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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- SECOND SESSION

REPORT OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT,
PUBLIC WORKS AND HOUSING

ON THE CONSIDERATION OF THE BUILDING SURVEYORS BILL,
2017

(NATIONAL ASSEMBLY BILL NO. 35 OF 2017)

DIRECTORATE OF COMMITTEE SERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2018

TABLE OF CONTENTS

LIST OF ABBEVIATIONS	2
ANNEXURES	3
FOREWORD	4
1.0 PREFACE	5
1.1 Mandate of the Committee	5
1.2 Members of the Committee	7
1.3 Committee Secretariat	7
1.4 ADOPTION OF THE COMMITTEE REPORT	8
2.0 BACKGROUND	9
3.0 SITTINGS	9
3.1 SUMMARY OF THE BUILDING SURVEYORS BILL, 2017	9
4.0 CONSIDERATION OF THE BUILDING SURVEYORS BILL, 2017	9
5.0 COMMITTEE RECOMMENDATION	14

LIST OF ABBEVIATIONS

ISK - Surveyors of Kenya

NCA - National Construction Authority

ANNEXURES

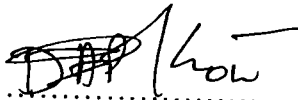
- Annexure 1 - Submission by the Institution of Surveyors of Kenya (ISK)
- Annexure 2 - Submission by the National Construction Authority (NCA)
- Annexure 3 - Submission by the Ministry of Transport
- Annexure 4 - Advert inviting submissions of memoranda
- Annexure 5 - Adoption list and minutes

FOREWORD

The Bill was read for a first time on 11th October 2017 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1); it is on the basis of this that the Committee makes this Report. The Committee held a meeting with stakeholders where submissions were received and considered before the adoption of this report.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations of the submissions by different stakeholders on the Building Surveyors Bill, 2017. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise.

Pursuant to provisions of Standing Order 199 (6), and on behalf of the Departmental Committee on Transport, Public Works and Housing, it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Building Surveyors Bill, 2017.

SIGNED 

HON. DAVID PKOSING, CBS, M.P
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING

1.0 PREFACE

1.1 Mandate of the Committee

The Departmental Committee on Transport, Public Works and Housing 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*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

In executing this mandate, the Committee oversees various State Departments, namely:

- i. The State Department of Transport;
- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

1.2 Members of the Committee

- | | |
|---|-------------------------|
| 1) Hon. David Pkosing, M.P. | Chairperson |
| 2) Hon. Moses Kuria, M.P. | Vice Chairperson |
| 3) Hon. Dominic Kipkoech Koskei, M.P. | |
| 4) Hon. Peris Pesi Tobiko, M.P. | |
| 5) Hon. Kulow Maalim Hassan, M.P. | |
| 6) Hon. Mugambi Murwithania Rindikiri, M.P. | |
| 7) Hon. Samuel Arama, M.P. | |
| 8) Hon. Shadrack John Mose, M.P. | |
| 9) Hon. Rigathi Gachagua, M.P. | |
| 10) Hon. Rehema Dida Jaldesa, M.P. | |
| 11) Hon. Ahmed Bashane Gaal, M.P. | |
| 12) Hon. David Njuguna Kiaraho, M.P. | |
| 13) Hon. Johnson Many Naicca, M.P. | |
| 14) Hon. Tom Mboya Odege, M.P. | |
| 15) Hon. Suleiman Dori Ramadhani, M.P. | |
| 16) Hon. Ahmed Abdisalan Ibrahim, M.P. | |
| 17) Hon. Gideon Mutemi Mulyungi, M.P. | |
| 18) Hon. Savula Ayub Angatia, M.P. | |
| 19) Hon. Vincent Kemosi Mogaka, M.P. | |

1.3 Committee Secretariat

- | | |
|-----------------------------|------------------------------|
| 1) Ms. Chelagat Tungo Aaron | Committee Lead Clerk |
| 2) Mr. Ahmed Salim Abdalla | Third Clerk Assistant |
| 3) Ms. Mercy Wanyonyi | Legal Counsel |
| 4) Mr. James Muguna | Research Officer |
| 5) Mr. Eugene Luteshi | Audio Officer |
| 6) Mr. Abdinasir Moge Yusuf | Fiscal Analyst |
| 7) Ms. Zainabu Wario | Sergeant at Arms |

1.4 ADOPTION OF THE COMMITTEE REPORT


We, the Members of the Departmental Committee on Transport, Public Works and Housing have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today Tuesday 19th June, 2018:-


1. Hon. David Pkosing, M.P.
Chairperson
2. Hon. Moses Kuria, M.P.
Vice Chairperson
3. Hon. Samuel Arama, M.P.
4. Hon. David Njuguna Kiaraho, M.P.
5. Hon. Johnson Many Naicca, M.P.
6. Hon. Rigathi Gachagua, M.P.
7. Hon. Peris Pesi Tobiko, M.P.
8. Hon. Suleiman Dori Ramadhani, M.P.
9. Hon. Savula Ayub Angatia, M.P.
10. Hon. Ahmed Abdisalan Ibrahim, M.P.
11. Hon. Ahmed Bashane Gaal, M.P.
12. Hon. Dominic Kipkoech Koskei, M.P.
13. Hon. Gideon Mutemi Mulyungi, M.P.
14. Hon. Kulow Maalim Hassan, M.P.
15. Hon. Mugambi M. Rindikiri, M.P.
16. Hon. Rehema Dida Jaldesa, M.P.
17. Hon. Shadrack John Mose, M.P.
18. Hon. Tom Mboya Odege, M.P.
19. Hon. Vincent Kemosi Mogaka, M.P.


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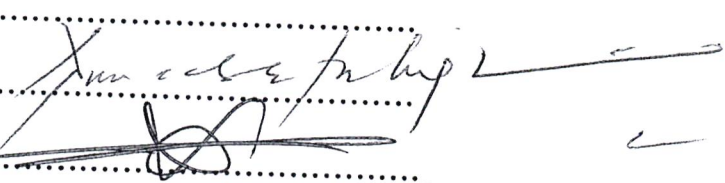
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2.0 BACKGROUND

The Building Surveyors Bill, 2017 was read for the first time on 11th October 2017 and subsequently committed to the Departmental Committee on Transport, Public Works and Housing for consideration pursuant to the provisions of Standing Order 127 (1), and report to the House. The principal object of this Bill is to regulate the activities and conduct of building surveyors.

3.0 SITTINGS

The Committee considered the Building Surveyors Bill, 2017 in its sitting held on Thursday, 19th April 2018 and adopted its report on Tuesday, 19th June 2018.

3.1 SUMMARY OF THE BUILDING SURVEYORS BILL, 2017

The principal object of this Bill is to regulate the activities and conduct of building surveyors.

The Bill contains the following five parts:

Part I of the Bill contains preliminary matters.

Part II of the Bill provides for the establishment of the Building Surveyors Registration Board, its composition and functions.

Part III of the Bill provides for the Registrar and the register of building surveyors. The Registrar shall be the chief executive officer of the Board and secretary to the Board.

Part IV of the Bill provides for the conditions and qualifications for the registration of building surveyors.

Part V of the Bill provides for financial provisions.

Part VI of the Bill provides for the effect of registration, indemnity requirements, dishonest practices and regulations by the Cabinet Secretary among other miscellaneous provisions.

4.0 CONSIDERATION OF THE BUILDING SURVEYORS BILL, 2017

The Committee considered the Building Surveyors Bill, 2017 in its sitting held on Thursday, 19th April 2018. Pursuant to Standing Order 127(3)(a), the Committee invited the public through the Daily Nation and Standard newspapers on 11th January 2018 to make representations on the Bill.

Further, pursuant to Standing Order 127(3)(c), the Committee engaged stakeholders by holding meetings with the Ministry of Transport, Institution of Surveyors of Kenya (ISK) and the National Construction Authority (NCA).

COMMITTEE AMENDMENTS

Having considered all the clauses, and having given due consideration to different views as submitted by different stakeholders, the Committee therefore proposed the following amendments as agreed in its meeting of 19th April 2018 and as adopted on 19th June 2018:

LONG TITLE

THAT the long title of the Bill be amended by inserting the words “and licensing, to regulate their practice and professional conduct” immediately after the words “registration”;

Justification: To clarify the scope of the Bill and remove ambiguity.

