d) in sub-clause (5) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”; and
- (e) in sub-clause (6) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed**THAT**, the Senate amendments to clause 52 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting sub-paragraph (i) of paragraph (c);
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 52 as amended - approved

CLAUSE 53

Senate amendment proposed

THAT, Clause 53 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “a planning authority” appearing immediately after the words “development permission from” and substituting therefor the words “the respective county executive committee member”; and
 - (ii) deleting the words “planning authority” appearing immediately after the words “permission from that” and substituting therefor the words “county executive committee member”;
- (b) in sub-clause (2) by deleting the words “planning authority” appearing immediately after the words “required by the” and substituting therefor the words “respective county executive committee member”;
- (c) in sub-clause (4) by deleting the words “planning authority” appearing immediately after the words “consent to the” and substituting therefor the words “respective county executive committee member”;
- (d) in sub-clause (5) by deleting the words “planning authorities” appearing immediately after the words “permission granted by” and substituting therefor the words “a county executive committee member”;
- (e) in sub-clause (8) by deleting the words “planning authorities” appearing immediately after the words “to the relevant” and substituting therefor the words “county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 53 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 53 - deleted

CLAUSE 54

Senate amendment proposed

THAT, Clause 54 of the Bill be amended—

- (a) by deleting the words “planning authority” appearing immediately after the words “provided to the” in sub-clause (1) and substituting therefor the words “respective county executive committee member”;
- (b) in sub-clause (2) by—
- (i) deleting the words “the planning authority” appearing immediately after the words “do so by” and substituting therefor the words “a county executive committee member”; and
 - (ii) deleting the words “planning authority” appearing immediately after the words “provided to the” and substituting therefor the words “county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 54 be deleted.
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 54 - deleted

CLAUSE 55
Senate amendment proposed

THAT, Clause 55 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the words “a county government” appearing immediately after the words “for development permission,” and substituting therefor the words “the county executive committee member”; and
 - (ii) inserting the following new paragraph immediately after paragraph (f)—
(fa) urban development;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) Within fourteen days of receiving the copy of the application for development permission from a county executive committee member, the relevant authorities or agencies shall submit their comments to the respective county executive committee member within twenty one days.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 55 be deleted and substituted therefor the following new amendment—

THAT, clause 55 of the Bill be amended—

- (c) in sub-clause (1) by—
 - (iii) deleting the words “a county government” appearing immediately after the words “for development permission,” and substituting therefor the words “the county executive committee member”; and
 - (iv) inserting the following new paragraph immediately after paragraph (f)—
(fa) urban development;
- (d) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (3)** Within fourteen days of receiving the copy of the application for development permission from a planning authority, the relevant authorities or agencies shall submit their comments to the respective planning authority within twenty one days.

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(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 55 as amended - approved

CLAUSE 56

Senate amendment proposed

THAT, Clause 56 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “planning authority” appearing immediately after the words “development permission a” in the introductory clause and substituting therefor the words “county executive committee member”; and
 - (ii) deleting the word “physical development plan” appearing immediately after the words “the relevant approved” in paragraph (a) and substituting therefor the words “national, county, local, city, urban, town and special area plans”;
- (b) in sub-clause (2) by deleting the words “planning authority” appearing immediately after the words “for development permission” and substituting therefor the words “county executive committee member”;
- (c) in sub-clause (3) by—
- (i) deleting the words “the planning authority” appearing immediately after the words “the decision of” and substituting therefor the words “a county executive committee member”; and
 - (ii) deleting the word “authority” appearing immediately after the words “decision by the” and substituting therefor the word “county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 56 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 56 - deleted

CLAUSE 57

Senate amendment proposed

THAT, Clause 57 of the Bill be amended—

- (a) by deleting the words “A planning authority” appearing in the introductory phrase in sub-clause (1) and substituting therefor the words “Each county executive committee member”;

by deleting the words “A planning authority” appearing in the introductory phrase in sub-clause (2) and substituting therefor the words “Each county executive committee member”;

