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**THE DEPARTMENTAL COMMITTEE ON
HOUSING, URBAN PLANNING AND PUBLIC WORKS**

REPORT

ON CONSIDERATION OF

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 APR 2023	DAY: TUESDAY
TABLED BY:	HON. GEORGE MURUGARA, MP, CHAIRPERSON SHAC
CLERK AT THE TABLE:	RUTHEN NGINYO

DIRECTORATE OF DEPARTMENTAL COMMITTEES
CLERK'S CHAMBERS - NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

MARCH 2023

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Housing, Urban Planning and Public Works on its consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022), sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung'wah, M.P. The Bill was published on 22nd November 2022 and read a First Time on 8th December 2022. Pursuant to Standing Order 127, the Bill was thereafter committed to the Departmental Housing, Urban Planning and Public Works to consider the proposed amendments to the Housing Act, Cap. 117 and the Architects and Quantity Surveyors Act, Cap. 525.

Following the placement of advertisements in the print media on 16th December 2022 requesting for comments on the Bill from members of the public and relevant stakeholders in accordance with Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee received memoranda from the Kenya Law Reform Commission, the Ministry of Lands, Public Works, Housing and Urban Development, the National Housing Corporation and the Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya. The Committee thanks all the stakeholders who submitted their views to the Committee for consideration.

The Committee considered the views from the stakeholders on Thursday, 23rd and Tuesday, 28th February, 2023. Both the Ministry and the NHC were in support of the proposed amendment to the Housing Act, Cap. 117 while the BORAQS had a further amendment to the Architects and Quantity Surveyors Act (Cap. 525). The Kenya Law Reform Commission noted that there was no explanation in the Memorandum of objects and reasons on why the Housing Act, Cap. 117 was being amended. The Committee considered all the submissions and made its determination regarding the amendments to the two statutes.

The Committee wishes to sincerely thank the Offices of the Speaker and of the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate. I also take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and commitment towards the production of this Report. The Committee further wishes to record its appreciation for services rendered by the Committee Secretariat. Their efforts and input made the work of the Committee and production of this Report possible.

On behalf of the Departmental Committee on Housing, Urban Planning and Public Works, and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022), with the recommendation that the proposed amendment to Section 3(3) of the Architects and Quantity Surveyors Act, Cap. 525 be passed as proposed, while the proposed amendment to Section 2 of the Housing Act, Cap. 117 be amended by deleting it in its entirety.

HON. JOHANA NG'ENO KIPYEGON, MP.

Chairperson - Departmental Committee on Housing, Urban Planning and Public Works

1.0 PREFACE

1. The Bill was Read a First Time on 8th December 2022 and consequently committed to the relevant Departmental Committees for consideration and reporting to the House pursuant to Standing Order 127(1). The Departmental Committee on Housing, Urban Planning and Public Works considered the amendments proposed to the Architects and Quantity Surveyors Act, Cap. 525 and the amendments to the Housing Act, Cap. 117.

1.1 Committee Mandate

2. The Departmental Committee on Housing, Urban Planning and Public Works is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;
 - a. *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b. *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - c. ***study and review all legislation referred to it;***
 - d. *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e. *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f. *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - f(a). *examine treaties, agreements and conventions;*
 - g. *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h. *(deleted).*
 - i. *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - j. *examine any questions raised by Members on a matter within its mandate.*
3. Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:
 - a) Housing;
 - b) Public Works;
 - c) Urban Planning;
 - d) Metropolitan Affairs;
 - e) Housing Development; and
 - f) Built Environment.
4. In executing this mandate, the Committee oversees various State Departments, namely:
 - a) The State Department of Housing and Urban Development; and
 - b) The State Department of Public Works.

The two State Departments are domiciled under the Ministry of Lands, Public Works, Housing and Urban Development.