CLAUSE 4

THAT Clause 4 of the Bill be amended—

- (a) by inserting the words “registering and” immediately before the word “regulating”; and
- (b) by inserting the following new sub-clause immediately after sub-clause (1) –

(2) Without prejudice to the generality of sub-section (1), the Board shall–

- (a) promote the practice of building surveying that complies with universally accepted norms and values;
- (b) prescribe the minimum requirements and consider and approve the qualifications of persons wishing to be registered as building surveyors under this Act;
- (c) maintain a register of all persons or firms registered under this Act;
- (d) review and designate categories within the building surveying profession under which a person or firm may be registered;
- (e) issue registration certificates and annual practicing license certificates to persons and firms qualified under this Act;

- (e) levy such fees as it may determine for registration and grant of the annual practicing license including, other fees that the Board may consider necessary for the furtherance of its objectives;
- (f) regulate the activities and conduct of registered persons and firms;
- (g) establish and maintain a professional code of conduct for persons and firms registered to practice under this Act;
- (h) establish, approve and accredit continuing professional educational programs for building surveyors;
- (i) prescribe and conduct examinations for purposes of registration under this Act in collaboration with approved institutions;
- (j) produce and disseminate material information in connection with the works and activities of the Board;
- (k) publish and circulate any material in connection with the building surveying profession and related matters;
- (l) promote awareness and educate the public on the professional duties and responsibilities of a building surveyor;
- (m) publish annually in the Kenya Gazette a list of persons and firms practicing building surveying in Kenya;
- (n) to receive complaints against registered persons and firms for necessary action;
- (o) determine the fees to be charged by building surveyors and firms for professional services rendered from time to time;
- (p) hear and determine such disputes relating to the professional conduct of building surveyors; and
- (q) undertake any other activity that may be necessary for the fulfillment of any of its functions under this Act.

Justification: To clarify the scope of the Bill.

CLAUSE 5

THAT Clause 5 of the Bill be amended in sub-clause (1) by—

- (a) deleting paragraph (a) and substituting therefor the following new paragraph-

- (a) a chairperson, who shall be in private practice and a member of the Institution of Surveyors of Kenya (Building Surveyors Chapter);
- (b) deleting paragraph (b) and substituting therefor the following new paragraph-
 - “(b) four persons who shall be public officers and members of the Institution of Surveyors of Kenya (Building Surveyors Chapter);”
- (c) deleting paragraph (c) ;
- (d) by inserting the words “full” immediately before the words “members” appearing in paragraph (d); and
- (e) by deleting the words “recognized University” appearing in paragraph “(e) and substituting therefor the words “recognized institution”.

Justification: To clarify it is a professional body that will only comprise of Building Surveyors and to streamline membership qualification.

CLAUSE 7

THAT Clause 7 of the Bill be amended in sub-clause (3) by deleting the word “the” appearing immediately after the word “where”;

Justification: To correct a grammatical mistake.

CLAUSE 10

THAT Clause 10 of the Bill be amended by renumbering the existing sub-clauses in their correct chronological order.

Justification: To correct a numbering mistake.

CLAUSE 15

THAT Clause 15 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “as provided for in this Act” at the end of the sub-clause;
- (b) in sub-clause (4) by deleting the words “not exceeding five thousand shillings” appearing at the end of the sub-clause and substituting therefor the words “not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months or to both.

Justification: For clarity as regards to registration under the Act.

CLAUSE 16

THAT Clause 16 of the Bill be amended in sub-clause (2) by inserting the words “the license number and” appearing immediately after the words “shall bear”;

Justification: For clarity purposes.

CLAUSE 18

THAT Clause 18 of the Bill be amended by deleting the words “section 19” and substituting therefor the words “section 17”.

Justification: To correct a cross-referencing error.

CLAUSE 29

THAT Clause 29 of the Bill be amended—

(a) by deleting sub-clause (1); and

(b) by inserting the words “membership, practicing or other fees” immediately after the word “such” appearing at the beginning of paragraph (b);

Justification: To ensure that sources of funds of the Board do not include monies appropriated by the National Assembly.

CLAUSE 38

THAT Clause 38 of the Bill be amended by deleting the word “or” appearing at the end of paragraph (a).

Justification: For clarity purposes.

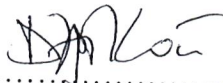
COMMITTEE'S GENERAL OBSERVATIONS

The Bill mainly seeks to regulate the activities and conduct of building surveyors and therefore a positive step.

5.0 COMMITTEE RECOMMENDATION

Having considered the Building Surveyors Bill, 2017, the Committee will be proposing amendments to the **Long Title, clause 4, clause 5, clause 7, clause 10, clause 15, clause 16, clause 18, clause 29 and clause 38** of the Bill during the Third Reading Stage in the Committee of the Whole House.

SIGNED

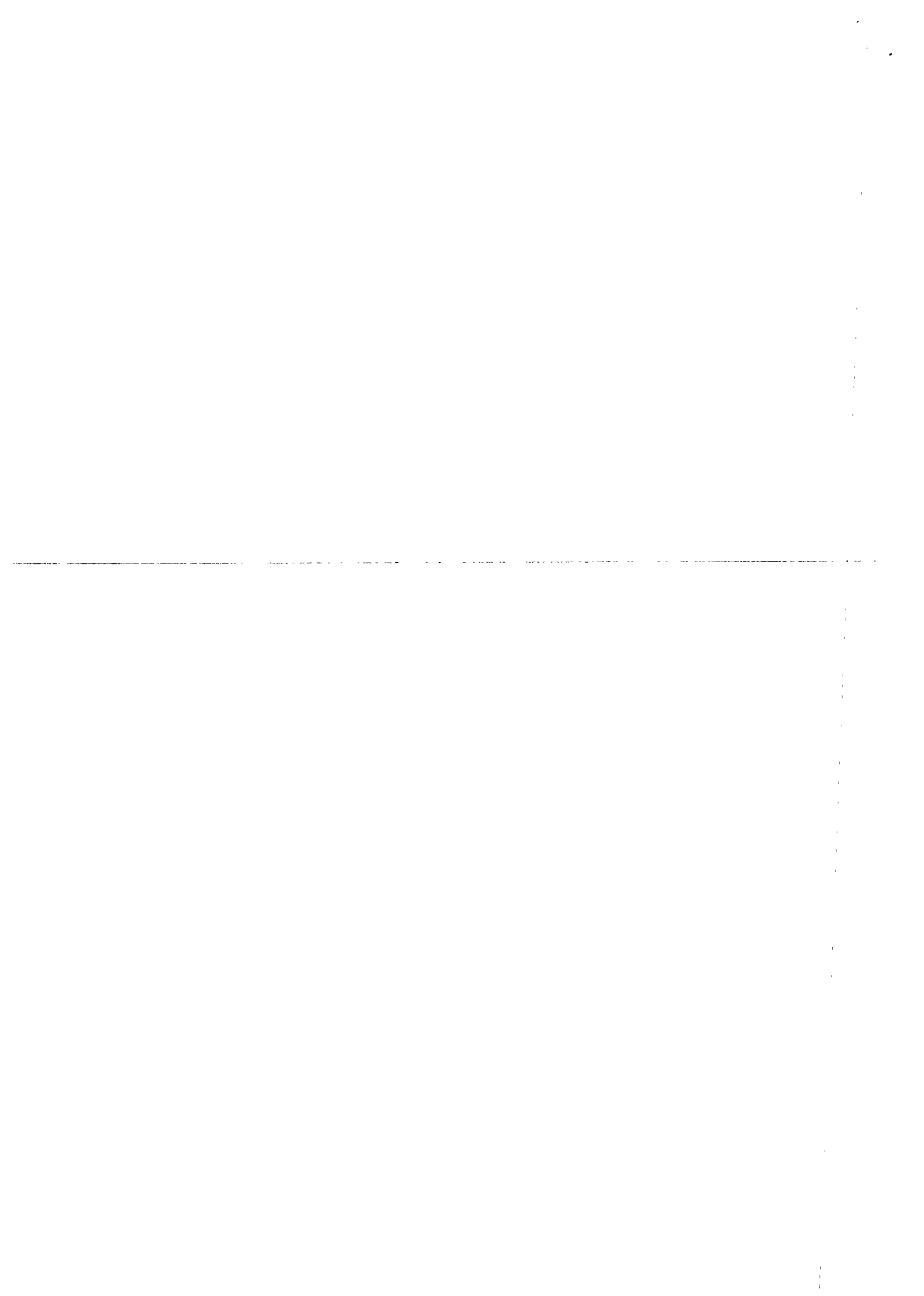


CHAIRPERSON

(HON. DAVID PKOSING, CBS, M.P)