- (b)
- (c) in sub-clause (3) by—
 - (i) deleting the words “the planning authority” appearing immediately after the words “register maintained by” and substituting therefor the words “a county executive committee member”; and
 - (ii) deleting the words “planning authority” appearing immediately after the words “scrutiny and the” and substituting therefor the words “Cabinet Secretary”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 57 be amended by—

- (a) deleting paragraph (a);

- (b) deleting paragraph (b);
 - (c) deleting sub-paragraph (i) of paragraph (c);
- (Chairperson, Departmental Committee on Lands)*

Question of the amendment to the Senate amendment proposed;
Debate arising;

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 57 as amended - approved

CLAUSE 58

Senate amendment proposed

THAT, Clause 58 of the Bill be amended—

- (a) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase in sub-clause (1) and substituting therefor the words “county executive committee member”; and
- (b) by deleting the words “the planning authority” appearing immediately after the words “for development permission” in sub-clause (3) and substituting therefor the words “a county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 58 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 58 - deleted

CLAUSE 59

Senate amendment proposed

THAT, Clause 59 of the Bill be amended—

- (a) in sub-clause (2) by—
 - (i) deleting the words “the planning authority” appearing immediately after the words “despite sub-section (1)” and substituting therefor the words “a

- (ii) county executive committee member”; and
 - (iii) deleting the words “planning authority” appearing immediately after the words “year if the” and substituting therefor the words “county executive committee member”;
- (b) in sub-clause (3) by deleting the words “the planning authority” appearing immediately after the word “Where” and substituting therefor the words “a county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 59 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 59 - deleted

CLAUSE 60

Senate amendment proposed

THAT, Clause 60 of the Bill be amended by deleting the words “The planning authority” appearing at the beginning of the clause and substituting therefor the words “A county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 60 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 60 - deleted

CLAUSE 61

Senate Amendment proposed

THAT, Clause 61 of the Bill be amended by deleting the words “planning authority” appearing immediately after the words “by the relevant” and substituting therefor the words “county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 61 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 61 - deleted

CLAUSE 62

Senate amendment proposed

THAT, clause 62 of the Bill be amended in sub-clause (1) by—

- (i) deleting the words “planning authority” appearing immediately after the words “imposed by a” in paragraph (a) and substituting therefor the words “county executive committee member”;
- (ii) deleting the words “planning authority” appearing immediately after the words “approved by the” in paragraph (b)(iii) and substituting therefor the words “county executive committee member”;
- (iii) deleting the words “planning authority” appearing immediately after the words “apply to the” in paragraph (c) and substituting therefor the words “county executive committee member”; and
- (iv) inserting the following new sub-clauses immediately after sub-clause (1) —
 - (1A) A county government may require a person who commences, undertakes or carries out a development in contravention of this section to restore the land on which the development is taking place to its original condition or as near to its original condition as is possible and that such restoration shall take place within ninety days.
 - (1B) Where a person who is required to do so fails to comply with the

provisions of paragraph (d), the relevant county government may undertake to restore the land as required and shall recover the cost of the restoration from the person required to undertake the restoration.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 62 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 62 - deleted

CLAUSE 63

Senate amendment proposed

THAT, Clause 63 of the Bill be amended—

(a) in sub-clause (1)—

(i) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county executive committee member”; and

(ii) by deleting the word “physical” appearing immediately after the words “by the relevant” and substituting therefor the words “land use”; and

(b) in sub-clause (2) by deleting the words “planning authority” appearing immediately after the words “obtained by a” and substituting therefor the words “county executive committee member”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 63 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 63 - deleted

CLAUSE 64

Senate amendment proposed

THAT, Clause 64 of the Bill be amended in sub-clause (2) by deleting the word “physical” appearing immediately after the words “Any inter-county” and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 64 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 64 - deleted

CLAUSE 66

Senate amendment proposed

THAT, Clause 66 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “the” appearing immediately after the words “Heritage Act 2006” and substituting therefor the word “a”; and
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the word “All” and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 66 be amended by deleting paragraph (b).