1.2 Committee Membership

5. The Committee on Housing, Urban Planning and Public Works as constituted by the House comprises of the following members:

Chairperson

Hon. Johana Ng'eno Kipyegon, MP
Emurua Dikirr Constituency
UDA Party

Vice-Chairperson

Hon. Mugambi Murwithania Rindikiri, MP
Buuri Constituency
UDA Party

Members:

Hon. John Waluke Koyi, MP
Sirisia Constituency
Jubilee Party

Hon. Esther Muthoni Passaris, OGW, MP
Nairobi County Women Representative
ODM Party

Hon. Innocent Obiri Momanyi, MP
Bobasi Constituency
WDM-K Party

Hon. Joshua Kivinda Kimilu, MP
Kaiti Constituency
WDM-K Party

Hon. Samuel Kinuthia Gachobe, MP
Subukia Constituency
UDA Party

Hon. Abraham Kipsang Kirwa, MP
Mosop Constituency
UDA Party

Hon. Caleb Mutiso Mule, MP
Machakos Town Constituency
MCCP Party

Hon. (Dr.) Daniel Ogwoka Manduku, MP
Nyaribari Masaba Constituency
ODM Party

Hon. Irene Njoki Mrembo, MP
Bahati Constituency
Jubilee Party

Hon. Jane Wangechi Kagiri, MP
Laikipia County Women Representative.
UDA Party

Hon. John G. Mwaniki Mukunji, MP
Manyatta Constituency
UDA Party

Hon. Maurice Kakai Bisau, MP
Kimimini Constituency
DAP-K Party

Hon. Ronald Kamwiko Karauri, MP
Kasarani Constituency
Independent

1.3 Committee Secretariat

6. The Committee is facilitated by the following secretariat:

Mr. Ahmed Salim Abdalla
Clerk Assistant II/Head of Secretariat

Mr. Dickson Mogeni Gekara
Clerk Assistant III

Mr. Sisto Gichuhi Macharia
Clerk Assistant III

Ms. Emma Essendi
Senior Legal Counsel

Mr. James Muguna
Research Officer II

Mr. Abdinasir Moge
Fiscal Analyst II

Ms. Esther Ngechu
Senior Serjeant-At-Arms

Mr. Joshua Lenambeti
Serjeant-At-Arms

Ms. Deborah Mupusi
Media Relations Officer II

Mr. George Ndenjeshe
Fiscal Analyst III

Mr. Kelvin Lengasi
Audio Recording Officer

2.0 OVERVIEW OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

2.1 Analysis of the Bill

7. The Bill seeks to make various amendments to various statutes. It is in keeping with the practice of consolidating minor amendments which do not merit the publication of separate Bills, into one Bill.
8. Clause 1: Provides for the short title.
9. Clause 2: Provides a schedule of amendments, as proposed to various statutes.
10. The Departmental Committee on Housing, Urban Planning and Public Works considered the amendments to the Architects and Quantity Surveyors Act (Cap. 525) and the Housing Act (Cap. 117), while the rest of the amendments were committed to other relevant Departmental Committees for consideration.

3.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

11. Following the call for memoranda from the public through the placement of advertisements in the print media on 16th December 2022 inviting stakeholders to submit their views on the Bill, the Committee received memoranda from the Kenya Law Reform Commission, the Ministry of Lands, Public Works, Housing and Urban Development, the National Housing Corporation and the Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya.
12. On 28th February 2023, the Committee considered its report on the Bill and adopted it in the same sitting.

3.1 Submissions by the Kenya Law Reform Commission

13. In their submission to the Committee, the Kenya Law Reform Commission noted that there is no explanation in the Memorandum of objects and reasons on why the Housing Act, Cap. 117 is being amended. The Committee took note of the omission.

3.2 Submissions by the Ministry of Lands, Public Works, Housing and Urban Development

14. In their submission to the Committee, the State Department for Housing and Urban Development, on behalf of the Ministry, explained that the definition of “affordable housing” was meant to provide clarity on the definition of “Affordable Housing” based on the universal definition and in line with the Kenyan housing policy and cognizant of the Kenyan context.
15. The State Department submitted that according to the Ministry’s policy, there is need to peg the definition of affordability to income and the ability to access other needs required for a decent quality of life.