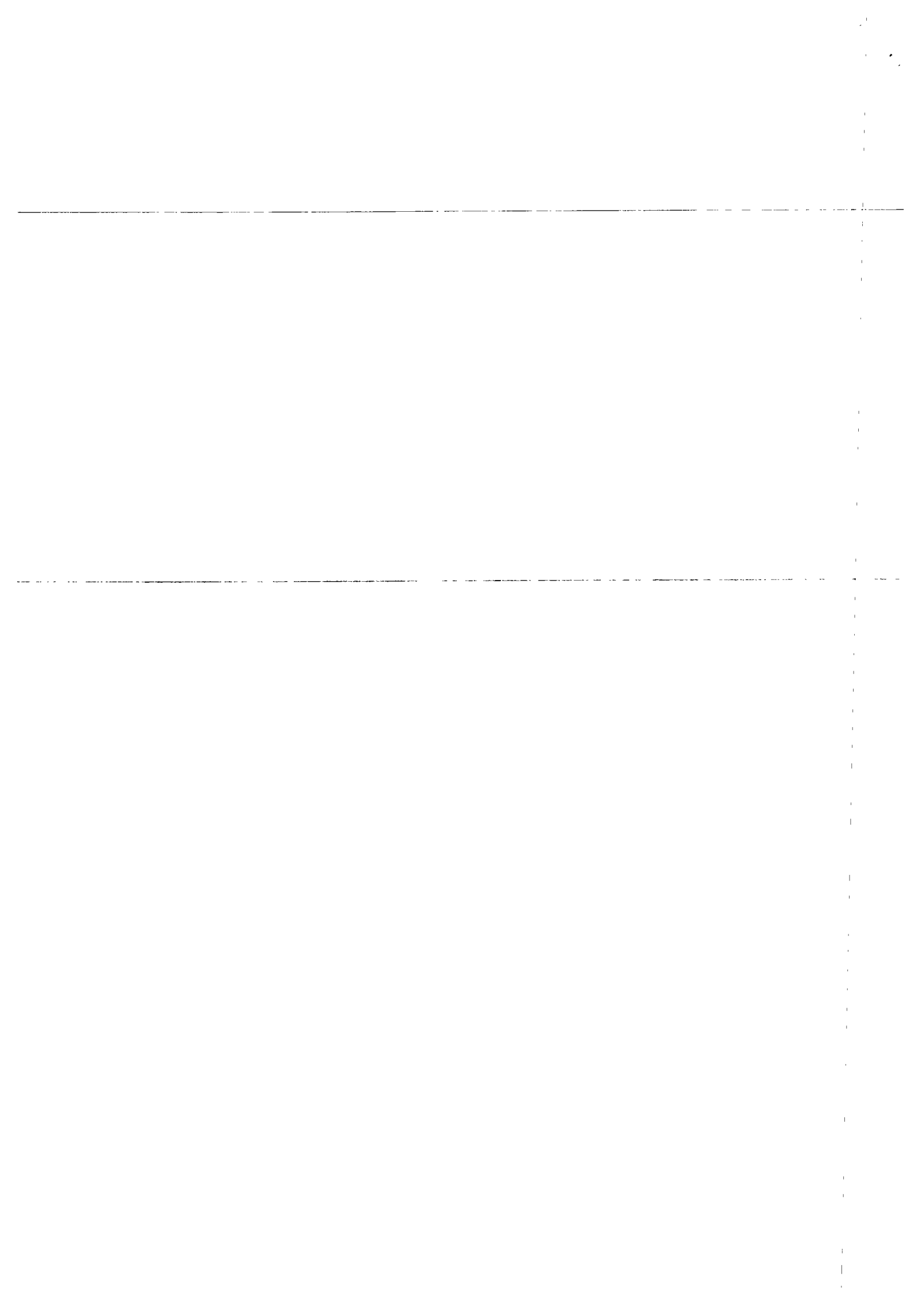
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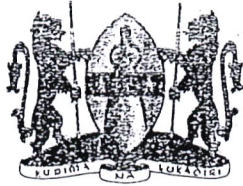
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Annexure 1

**Submission by
the Institution of Surveyors of
Kenya (ISK)**





THE INSTITUTION OF SURVEYORS OF KENYA

Head Office:

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Taifa Road, Aga Khan Walk,
P.O. Box 40707-00100, Nairobi.
Tel: 020-313490

Mobile: 0724 929737/0737929737
Email: info@isk.or.ke
Web: www.isk.or.ke

MEMORANDUM ON BUILDING SURVEYORS BILL 2017

PRESENTED TO
CLERK, NATIONAL ASSEMBLY

22nd March 2018

MEMBER CHAPTERS

- Land Surveyors
- Engineering Surveyors
- Geospatial Information Management Surveyors
- Valuation & Estate Management Surveyors
- Building Surveyors
- Land Administration Managers

INTRODUCTION:

The Institution of Surveyors of Kenya (ISK) is the Landed professional organization in this country that brings together professionals in land and real estate sector. The professionals fall within six major disciplines of the surveying profession namely the Valuation and Estate Management Surveying; Land Surveying; Building Surveying and Land Administration Management; Engineering Surveying and Geospatial Information Management Surveyors. Our membership currently stands at around 3000.

GENERAL COMMENTS:

The Building Surveyors Bill is a proposed act of parliament to provide for the registration and regulation of the professional practice of building surveyors and for connected purposes.

Proper maintenance and management of Buildings will ensure that the environment around them is clean and healthy thereby realizing the Right to a clean environment as envisaged in **Article 42** of the Constitution of Kenya.

Building Surveyors are professionals with academic qualification, technical knowledge and expertise in the practice of Building management. They nurture the building and manage the interrelationships for a better, safer, healthy and attractive built environment. Building survey is a specialized professional skill that goes beyond design and construction of a building. It is a technical branch of skill that starts the nurturing of buildings from inception and design advising on choice of materials, construction, operation and maintenance even decommissioning of buildings. Building Surveying is long term; lives with the building to ensure quality, strength and long life of a building.

In Kenya, Building Surveying practice has largely been carried out in the public sector explaining the few or no incidences of building collapses within government. It contributes greatly to safety and health of workers and should be expanded to cover both private and public sectors in order to restore safety within the built environment. The lack of building surveying professional services in Kenya's built sector has led to pile up of building management related challenges including maintenance and collapses. It is time to anchor these critical services in law for the benefit of ensuring safety and longevity of the Nation's building stock.

The Building Surveyors Bill, 2017 was taken through the first reading at the National Assembly on 11th October, 2017. The formulation committee under the coordination of

The Ministry of Transport, Infrastructure, Housing and Urban Development have noted various omissions in the bill tabled and proposes corrections and amendments to the bill to be included in the second reading as follows:

SPECIFIC COMMENTS:

Title	Section	Proposal/Recommendation	Remarks
PART I- PRELIMINARY			
Preamble		Amend to read as follows: A Bill for an Act of Parliament to provide for Building Surveying profession, registration, licensing and discipline/regulation of Building Surveyors and Building Surveying firms and for connected purposes.	to align to the spirit of the bill
Interpretation	2	Insert the following additional definitions; "Building" means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted; "Building Surveyor" means a person registered under this Act, who gives a feedback on aspects of building design performance, takes over completed buildings for the purposes of management, tagging, maintenance, repair, refurbishment as well as restoration of existing buildings. The Building Surveyor offers quality assessment and reports on defects and ways of improving all kinds of buildings. "Condition Survey" means the systematic and professional inspection of a building to identify defects, prescribe mitigation measures or certify for occupation "Related Infrastructure" means all ancillary services within which a building is set up and may include fences, access roads, gates, drive ways, septic tanks, soak pits.	The additional definitions are critical in the practice of the building surveying and are also used in the body of the bill and constitute outcome of building surveying practices.