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 66 as amended - approved

CLAUSE 67

Senate amendment proposed

THAT, clause 67 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the introductory clause and substituting therefor the following new introductory clause—
 - (1) A county executive committee member shall serve the owner, occupier, agent or developer of property or land with an enforcement notice if it comes to the notice of that county executive committee member that—

- (ii) deleting the words “without development permission” appearing immediately after the words “on any land” in paragraph (a);
- (b) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “the relevant County” and substituting therefor the words “Land Use”; and
- (c) in sub-clause (4) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 67 be amended by—

- (a) deleting sub-paragraph (i) of paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting paragraph (c);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 67 as amended - approved

CLAUSE 68

Senate amendment proposed

THAT, clause 68 of the Bill be amended by—

- (a) deleting the word “Physical” appearing immediately after the words “established the National” and substituting therefor the words “Land Use”; and

- (b) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of the National Land Use Planning Liaison Committee.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 68 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 68 - deleted

CLAUSE 69

Senate amendment proposed

THAT, clause 69 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;
 - (ii) inserting the following new paragraph immediately after paragraph (f)—
(fa) the National Director of Urban Development;
 - (iii) deleting the words “a representative” appearing in paragraph (g) and substituting therefor the words “two representatives”;

- (iv) deleting paragraph (h) and substituting therefore the following new paragraph—
 - (h) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya and appointed by the Cabinet Secretary;
- (v) deleting the words “an association of architects in” appearing immediately after the words “architect nominated by” in paragraph (i) and substituting therefor the words “the Architectural Association of”; and
- (vi) deleting the word “physical” appearing immediately after the words “a registered” in paragraph (j);
- (b) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (c) in sub-clause (5) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;
- (d) in sub-clause (6) by—
 - (i) deleting the word “Physical” appearing immediately after the words “members of the National” and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “Physical” appearing immediately after the words “quorum of the National” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new
- (f) marginal note—
Composition of National Land Use Planning Liaison Committee.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 69 be amended—

- (a) in paragraph (a)–
 - (i) by deleting sub-paragraph (i);
 - (ii) by deleting sub-paragraph (iv);
 - (iii) by deleting sub-paragraph (vi);
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);
- (e) by deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 69 as amended - approved

CLAUSE 70

Senate amendment proposed

THAT, clause 70 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “Secretary on broad” in paragraph (a) and substituting therefor the words

- “land use”;
- (b) in sub-clause (2) by—
- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “national or inter-county” in paragraph (c) and substituting therefor the words “land use”; and
- (c) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the National Land Use Planning Liaison Committee.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 70 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 70 - deleted

CLAUSE 71

Senate amendment proposed

THAT, Clause 71 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “established a County” and substituting therefor the words “Land Use”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of County Land Use Planning Liaison Committees.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 71 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 71 - deleted

CLAUSE 72

Senate amendment proposed

THAT, Clause 72 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The County” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (a);
- (iii) inserting the following new paragraph immediately after paragraph (b)—
 (ba) a representative of the National Construction Authority;
- (iv) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (b);

- (v)
- (vi) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (ac);
- (vii) deleting paragraph (d) and substituting therefore the following new paragraph—
 - (d) a registered architect with seven years’ post-qualification experience nominated by the Architectural Association of Kenya and appointed by the County Executive Committee member;
- (viii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (e); and
- (ix) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (f);
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “The county” and substituting therefor the words “land use”;
- (c) in sub-clause (3) by deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”;
- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Composition of the County Land Use Planning Liaison Committee.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 72 be amended by—

- (a) deleting sub-paragraph (i) of paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 72 as amended - approved

CLAUSE 73

Senate amendment proposed

THAT, Clause 73 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “of the County” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) by deleting the word “physical” appearing immediately after the words “with respect to” in paragraph (b) and substituting therefor the words “land use”; and
- (iii) by deleting the word “physical” appearing immediately after the words “member on broad” in paragraph (c) and substituting therefor the words “land use”; and
- (iv) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the County Land Use Planning Liaison Committee.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 73 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 73 - deleted