Title	Section	Proposal/Recommendation	Remarks
		<p>laundry, carports and drainage.</p> <p>"Schedule of Dilapidation" means a professional elucidation of the changes in a building after occupation by lessee or owner and the requisite attendant repairs</p> <p>"Occupancy Certificate" means a certificate issued by building surveyor after satisfying himself that a building is fit for occupation</p> <p>"Inspection Report" means a report compiled by building surveyor with respect to a particular building in such a format as prescribed in this Act</p> <p>"Building Register" means a register of buildings within a portfolio showing details of construction, maintenance, occupation, dimensions, location, construction materials etc</p> <p>"Building Surveying Practice" means the doing, in connection with the inspection, maintenance, management, condition survey, decommissioning, advise on best use, insurance, refurbishment, renewal of buildings and connected purposes or any other function as set out in the first schedule of this Act.</p> <p>"Housing" means the total residential environment for accommodation and leisure.</p> <p>"Zero – Technology" means able to link and apply building design, operations, maintenance and facilities management.</p> <p>Change "Practising Building Surveyor" to "Practising Building Surveyor"</p>	<p>Bring about</p> <p>cert, etc</p>

Title	Section	Proposal/Recommendation	Remarks
		<p>Insert clause</p> <p>Nothing in this Act shall extend to the doing of any acts which would constitute practice as a Building Surveyor by a registered estate agent selling or collecting rent on behalf of any owner of immovable property or any interest therein.</p>	distinction of the related disciplines
		Insert Section (PART II) below:	
PART II – DIRECTOR OF BUILDING SURVEYING			
		<p>There shall be a Director of Building Surveying appointed by the Public Service Commission within the ministry responsible for Built Environment who shall be the principal advisor to the Government on all matters relating to Building Surveying</p> <p>The Director of Building Surveying shall be appointed by the Public Service Commission from amongst registered Building Surveyors.</p> <p>A person shall not be qualified to be appointed as Director of Building Surveying unless such a person is;-</p> <ol style="list-style-type: none"> a) is a Citizen of Kenya; b) holds at least degree in Land Economics or Real Estate or equivalent qualification in building surveying from a recognized institution; c) is a registered building surveyor with at least 15 years post registration experience in the field of building surveying; and d) is of a proven probity, good standing in ISK and meets the requirement of Chapter 6 of the Constitution. <p>Functions or responsibilities of the Director of Building Surveying:</p> <ol style="list-style-type: none"> a) advises the government on policy formulation relating to Building Surveying 	<p>The Government is a policy maker, has the largest stake in the real estate sector and for public safety.</p> <p>To domicile Sessional Paper No. 2 of 2015 National Building Maintenance Policy.</p>

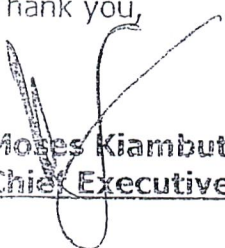
Title	Section	Proposal/Recommendation	Remarks
		services for the built environment; b) advises the government on building maintenance programmes; c) custodian of the National Maintenance Policy; d) keeps register/inventory of all government buildings; e) formulate and implement planned, preventive maintenance of all government built assets; f) any other duty assigned as related to built environment.	
		Insert Section (PART III) below:	
PART III - BUILDING MAINTENANCE AND INTEGRATED DISASTER RISK MANAGEMENT			
		<p>All buildings shall be inspected after every five years by a Registered Building Surveyor and a certificate of Inspection issued as per the guidelines formulated by the Director of Building Surveying. Upon inspection the registered Building Surveyor shall prepare a schedule of dilapidation for the respective building.</p> <p>Registered building surveyors shall issue Building Occupation Certificates for Buildings for continued occupation as per the guidelines issued by the Director of Building Surveying.</p> <p>Registered building surveyors shall prepare Building Manuals for existing buildings and those under construction as per the guidelines issued by the Director of Building Surveying.</p>	<p>To ensure buildings are fit for occupation and sustain their value.</p> <p>Implementation of Sessional Paper No. 2 of 2015 National Building Maintenance Policy.</p>

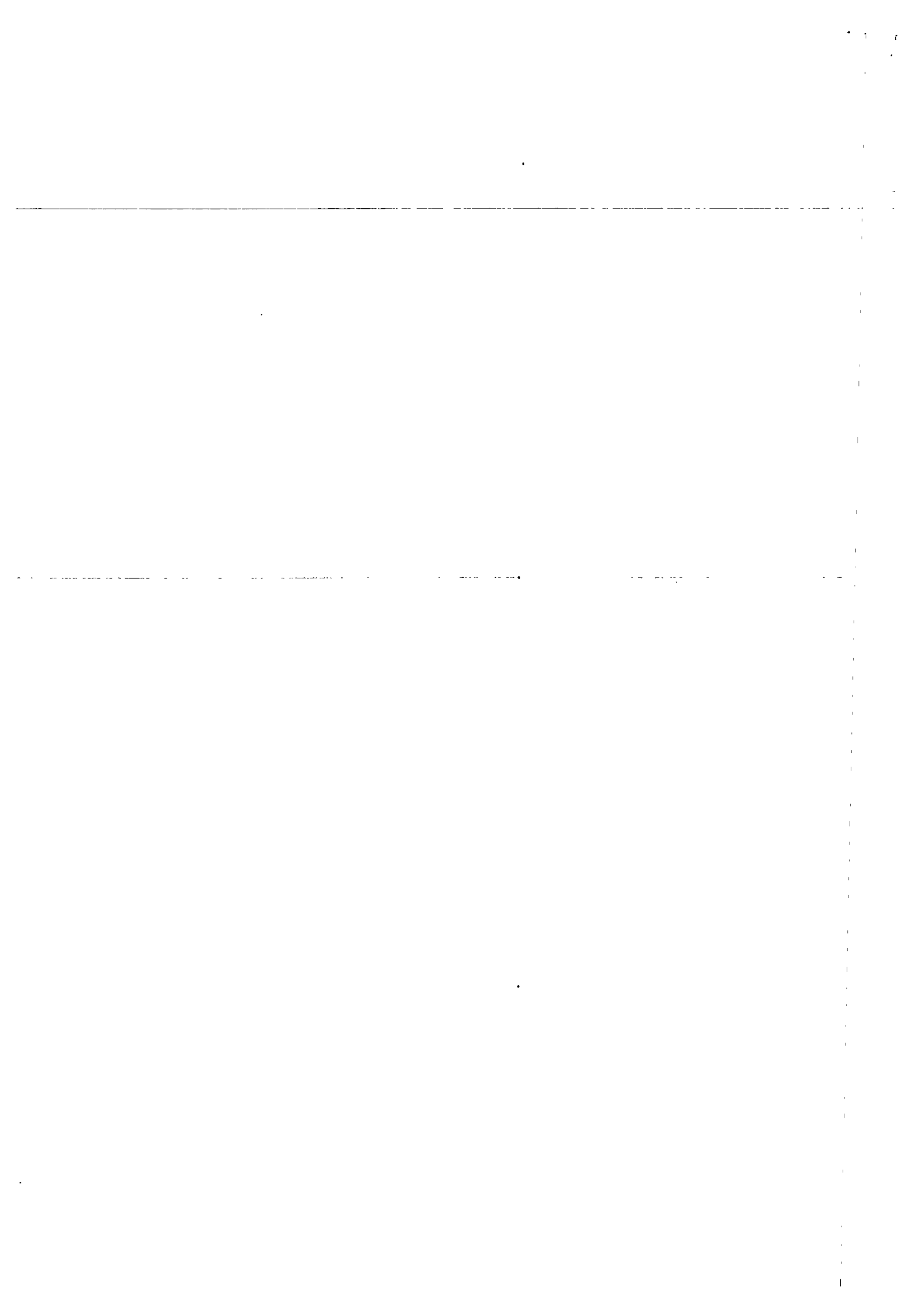
Title	Section	Proposal/Recommendation	Remarks
		Registered building surveyors shall prepare planned, preventive programmes of maintenance for all buildings inspected for execution by the building owners as per the guidelines issued by the Director of Building Surveying; failure to which they will be prosecuted.	
PART II – ESTABLISHMENT OF THE BOARD			
Functions of the Board	4	<ul style="list-style-type: none"> • To add the word 'registering and' before 'regulating' 	Clarity
Composition of the Board	5	<ul style="list-style-type: none"> • Section 5 (a) replace " a public officer" with "in Private Practice" and insert "Full" before "Member" • Section 5 (1) (b)- to read "Four Persons" and insert "Full" before "Member" • Section 5(1) (c) – delete the clause • Section 5(1) (d) - insert "Full" before "Member" • Section 5(1) (e) - insert "Full" before "Member" • Section 5(1) (f) - to read- the registrar "who shall be an ex officio member of the Board appointed as per section 14" 	To enhance professionalism and also brings about clarity among the various classes of membership
Committees of the Board	7	<ul style="list-style-type: none"> • Section 7 (3) – delete 'the' 	Spelling
Remuneration and Allowances	9	<ul style="list-style-type: none"> • 'Remuneration and allowances' to be replaced with 'remuneration of the Board' • Should read " the Board shall pay its members remuneration or allowances as it may determine upon approval by the salaries and remuneration commission" 	Clarity
The Seal of the Board	10	<ul style="list-style-type: none"> • Section 10(4) to change the final 4 to 5 	Repeated
Protection from Personal Liability	11	<ul style="list-style-type: none"> • Sec.11 (1) - to read as follows: "No member of the Board shall be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the responsibilities and functions of or 	To remove liability from

Title	Section	Proposal/Recommendation	Remarks
		exercising the powers conferred upon, the Board.'	individuals to the Board
Appointment of the Registrar	12	<ul style="list-style-type: none"> Section 12(1) after 'appointed' to add 'by the Cabinet Secretary upon recommendation by the Board' Section 12(3) replace with "The Registrar, who shall be a public officer and a full member of the Institution of Surveyors of Kenya (Building Surveyors Chapter), shall be the chief executive officer and the secretary to the Board.' 	Clarity. There was no one to appoint the registrar
Certificate of Registration	15	<ul style="list-style-type: none"> Section 15 (1) To add " as provided for in this Act" Section 15 (4) change five thousand to a fine not exceeding two hundred thousand or six months imprisonment and/ or both 	To strengthen regulation of the practice
Annual Practising License	16	<ul style="list-style-type: none"> To read 'practising' instead of 'practicing' Section 16(2) before 'the date' to insert 'license number' 	Clarity
Publication <i>prima facie</i> evidence of registration	18	<ul style="list-style-type: none"> Change under "section 19' to read 'section 17' 	Correct numbering
Conditions and Qualifications for registration	21	<ul style="list-style-type: none"> Section 21(a) amend to read "A Full Member of the Institution of Surveyors of Kenya, Building Surveyors Chapter in good standing" Section 21(b) to be deleted 	To enhance professionalism
Funds of the Board	29	<ul style="list-style-type: none"> Section 29 (a) amend to read "such monies from registration fees, annual subscriptions and renewal of practising licenses." 	The enactment of the bill shall not occasion additional expenditure of public funds
		Where the Word "board" is used, replace with "Board"	Spelling
Schedules		<p>To add the following schedules:</p> <ol style="list-style-type: none"> 1. Subsidiary Legislation 2. First Schedule-Role of Building Surveyor <ul style="list-style-type: none"> Form 1 - Building Surveyors Registration Board form 	The Schedules were omitted. To be included as attached

Title	Section	Proposal/Recommendation	Remarks
		<ul style="list-style-type: none"> • Form ii - Application for Registration • Form iii - Certificate of Registration • Form iv - practising certificate 3. Second Schedule - various levies 4. Third Schedule - scale of professional fees 5. Fourth Schedule - Maintenance checklist 	

Thank you,


Moses Kiambuthi
Chief Executive Officer



MEMORANDUM FOR PERSONS WHO CONTRAVENE
registration by the Authority.

Memorandum of Objects and Reasons
- Limits of the Delegated Authority.
Regulations - (c) the fees to be
charged under the Act

A definition of the word 'fees' to be
charged under the Act

There is need for clarification on the
word 'fees' that the Bill seeks to
introduce under its proposed
Regulations. Currently, the
construction industry is fragmented
with various agencies charging
separate fees for its construction
activities which hinders the ease of
doing business in the industry or a
hindrance to the registration of
qualified building surveyors.



**NATIONAL CONSTRUCTION
AUTHORITY**

NATIONAL CONSTRUCTION AUTHORITY - COMMENTS ON THE PROPOSED BUILDING SURVEYOR'S BILL 2017

Section of the Bill	Amendment	Justification
Section 5(1)(a-f)	Composition of additional Board Members representative of the building industry	<p>As the Act establishes a professional Board appointed through legislation by the Cabinet Secretary responsible for matters related to housing, the Board is subject to the provisions of the Constitution of Kenya 2010 and the Mwongozo Code of Governance for State Corporations with regard to the right Board size and mix, qualification criteria, appointment procedure and terms of engagement, as well as relevant laws, regulations and policy directives as issued from time to time.</p> <p>Further, the building industry is crosscutting in nature and includes professionals such as include Architects, Engineers, Quantity Surveyors etc The Board would benefit if it is representative of the above professionals.</p>
Section 15(4)	Replacement of the fine from Kshs. 5,000 to Kshs. 1 million	<p>As the purpose of the section in the Bill is to deter rogue building surveyor professionals, the Authority benchmarks with its own Act under Section 15(3) of the National Construction Authority Act No. 41 of 2011 which sets the fine of Kshs. 1</p>

① D/Com
Encl
23/04

KCB PLAZA
9th Floor
Kenya Road, Nairobi
www.nca.go.ke

P. O. Box 21046-00100
Nairobi, Kenya
DL:0700 021 222
info@nca.go.ke

REF: NCA6/14/Vol.1/13

Date: 19th April 2018

Your REF: NA/DCS/TPWH/CORR/2018/027

Mr. Michael Sialai
Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Buildings
P.o.Box 41842-00100
NAIROBI

② TUNAO
ple deaf
FA
24/4/18

Dear Sir,

RE: **CONSIDERATION OF THE BUILDING SURVEYOR'S BILL 2017**

We acknowledge receipt, with thanks, of your letter REF: NA/DCS/TPWH/CORR/2018/027 dated 12th April 2018.

Pursuant to the instructions arising from the meeting with the Departmental Committee on Transport, Housing and Public Works held today on 19th April 2018, please find enclosed a matrix of the Authority's comments on the Building Surveyor's Bill 2017.

Yours Sincerely,

Arch. Daniel O. Manduku
EXECUTIVE DIRECTOR
Encl.

Copy to:
Mr. Charles Hinga Mwaura
Principal Secretary
State Department of Housing, Public Works and
Urban Development
Ministry of Transport, Infrastructure, Housing and
Urban Development
NAIROBI

NATIONAL ASSEMBLY
RECEIVED
23 APR 2018
SENIOR DEPUTY CLERK
LEGAL & COMMITTEES
P. O. Box 41842 - 00100, NAIROBI

NATIONAL ASSEMBLY
RECEIVED
23 APR 2018
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

Annexure 2

**Submission by
the National Construction
Authority (NCA)**



NATIONAL CONSTRUCTION
AUTHORITY

**MEMORANDUM
ON
THE BUILDING SURVEYORS BILL
2017**

PRESENTED TO THE PARLIAMENTARY DEPARTMENT
COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING

19th APRIL 2018

9TH – 11TH FLOOR KCB TOWERS
KENYA ROAD, UPPER HILL
P.O. BOX 21046-00100

EMAIL: info@nca.go.ke WEBSITE: www.nca.go.ke

MEMORANDUM ON THE BUILDING SURVEYORS BILL 2017

1.0 Background

The National Construction Authority was established under the provisions of ~~section 3 of the National Construction Authority Act No. 41 of 2011 to oversee~~ and coordinate the development of the construction industry. In addition, Section 5(2) (g) of the Act states that the Authority shall promote and ensure quality assurance in the construction industry.

Pursuant to its mandate, the Authority has reviewed the Building Surveyors Bill and we seek to bring to your attention the following-

2.0 Preliminary

In Part I on the Preliminary, the scope/work or job description of building surveyor has not been exhaustively defined under the interpretation. The way it is currently defined may conflict with the work of quantity surveyors.

3.0 Provisions on Establishment of the Building Surveyors Registration Board

In reviewing the Building Surveyors Bill 2017, the Authority welcomes the establishment of the Board under **PART II** , because in recent times the Authority has seen the collapse of buildings without warning that cause devastation, great destruction and many lost lives. Examples of these incidents were in March 9th, 2016 where a four-storey building collapsed in Zimmerman, in April 2nd, 2015 a building behind Thika Road Mall collapsed and the April 29th, 2016 “Huruma Tragedy” that led to the loss of 52 lives. In light of these incidents, the Building Surveyors Bill comes to address these issues via ensuring high standards in the building surveyors industry which is also the mandate of the NCA under sec 5(2) (g) on quality assurance.

In addition under Part II section 5(1), all board members are drawn from Institution of Surveyors of Kenya. There is need to have board composed of various skill sets in the building industry. The Authority proposes for inclusion of representation from IEK, AAK, IQSK, and LSK.

In view of the above, the Board should be in line with **Constitution of Kenya 2010** the Code of Governance for State Corporations **Mwongozo** in regards to appointment to capture the right Board size and mix, qualification criteria, appointment procedure and terms of engagement, as well as relevant laws , regulations and policy directives as issued from time to time.

3.0 Provision on Register and Registration

According to **Part IV** of the Bill, For one to apply to be registered, he/she must be a member of the Institution of Surveyors of Kenya (Building Surveyors Chapter) or a corporate member of the Royal Institute of Chartered Surveyors and he/she is qualified to be/or is a member of the Institution of Surveyors of Kenya. In 14(1), the Registrar also has the mandate to keep and maintain a Register of all registered building surveyors. To be registered as a building surveyor, one has to make an application for registration and prove to the Board that he/she is qualified. Thereafter, one will be issued with a certificate of registration. In addition, there will also be an annual practicing license for those who intend to practice in their professional capacity. This Register will be published in the Kenya Gazette at the beginning of each year and the list will contain the names, addresses and qualifications of the building surveyors appearing there.

The Authority in view of the above supports this provision because it will ensure that all building surveyors have necessary qualifications and weed out quack surveyors. NCA also registers Contractors under Sec 15(1) and this is aimed at getting rid of rogue contractors and reducing malpractices.