CLAUSE 74

Senate amendment proposed

THAT, Clause 74 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the words “Physical” appearing immediately after the words “of a County” and substituting therefor the words “Land Use”;
- (e) in sub-clause (5) by deleting the word “Physical” appearing immediately after the
- (f)
- (g) words “of a County” and substituting therefor the words “Land Use”;
- (h) in sub-clause (6) by deleting the words “Physical” appearing immediately after the words “A County” and substituting therefor the words “Land Use”; and
- (i) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure of the County Land Use Planning Liaison Committees.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 74 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 74 - deleted

CLAUSE 75

Senate amendment proposed

THAT, Clause 75 of the Bill be amended by—

- (a) deleting the words “County Physical” appearing immediately after the words “who appeals to” in sub-clause (1) and substituting therefor the words “a County Land Use”;
- (b) deleting the word “Physical” appearing immediately after the words “A County” in the introductory phrase in sub-clause (2) and substituting therefor the words “Land Use”;
- (c) deleting the word “Physical” appearing immediately after the words “of a County” in sub-clause (3) and substituting therefor the words “Land Use”; and
- (d) deleting the marginal note and substituting therefor the following new marginal note—

Appeal to a County Land Use Planning Liaison Committee.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 75 be deleted.
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 75 - deleted

CLAUSE 76
Senate amendment proposed

THAT, Clause 76 of the Bill be amended—
(a) in sub-clause (1) by—
 (i) deleting the word “Physical” appearing immediately after the words “before a County” and substituting therefor the words “Land Use”; and
 (ii) deleting the word “or” appearing immediately after the words “Planning Liaison Committee”; and
(b) by deleting the marginal note and substituting therefor the following new marginal note—
 Duty to appear before a County Land Use Planning Liaison Committee.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 76 be amended by—
(a) deleting sub-paragraph (i) of paragraph (a);
(b) deleting paragraph (b);
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 76 as amended - approved

CLAUSE 77
Senate amendment proposed

THAT, Clause 77 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “by a County” and substituting therefor the words “Land Use”.
(The Leader of the Majority Party)

Question of the Senate amendment proposed;
Amendment to Senate amendment proposed

THAT the Senate amendments to Clause 77 be deleted.
(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 77 - deleted

CLAUSE 78
Senate amendment proposed

THAT, Clause 78 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “before a County” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “Where a County” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”; and
- (e) in sub-clause (5) by deleting the word “Physical” appearing immediately after the words “Every County” and substituting therefor the words “Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 78 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 78 - deleted

CLAUSE 79

Senate amendment proposed

THAT, Clause 79 of the Bill be amended by—
deleting the word “Physical” appearing immediately after the words “to the National” and substituting therefor the words “Land Use”; and

- (i) deleting the marginal note and substituting therefor the following new marginal note—

Appeals to National Land Use Planning Liaison Committee.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 79 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 79 - deleted

CLAUSE 80

Senate amendment proposed

THAT, Clause 80 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “Physical” appearing immediately after the words “or a County” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “member of a” and substituting therefor the words “Land Use”; and
- (c) in sub-clause (3) by deleting the word “physical” appearing immediately after the words “member of a” and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 80 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 80 - deleted

CLAUSE 81

Senate amendment proposed

THAT, Clause 81 of the Bill be amended—

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

(1) A person shall not disclose, without the consent of the National Land Use Planning Liaison Committee or a County Land Use Planning Liaison Committee, as the case may be—

(b) in sub-clause (3) by deleting the words “Physical Planning Liaison Committee or a County Physical” appearing immediately after the words “on the National” and substituting therefor the words “Land Use Planning Liaison Committee or a County Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 81 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 81 - deleted

CLAUSE 82

Senate amendment proposed

THAT, Clause 82 of the Bill be amended—

(a) sub-clause (1) by deleting the word “Physical” appearing immediately after the word “Each” in the introductory phrase in and substituting therefor the words “Land Use”;

(b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “register maintained by” and substituting therefor the words “Land Use”;

(c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “apply to a” and substituting therefor the words “Land Use”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Land Use Planning Liaison Committees to keep registers.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 82 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 82 - deleted

CLAUSE 83

Senate amendment proposed

THAT, clause 83 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “members of the” and substituting therefor the words “Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 83 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 83 - deleted

CLAUSE 85

Senate amendment proposed

THAT, clause 85 of the Bill be amended in sub-clause (2) by—

- (i) deleting the word “physical” appearing immediately after the words “for delivery of” in paragraph (b) and substituting therefor the words “land use”;
- (ii) deleting the word “Physical” appearing immediately after the words “operations of Inter-County” in paragraph (c) and substituting therefor the words “Land Use”; and

deleting the word “Physical” appearing immediately after the words “the conduct of” in paragraph (d) and substituting therefor the words “Land Use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to clause 85 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Clause 85 - deleted

CLAUSE 88

Senate amendment proposed

THAT, Clause 88 of the Bill be amended by—

- (i) deleting the word “physical” appearing immediately after the words “disputes relating to” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “national and county” and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to Clause 88 be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Clause 88 - deleted

NEW CLAUSE 4A

Senate amendment proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Principles and norms of land use planning.

4A. Every person engaged in land use planning and regulation shall adhere to the following principles and norms of land use planning—

- (a) land use planning shall promote sustainable land use and liveable communities which integrates human needs in any locality.
- (b) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- (c) land use planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- (d) land use planning shall take into consideration long-term optimum utilization of land and conservation of scarce land resource including preservation

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- (e) of land with important functions;
- (f) land use planning shall be inclusive and must take into consideration culture and heritage of people concerned; and
- (g) land use planning should take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the new Clause 4A of the Senate amendments be deleted and substituted therefor the following New Clause 4A—

Principles and norms of physical

4A. Every person engaged in physical planning and regulation shall adhere to the following

planning.

principles and norms of physical planning—

- (a) physical planning shall promote sustainable land use and liveable communities which integrates human needs in any locality.
- (b) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- (c) physical planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- (d) physical planning shall take into consideration long-term optimum utilization of land and conservation of scarce land resource including preservation of land with important functions;
- (e) physical planning shall be inclusive and must take into consideration culture and heritage of people concerned; and
- (f) physical planning should take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to New Clause 4A as amended - approved.

THAT, the new clause 12C of the Senate amendments be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to New Clause 12C - deleted.

NEW CLAUSE 49A

Senate amendment proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 49—

Plans to be made in accordance with this Act.

49A. All plans formulated under the Urban Areas and Cities Act shall, with necessary modifications, be prepared and approved in accordance with this Act.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to

Proposed New Clause 49A - approved

NEW CLAUSE 60A

Senate amendment proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 60—

Registration of documents at the Lands Registry.

60A. (1) A registrar shall not register a transaction in respect of any premises or land whose development permission as required under this Act has not been granted by the relevant county government.

(2) A registration entered in contravention of subsection (1) shall not be valid.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

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THAT, the new clause 60A of the Senate amendments be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to New Clause 60A - deleted.

FIRST SCHEDULE

Senate amendment proposed

THAT, the Bill be amended by deleting the First Schedule.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment propose

THAT, the Senate amendments to the First Schedule be deleted.

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;
Debate arising;
Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to the First Schedule - deleted.

SECOND SCHEDULE

Senate amendment proposed

- THAT**, the Second Schedule to the Bill be amended—
- (a) in the title by deleting the word “PHYSICAL” appearing immediately after the words “INTER-COUNTY AND COUNTY” and substituting therefor the words “LAND USE”;
 - (b) in paragraph 3 by—
 - (i) inserting the following new subparagraph immediately after subparagraph (1)—
 - (1a) human rights, poverty eradication, gender and vulnerable groups;
 - (ii) inserting the following new subparagraph immediately after subparagraph (10)—
 - (10a) climate change;
 - (c) in paragraph 12 by deleting the words “Executive Committee” appearing immediately after the words “report to the” in subparagraph (1) and substituting therefor the words “relevant county assembly”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

- THAT**, the Senate amendments to the Second Schedule be amended by—
- (a) deleting paragraph (a);
 - (b) deleting sub-paragraph (i) of paragraph (b);
 - (c) deleting paragraph (c);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.
Senate amendment to Second Schedule as amended - approved.