The Authority just like the Surveyors Bill maintains a register of contractors under sec 19(1) of the Act which provides a centralized registration of contractor's that promotes professionalism in the Construction sector by ensuring that only trained contractors, construction workers, and site supervisors are registered.

Also under Part IV section 26(1). Reference section 29 quoted in the paragraph is not correct. Section 29 deals with financial provisions this should be corrected in the Bill.

In addition under Part III section 15(4), only punishment given is payment of fine. There should be also option for imprisonment in case a person fails to pay the fine.

4.0 Way forward

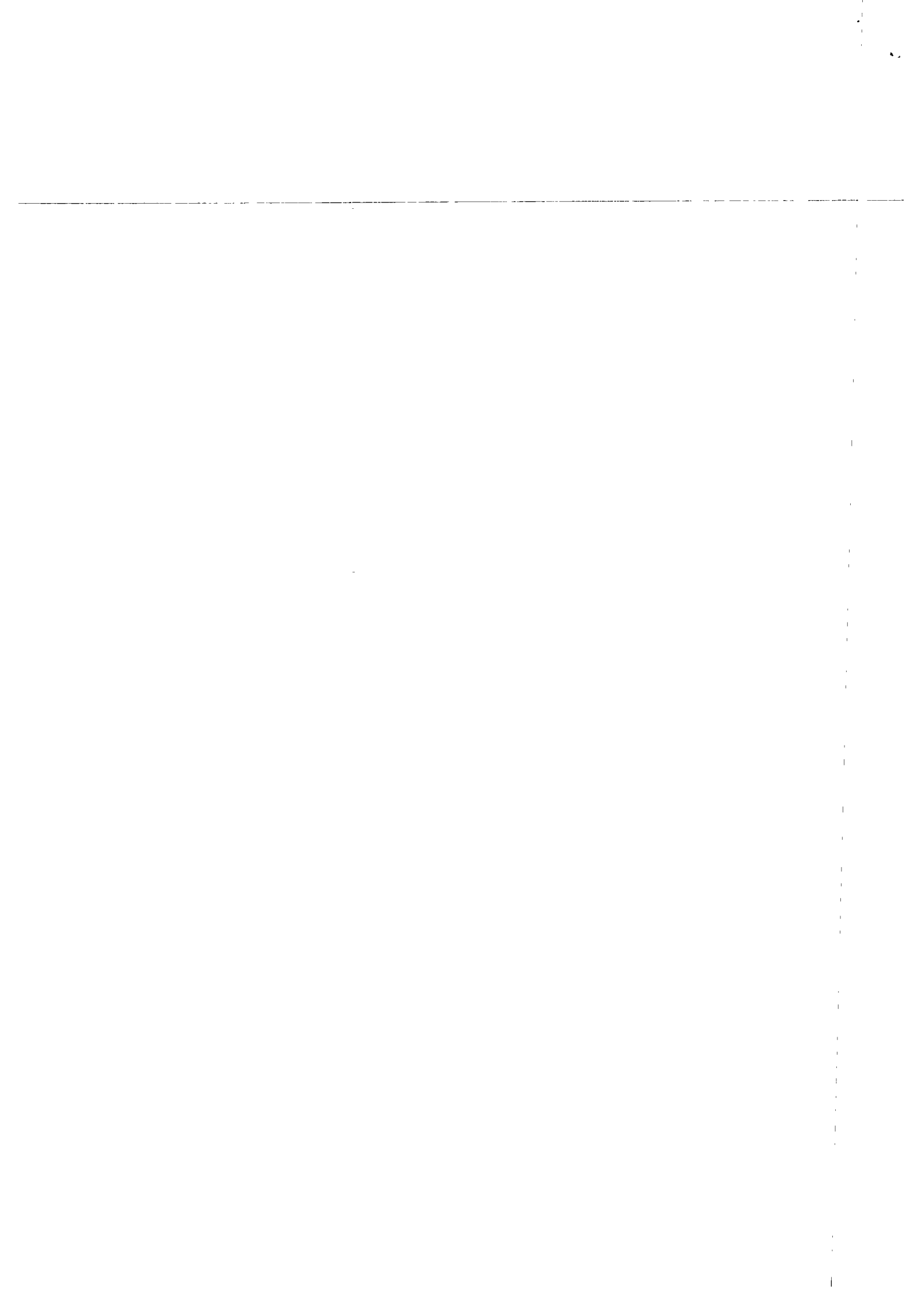
In conclusion, this Bill, if passed, will raise standards in the construction industry which is also a mandate of NCA and ensure that building surveyors, in their professional capacity, will perform due diligence. However, it seems that fees to be paid for each of the requirements are unregulated and the Bill should seek to discard some of them and clarify exactly what the amounts should be, lest they are employed as a money-making machine and a hindrance to registration of qualified building surveyors.



.....
Dr. Arch. Daniel Manduku
EXECUTIVE DIRECTOR

Annexure 3

**Submission by
the Ministry of Transport,
Infrastructure, Housing and
Urban Development**





MINISTRY OF TRANSPORT, INFRASTRUCTURE,
HOUSING AND URBAN DEVELOPMENT

(STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT)

MEMORANDUM ON PROPOSED AMENDMENTS TO THE BUILDING SURVEYORS BILL 2017

19TH APRIL, 2018

MEMORANDUM ON PROPOSED AMENDMENTS TO THE BUILDING SURVEYORS BILL 2017

1.0 BACKGROUND

The Building Surveyors Bill is a bill for an act of parliament to provide for the registration and regulation of the professional practice of building surveyors and for connected purposes.

The Bill of Rights under The Constitution of Kenya 2010 is an Integral part of Kenya's democratic state and a framework for social and economic policies *inter alia*. The State is charged (under Article 21 (2) of the Constitution) with the responsibility of taking Legislative, Policy and other measures including the setting of standards to achieve the progressive realization of the rights guaranteed under Article 43 on accessible and adequate housing and reasonable standards of sanitation. Proper Maintenance and management of Buildings will ensure that the environment around them is clean and healthy thereby realizing the Right to a clean environment as envisaged in Article 42.

Building Surveyors are professionals with academic qualification, technical knowledge and expertise in the practice of Building management. They nurture the building and manage the interrelationships for a better, safer, healthy and attractive built environment. Building survey is a specialized professional skill that goes beyond design and construction of a building. It is a technical branch of skill that starts the nurturing of buildings from inception and design advising on choice of materials, construction, operation and maintenance even decommissioning of buildings. Building Surveying is long term; lives with the building to ensure quality, strength and long life of a building.

In Kenya, Building Surveying practice has largely been carried out in the public sector explaining the few or no incidences of building collapses within government. It contributes greatly to safety and health of workers and should be expanded to cover both private and public sectors in order to restore safety within the built environment. The lack of building surveying professional services in in Kenya's built sector has led to pile up of building management related challenges including maintenance and collapses. It is time to anchor these critical services in law for the benefit of ensuring safety and longevity of the Nation's building stock.

The Building Surveyors Bill, 2017 was taken through the first reading at the National Assembly on 11th October, 2017. The formulation committee under the coordination of the Ministry of Transport, Infrastructure, Housing and Urban Development have noted various omissions in the bill tabled and proposes corrections and amendments to the bill to be included in the second reading as follows:

2.0 AMENDMENTS/ OMISSIONS TO THE BUILDING SURVEYORS BILL 2017

Title	Section	Proposal/Recommendation	Justification
PART I- PRELIMINARY			
Preamble		<p>To read as follows:</p> <p>A Bill for an act of Parliament to provide for the registration and regulation of professional conduct of persons who by way of business inspect and recommend mitigation measures, register, maintain, advise on decommissioning, design, insurance, optimal use, materials, preservation and matters connected to buildings.</p>	To clarify the scope of the Bill.
Interpretation	2	<p>Insert the following additional definitions;</p> <p>“Building” means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;</p> <p>“Building Surveyor” refers to a professional who advises on many aspects of building design and construction, including maintenance, repair, refurbishment and restoration of proposed and existing buildings. The Building Surveyor offers quality assessment and reports on defects and ways of improving all kinds of buildings.</p> <p>“Condition Survey” means the systematic and professional inspection of a building to identify defects, prescribe mitigation measures or certify for occupation</p> <p>“Related Infrastructure” means all ancillary services within which a building is set up</p> <p>“Schedule of Dilapidation” means a professional elucidation of the changes in a building after occupation by lease or ownership and the requisite attendant repairs</p> <p>“Occupancy Certificate” means a certificate issued by building surveyor after satisfying himself that a building is fit for occupation</p> <p>“Inspection Report” means a report compiled by building surveyor with respect to a particular building in such a format as prescribed in this Act</p> <p>“Building Register” means a register of buildings within a portfolio showing details of construction, maintenance, occupation, dimensions, location, construction materials etc</p> <p>“Practice Building Surveying” means the doing, in connection with the inspection, maintenance, management,</p>	<p>To define key terms in the practice of Building Surveying to avoid misunderstanding and confusion.</p> <p>Remove ambiguity.</p>

		condition survey, decommissioning, advise on best use, insurance, refurbishment, renewal of buildings and connected purposes or any other function as set out in the first schedule of this Act	
		<p>Change "Practicing Building Surveyor" to 'Practising Building Surveyor'</p> <p>Insert clause; For the purposes of this Act, a person shall be treated as being a practising Building Surveyor if he or a partnership of which he is a member—</p> <p>(a) receives payment for acts done by way of practice as Building Surveyor by him, or by a partner of his, or by an employee of his or of the partnership or by any person acting on his behalf; or</p> <p>(b) holds himself or itself out as being prepared, in return for payment, to undertake the doing by any such person of acts by way of practice as a building surveyor:</p> <p>Insert clause Nothing in this Act shall extend to the doing of any acts which would constitute practice as a Building Surveyor by a registered estate agent selling or collecting rent on behalf of any owner of immovable property or any interest therein.</p>	<p>To correct spelling.</p> <p>To clarify the scope and definition of the Practice.</p> <p>To clarify that this Bill does not infringe into the scope of Estate Agents Act, Cap. 533</p>
PART II – ESTABLISHMENT OF THE BOARD			
Functions of the Board	4	<ul style="list-style-type: none"> To add the word 'registering and' before 'regulating' 	To clarify the scope of the Bill.
Composition of the Board	5	<ul style="list-style-type: none"> Section 5 (1) (b)- to read "Four Persons" Section 5(1) (c) – delete the clause <p>Section 5(1) (f) - to read- the registrar "who shall be an ex officio member of the Board appointed as per section 14"</p>	To clarify it is a professional body that will only comprise of Building Surveyors; just like BORAQS, LSK, ICPAK, VRB, Land Surveyors Boards amongst others.
Committees of the Board	7	<ul style="list-style-type: none"> Section 7 (3) – delete 'the' 	To correct grammar.

Remuneration and Allowances	9	<ul style="list-style-type: none"> • 'Remuneration and allowances' to be replaced with 'remuneration of the Board' • Should read " the Board shall pay its members remuneration or allowances as it may determine upon approval of the salaries and remuneration commission" 	To be in tandem with the provisions of Salaries and Remuneration Commission.
The Seal of the Board	10	<ul style="list-style-type: none"> • Section 10(4) to change the final 4 to 5 	To remove repetition.
Protection from Personal Liability	11	<ul style="list-style-type: none"> • Sec.11 (1) - to read as follows: 'No member of the Board shall be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon, the Board.' 	For clarity
Appointment of the Registrar	12	<ul style="list-style-type: none"> • Section 12(1) after 'appointed' to add 'by the Cabinet Secretary upon recommendation by the Board' <p>Section 12(3) replace with "The Registrar, who shall be a public officer and a full member of the Institution of Surveyors of Kenya (Building Surveyors Chapter), shall be the chief executive officer and the secretary to the Board.'</p>	For clarity
Certificate of Registration	15	<ul style="list-style-type: none"> • Section 15 (1) To add " as provided for in this Act" • Section 15 (4) change five thousand to a fine not exceeding two hundred thousand or six months imprisonment and/ or both 	For clarity
Annual Practising License	16	<ul style="list-style-type: none"> • To read 'practising' instead of 'practicing' • Section 16(2) before 'the date" to insert' license number' 	To correct spelling. For clarity.
Publication <i>prima facie</i> evidence of registration	18	<ul style="list-style-type: none"> • Change under "section 19' to read 'section 17' 	To correct numbering.
Conditions and Qualifications for registration	21	<ul style="list-style-type: none"> • Section 21(a)to add "full" before "member" • Section 21(b)to be deleted 	For clarity.
Funds of the Board	29	<ul style="list-style-type: none"> • Section 29 (a) to be deleted 	The bill has no financial

			implication from the exchequer
		Where the Word "board" is used, replace with "Board"	All sections of the Bill
		PART V – DIRECTOR OF BUILDING SURVEYING	Introduce a new Section.
Director of Building Surveying		<p>There shall be a Director of Building Surveying appointed by the Public Service Commission within the ministry responsible for Built Environment who shall be the principal advisor to the Government on all matters relating to Building Surveying</p> <p>The Director of Building Surveying shall be appointed by the Public Service Commission from amongst registered Building Surveyors.</p> <p>A person shall not be qualified to be appointed as Director of Building Surveying unless such a person is;-</p> <ol style="list-style-type: none"> is a Citizen of Kenya; holds at least degree in Land Economics or Real Estate or equivalent qualification in building surveying from a recognized institution; is a registered building surveyor with at least 15 years post registration experience in the field of building surveying; and is of a proven probity, good standing in ISK and meets the requirement of Chapter 6 of the Constitution. <p>Functions or responsibilities of the Director of Building Surveying:</p> <ol style="list-style-type: none"> advises the government on policy formulation relating to Building Surveying services for the built environment; advises the government on building maintenance programmes; custodian of the National Maintenance Policy; keeps register/inventory of all government buildings; formulate and implement planned, preventive maintenance of all government built assets; any other duty assigned as related to built environment. 	<p>The Government is a policy maker, has the largest stake in the real estate sector and for public safety.</p> <p>The Act to be domiciled at the State Department of Housing and Urban Development.</p> <p>Ensure implementation of Sessional Paper No. 2 of 2015 - National Building Maintenance Policy.</p>
		PART VI - BUILDING MAINTENANCE AND INTEGRATED DISASTER RISK MANAGEMENT	Introduce a new Section.
Building Maintenance and Integrated Disaster Risk Management		All buildings shall be inspected after every five years by a Registered Building Surveyor and a certificate of Inspection issued as per the guidelines formulated by the Director of Building Surveying. Upon inspection the registered Building	Ensure they are fit for occupation and sustain the

		<p>Surveyor shall prepare a schedule of dilapidation for the respective building.</p> <p>Registered building surveyors shall issue Building Occupation Certificates for Buildings for continued occupation as per the guidelines issued by the Director of Building Surveying.</p> <p>Registered building surveyors shall prepare Building Manuals for existing buildings and those under construction as per the guidelines issued by the Director of Building Surveying.</p> <p>Registered building surveyors shall prepare planned, preventive programmes of maintenance for all buildings inspected for execution by the building owners as per the guidelines issued by the Director of Building Surveying; failure to which Building Owners will be liable on conviction to a fine not exceeding two hundred thousand or six months imprisonment and /or both..</p>	<p>value of the asset.</p> <p>Ensure implementation of Sessional Paper No. 2 of 2015 National Building Maintenance Policy.</p>
Financial Provisions		'PART V' – FINANCIAL PROVISIONS to 'PART VII' – FINANCIAL PROVISIONS	To accommodate PART V above.
Miscellaneous Provisions		'PART VI' – MISCELLANEOUS PROVISIONS to 'PART VIII' – MISCELLANEOUS PROVISIONS	To accommodate PART VI above.
Schedules		<p>To add the following schedules:</p> <ol style="list-style-type: none"> 1. Subsidiary Legislation 2. First Schedule-Role of Building Surveyor <ul style="list-style-type: none"> • Form i - Building Surveyors Registration Board form • Form ii - Application for Registration • Form iii – Certificate of Registration • Form iv - practising certificate 3. Second Schedule – various levies 4. Third Schedule – scale of professional fees 5. Fourth Schedule – Maintenance checklist 	The Schedules were omitted. To be included as attached

3.0 Way forward

This submission is to be included in the Bill and thereafter presentation to Parliament for third reading.