THIRD SCHEDULE

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Senate amendment proposed

THAT, the Third Schedule to the Bill be amended—
by deleting the word “PHYSICAL” appearing immediately after the words “CONTENTS OF LOCAL” in the title to the Schedule and substituting therefor the words “LAND USE”;

- (a)
- (b) by deleting the word “PHYSICAL” appearing immediately after the words “IN A LOCAL” in the title to the Part A of the Schedule and substituting therefor the words “LAND USE”;
- (c) in paragraph 3 by inserting the following new subparagraph immediately after subparagraph (2)—
 - (c) addressing human rights challenges, poverty eradication, gender and vulnerable groups;
 - (d) combating climate change;
- (d) in paragraph 5 by deleting the word “physical” appearing immediately after the words “analysis accompanied by” in the introductory clause in subparagraph (a)

- and substituting therefor the words “land use”; and
- (e) in paragraph 7 by deleting the word “physical” appearing immediately after the words “maps of the” in subparagraph (b) and substituting therefor the words “land use”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to the Third Schedule be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting the proposed new paragraph (c);
- (d) deleting paragraph (e);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

Debate arising;

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to the Third Schedule as amended - approved.

FOURTH SCHEDULE

Senate amendment proposed

THAT, the Fourth Schedule to the Bill be amended—

- (a) by deleting the words “MATTERS WHICH MAY BE DEALT WITH UNDER” in the title to the Schedule;
- (b) in paragraph 2 by—
 - (i) deleting the words “The Planning Authority” appearing in the introductory clause and substituting therefor the words “A county government”;
 - (ii) deleting the word “physical” appearing immediately after the words “bound by approved” in subparagraph (a) and substituting therefor the words “land use”;
- (c) in paragraph 3 by deleting the words “Planning Authority” appearing immediately after the words “agricultural land the” and substituting therefor the words “county government”;
- (d) by deleting paragraph 4 and substituting therefor the following new paragraph—

4. Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment
- (e) in paragraph 5 by deleting the word “physical” appearing immediately after the words “of an approved” in subparagraph (a) and substituting therefor the words

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- (f) “land use”;
- (g) in paragraph 6 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (d) and substituting therefor the words “land use”;
- (h) in paragraph 7 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (b) and substituting therefor the
- (i) words “land use”.
- (j) in paragraph 8 by—
 - (i) deleting the words “the Planning authority” appearing in the introductory clause and substituting therefor the words “a county government”;
 - (ii) deleting the words “planning authority” appearing immediately after the words “the required standard” in subparagraph (p) and substituting therefor the words “county government”;

- (k) in paragraph 9 by deleting the words “the planning authority” appearing immediately after the words “the required standard” and substituting therefor the words “a county government”;
- (l) in paragraph 10 by deleting the words “planning authority” appearing immediately after the words “period as the” and substituting therefor the words “county government”;
- (m) by deleting paragraph 14;
- (n) in paragraph 16 by—
 - (i) deleting the words “the Planning authority” appearing immediately after the words “permission from the” in the introductory clause and substituting therefor the words “relevant county government”;
 - (ii) deleting the words “Planning authority” appearing immediately after the words “factor that the” in subparagraph (9) and substituting therefor the words “county government”;
- (o) in paragraph 17 by deleting the words “Planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county government”; and
- (p) in paragraph 18 by deleting the words “Planning authority” appearing immediately after the words “from the relevant” and substituting therefor the words “county government”.

(The Leader of the Majority Party)

Question of the Senate amendment proposed;

Amendment to Senate amendment proposed

THAT, the Senate amendments to the Fourth Schedule be amended by—

- (a) deleting paragraph (a);
- (e) deleting paragraph (b);
- (f) deleting paragraph (c);
- (g) deleting paragraph (e);
- (h) deleting paragraph (f);
- (i) deleting paragraph (g);
- (j) deleting paragraph (h);
- (k) deleting paragraph (i);
- (l) deleting paragraph (j);
- (m) deleting paragraph (l);
- (n) deleting paragraph (m);
- (o) deleting paragraph (n);

(Chairperson, Departmental Committee on Lands)

Question of the amendment to the Senate amendment proposed;

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Debate arising

Question of the amendment to the Senate amendment put and agreed to.

Senate amendment to Fourth Schedule as amended - approved.

iii. Senate Amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017)

(i) Senate Amendment to Clause 3

Proposed amendment to Senate Amendment Clause 3

THAT, Clause 3 of the Bill be amended in sub-clause (1) by deleting the words “as more specifically provided in the Act for” appearing immediately after the words “Act shall apply” and substituting therefor the words “to matters relating to the”.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 3 as amended agreed to.

(ii) Senate Amendment to Clause 6

Proposed amendment to Senate Amendment Clause 6

THAT, Clause 6 of the Bill be amended –

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

1. The Cabinet Secretary shall, in consultation with the Council of County Governors, regulate and promote the development and proper management of irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage, including water harvesting and storage for irrigation.

(g) in sub-clause (2) by -

- (i) inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall” in the introductory clause;
- (ii) deleting the word “facilitate” appearing at the beginning of paragraph (d) and substituting therefor the word “promote”; and

deleting the word “Parliament” appearing immediately after the words “report to” in paragraph (h) and substituting therefor the words “the National Assembly and the Senate”; and

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

(3A) The Cabinet Secretary shall consult the county governments of all counties affected
by an irrigation scheme before issuing a license under subsection (2)(f).

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 6 as amended agreed to

(iii) Senate Amendment to Clause 8

Proposed amendment to Senate Amendment Clause 8

THAT, Clause 8 of the Bill be amended in sub-clause (2) by inserting the words “safe storage” immediately after the words “promote the marketing” in paragraph (k).

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 8 as amended agreed to

(iv) Senate Amendment to Clause 9

Proposed amendment to Senate Amendment Clause 9

THAT, Clause 9 of the Bill be amended –

(a) in sub-clause (1) by –

- (i) deleting the words “State Department of” appearing immediately after the words “the Principal Secretary” in paragraph (b) and substituting therefor the words “responsible for”;
- (ii) deleting the words “five other” appearing at the beginning of paragraph (f)
- (iii) and substituting therefor the word “two”;
- (iv) inserting the following new paragraph immediately after paragraph (f)-

(g) four persons nominated by the Council of County Governors and appointed by the Cabinet Secretary, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2).

(b) in sub-clause (2) by deleting the words “include two representatives of county governments nominated by the Council of Governors and shall” appearing at the beginning of paragraph (b);

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

(2A) The Council of County Governors shall, for purposes of subsection (2)(b), nominate and submit to the Cabinet Secretary, the names of eight persons out of whom the Cabinet Secretary shall appoint four.

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

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 9 as amended agreed to

(v) Senate Amendment to Clause 14

Proposed amendment to Senate Amendment Clause 14

THAT, Clause 14 of the Bill be amended -

- a) in sub-clause (1) by deleting the words “an irrigation function delegated by the Cabinet Secretary as may be prescribed in the Regulations” appearing immediately after the words “carrying out of” and substituting therefor the words “its functions with respect to irrigation pursuant to Part 2 of the Fourth Schedule to the Constitution”; and
- b) in sub-clause (2) by deleting the word “Parliament” appearing immediately after the words “and approved by” and substituting therefor the words “the National Assembly and the Senate”.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 14 as amended agreed to

(vi) Senate Amendment to Clause 16

Proposed amendment to Senate Amendment Clause 16

THAT, Clause 16 of the Bill be amended in sub-clause (6) by inserting the words “and the impact the irrigation scheme is likely to have on the environment” immediately after the words “and fish producers”.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 16 as amended agreed to

Senate Amendment Clause 17

Proposed amendment to Senate Amendment Clause 17

THAT, Clause 17 of the Bill be amended in sub-clause (1) by –

- (a) inserting the words “in consultation with the Council of County Governors,” immediately after the words “Cabinet Secretary shall” in the introductory clause; and
- (b) inserting the following new paragraph immediately after paragraph (b) -
- (c) in consultation with the Water Resources Authority, for the handling of irrigation water effluent.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 17 as amended agreed to

(vii) Senate Amendment to Clause 20

Proposed amendment to Senate Amendment Clause 20

THAT, Clause 20 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause –

- (3) An association may, with the approval by the Cabinet Secretary, enter into an agreement with the National Government, a county government, a private sector institution or another farmers’ association for the establishment, expansion, implementation, improvement, modernization, operation or maintenance of a scheme.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 20 as amended agreed to

(viii) Senate Amendment to Clause 25

Proposed amendment to Senate Amendment Clause 25

THAT, Clause 25 of the Bill be amended in sub-clause (1) by inserting the word “intrascheme” immediately after the words “scheme development, management,”.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 25 as amended agreed to

(ix) Senate Amendment to Clause 34

Proposed amendment to Senate Amendment Clause 34

THAT, Clause 34 of the Bill be amended –

- (a) in sub-clause (1) by inserting the words “and with the approval of the Senate and the National Assembly,” immediately after the words “with county governments”; and
- (b) in sub-clause (2) by deleting paragraph (e) and substituting therefor the following new paragraph –
 - (e) the requirements, procedures and forms for licensing of irrigation schemes;

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 34 as amended agreed to

(x) Senate Amendment to the Schedule

Proposed amendment to the Schedule

THAT, the Schedule to the Bill be amended in paragraph 3 by deleting subparagraph (5) and substituting the following new subparagraph –

- (5) The chairperson shall preside at every meeting of the Board of and in the absence of the chairperson; a member of the Board elected by the members present from among their number shall preside.

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to the Schedule as amended agreed to

(xi) Senate Amendment to Clause 2

Proposed amendment to the Senate Amendment Clause 2

THAT, Clause 2 of the Bill be amended by –

(j) deleting the definition of the word “irrigation” and substituting therefor the following new definition –

“irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plants, livestock, aquaculture and desired forest trees;

(k) deleting the definition of the word “license” and substituting therefor the following new definition-

“licence” means a license issued by the Cabinet Secretary or such other person as the Cabinet Secretary may authorize;

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Proposed amendments to Section 2 as amended agreed to

Senate Amendments to the Bill to be reported with further amendments.

13. **HOUSE RESUMED** – the Second Chairperson of Committees in the Chair

i. Senate Amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017)

Bill reported with further amendments;

Motion made and Question proposed;

That, the House do agree with the Committee of the Whole House on its consideration of the Senate Amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017).

(The Leader of the Majority Party)

Question for Agreement Deferred.

ii. Senate amendments to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)

Bill reported with further amendments;

Motion made and Question proposed;

That, the House do agree with the Committee of the Whole House on its consideration of the Senate Amendments to the Land Value Index Laws (Amendment) (National Assembly Bill No. 3 of 2018).

(The Leader of the Majority Party)

Question for Agreement Deferred.

(iii) Senate amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017)

Bill reported with further amendments;

Motion made and Question proposed;

That, the House do agree with the Committee of the Whole House on its consideration of the Senate Amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017).

(The Leader of the Majority Party)

Question for Agreement Deferred.

14. MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017, *laid on the Table of House on Wednesday, February 27, 2019.*

(The Chairperson, Public Accounts Committee)

Order for the Motion read;

Order Deferred to another day.

QUORUM OF THE HOUSE

Pursuant to Standing Order 35 the Member for Kiminini (Hon. Chris Wamalwa) drew the attention of the Second Chairperson to the fact that there was no quorum in the House; And the Chairperson having confirmed that there was no quorum, ordered that the quorum bell be rung for ten minutes;

And there being no quorum after expiry of ten minutes;

And the time being ten minutes to Seven o'clock, the Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. HOUSE ROSE - at 10 mins to seven o'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, March 28, 2018 at 2.30 p.m.

--x--