Annexures

SUBSIDIARY LEGISLATION

THE BUILDING SURVEYORS (FORMS AND FEES) RULES, 2016

1. These Rules may be cited as the Building Surveyors (Forms and Fees) Rules, 2016.
2. The register to be maintained by the registrar in accordance with section 14 of the Act shall be in Form I set out in the First Schedule.
3. The application for registration as a building surveyor under this Act shall be in Form II set out in the First Schedule.
4. The certificate of registration to be issued by the registrar in accordance with section 15 of the Act shall be in Form III set out in the First Schedule.
5. The practicing certificate to be issued by the registrar in accordance with section 16 to the Building Surveyor shall be in Form IV set out in the First Schedule.
6. The fees set out in the Second Schedule shall be payable to the Board by Building Surveyors in respect of matters set out therein.
7. The fees for services rendered by practicing building surveyors shall be those set out in the fourth Schedule.
8. Inspection of buildings shall be in accordance with the format set out in the fourth schedule and the National Building Regulations
9. At the commencement of this Act full members of Institution of Surveyors of Kenya (Building Surveyor Chapter) will be deemed to qualify for registration and licensing
10. At the commencement of this Act the Cabinet Secretary in charge of Housing will constitute the Board from among Full Members of the Institution of Surveyors of Kenya (Building Surveyor Chapter) and these members will be exempted from application for registration

FIRST SCHEDULE

ROLE OF A BUILDING SURVEYOR

The role of a Building Surveyor shall be:

- i. Building condition Surveys and inspection reports
- ii. Undertake investigations and compile reports on compliance issues relating to building maintenance standards and technical specifications.
- iii. Provide advisory services to the client and design team on building maintenance implications during construction.
- iv. Carrying out feasibility studies for redevelopment.
- v. Coordinate, compile and update the various aspects of the building maintenance manual.
- vi. Identify and tag buildings, prepare, maintain and update building register.
- vii. Determine obsolescence of buildings for purposes of redevelopment.
- viii. Property management.
- ix. Preparation and execution of planned preventive /corrective maintenance programs for buildings.
- x. Provide feedback on building performance.
- xi. Provide advisory services to the client on environmental and socio-economic impact and sustainable construction
- xii. Advising on the preservation/conservation of historical buildings and sites
- xiii. Preparing schedules of dilapidation.
- xiv. Facilities management
- xv. Property market updates and analysis
- xvi. Research on building maintenance including formulation and review of standards
- xvii. Project management and monitoring of building maintenance works.
- xviii. Development of building maintenance policies
- xix. Inspection of buildings for the purpose of re-issuance of occupancy certificate
- xx. Fit out works after construction and or refurbishment

FORM I

THE BUILDING SURVEYORS REGISTRATION BOARD

Reg. No

ENTRY NO.	Min No.	Date	Name and Address	Qualifications	Practicing Cert. No.	Signature
1						Chairman... Registration member
2						
3						
4						
5						
6						
7						
8						

FORM II

REPUBLIC OF KENYA
THE BUILDING SURVEYORS BILL
(CAP.....)

THE BUILDING SURVEYORS REGISTRATION BOARD

Application for Registration

1. Surname

(Capital letters)

Other Names

(Capital letters)

Date of Birth

Nationality

Qualifications (see note 2)

.....

Postal Address

Residential Address

.....

Telephone No. : Office, Mobile No.

Email:..... Fax.....

Have you previously applied to the Board for Registration?

YES/NO.

If yes, state date(s)

2. I enclose a bankers cheque/banking slip for Kshs. as payment of fee.(non-refundable)

3. Educational background (*state the name of institutions, dates attended, examining body and degree/diploma, etc. awarded and year*).

.....
.....
.....
.....
.....

4. Professional examinations (*state examining body, registration No. sections/stages passed see note 4: date*).

.....
.....
.....
.....
.....

5. Professional experience (*state name and address of organization, dates, position(s) held and responsibilities*).

.....
.....
.....
.....
.....

6. Other qualifications (*specify with dates*).

.....
.....
.....
.....
.....

..... *Building surveyors Act CAP.*

I am a member of the following institutions:

.....
.....
.....
.....
.....

7. Honours/distinction received.

.....
.....
.....
.....
.....

8. Articles/publications.

.....
.....
.....
.....
.....

9. Are you ordinarily resident in Kenya? YES/No

If yes, state from what date

10. I hereby declare that the foregoing statements are true in every respect. I acknowledge that any statement contained in this application which is known by me to be false shall invalidate this application. I have read the Building surveyors Act (.....). I am aware of the penalties stipulated in the Act and I understand that if registered, I shall be bound by the Act and any amendments thereto so long as my name remains in the register.

Date Applicant's Signature

FOR OFFICIAL USE

Application No.....	Date received.....
Date acknowledged.....	Receipt No..... Date.....
Approved/Rejected Minute No.....	Deferred Minute No. ... Registration No.....
Date notification sent.....	Chairman's Signature..
Gazette Notice No.....	Date.....
Certificate Dispatched.....	Member's Signature
Certificate Acknowledged..	Date
Registrar's Signature	
Date	

All particulars set out at 4-9 must be completed and the declaration at 10 signed)

Notes

1. Bankers cheques/ banking slips should be payable to the "Building Surveyors Registration Board".
2. Certified copies of your educational and professional certificates where applicable should be enclosed with this application. Original certificates when called for may be either delivered at the Board's offices or sent by registered post. No responsibility can be accepted by the Board for lost certificates.
3. Give full details of your professional experience and employment record during the last five years starting from your present appointment.
4. If granted exemption from any sections, stages or parts of any examination this should be stated.

FORM III

REPUBLIC OF KENYA (r.4)
THE BUILDING SURVEYORS BILL
(Cap.)
Certificate of Registration

This is to certify that

.....is a

.BUILDING SURVEYOR (BS.)

in accordance with the provisions of the Building Surveyors Act (Cap....). In witness whereof the common seal has been hereto affixed.

Chairman

.....

SEAL

Registrar

.....

Serial No.....

FORM IV

REPUBLIC OF KENYA
THE BUILDING SURVEYORS ACT
(Cap.)
Practising Certificate

This is to certify that

.....

is authorized to practice as a
BUILDING SURVEYOR
for the period

.....to

in accordance with the Building surveyors Act (Cap.)

.....

Registrar

SEAL

Date

SECOND SCHEDULE

	<i>Sh.</i>
(i) Application fee (s.23 (1))	1000
(ii) Application fee (s.25 (2))	5,000
(iii) Registration fee (s.24 (1))1000
(iv) Practising certificate fee (s.24) (1))	1,500
(v) Annual Practising license certificate fee (s.18)	2,500
(vi) Restoration fee (s.27 (3))	500
(vii) Suspension fee ...(s 28(d)).....	10000
(viii) Duplicate of registration certificate (s.17 (5))	500
(ix) Renewal of certificate (s.17 (4))	250
(x) Duplicate of practising certificate	500
(xi) Inspection of register (s.21)	100

THIRD SCHEDULE
SCHEDULE OF FEES

SERVICE	FEE
Building condition Surveys and inspection reports	1 st 100 sq. meters @ Ksh 50.00 Next 500 sq. meters @ ksh 40.00 Residue @ ksh 30.00 Minimum fees Ksh 15,000
Undertake investigations and compile reports on compliance issues relating to building regulations and technical specifications.	1 st 100 sq. meters @ Ksh 50.00 Next 500 sq. meters @ ksh 40.00 Residue @ ksh 30.00 Minimum fees Ksh 15,000
Provide advisory services to the client and design team on building maintenance implications during construction.	Ksh 5,000.00 per hour
Carrying out feasibility studies for redevelopment.	Negotiated but subject to a minimum fee of ksh 15,000
Coordinate, compile and update the various aspects of the building maintenance manual for new and existing buildings.	Daily rate of ksh 15,000 (new building) Updating the manual Negotiated but subject to a minimum of ksh 1,000 Minimum fees ksh 15,000
Identify and tag buildings, prepare, maintain and update building register.	Identification and tagging ksh 2,000/= per building (for professional service only)

	Building inventory ksh 5,000/= per building
Determine obsolescence of buildings for purposes of redevelopment.	1 st 100 sq. meters @ Ksh 50.00 Next 500 sq. meters @ ksh 40.00 Residue @ ksh 30.00 Minimum fees Ksh 15,000
Taking particulars on site, preparing estimates, tendering and supervision of maintenance works	7.5 % of the cost of maintenance works
Preparing schedules of dilapidation.	1 st Ksh 100,000 at 3% Next ksh 500,000 at 2% Residue at 1.5% Minimum fees ksh 15,000
Facilities management	<i>Management</i> <i>Residential:</i> 15 per cent of the potential gross rents or less according to the circumstances but not less than 5 per cent. <i>Commercial:</i> 10 per cent of the gross potential rents or by arrangement but not less than 2.5 per cent

Project management and monitoring of building maintenance works.	1 st 500,000 @ 5% Next 1,000,000 @ 2.5 % Residue @ 1.25%
Surveying/inspection for renewal of certificate of occupation	1 st 100 sq.m @ ksh 60/= Next 500 sq.m @ ksh 50/= Residue @ ksh 25/= per sq.m
Surveying/inspection for replacement cost of buildings	1 st 100 sq.m @ 3% Next 500 sq.m @ 2% Residue @ 1.5%
Consultancy	Ksh 5,000/= per hour
Disbursements	Based on the actual costs incurred in undertaking the Building Surveying Work.

FOURTH SCHEDULE
BUILDING MAINTENANCE MANUAL CHECKLIST

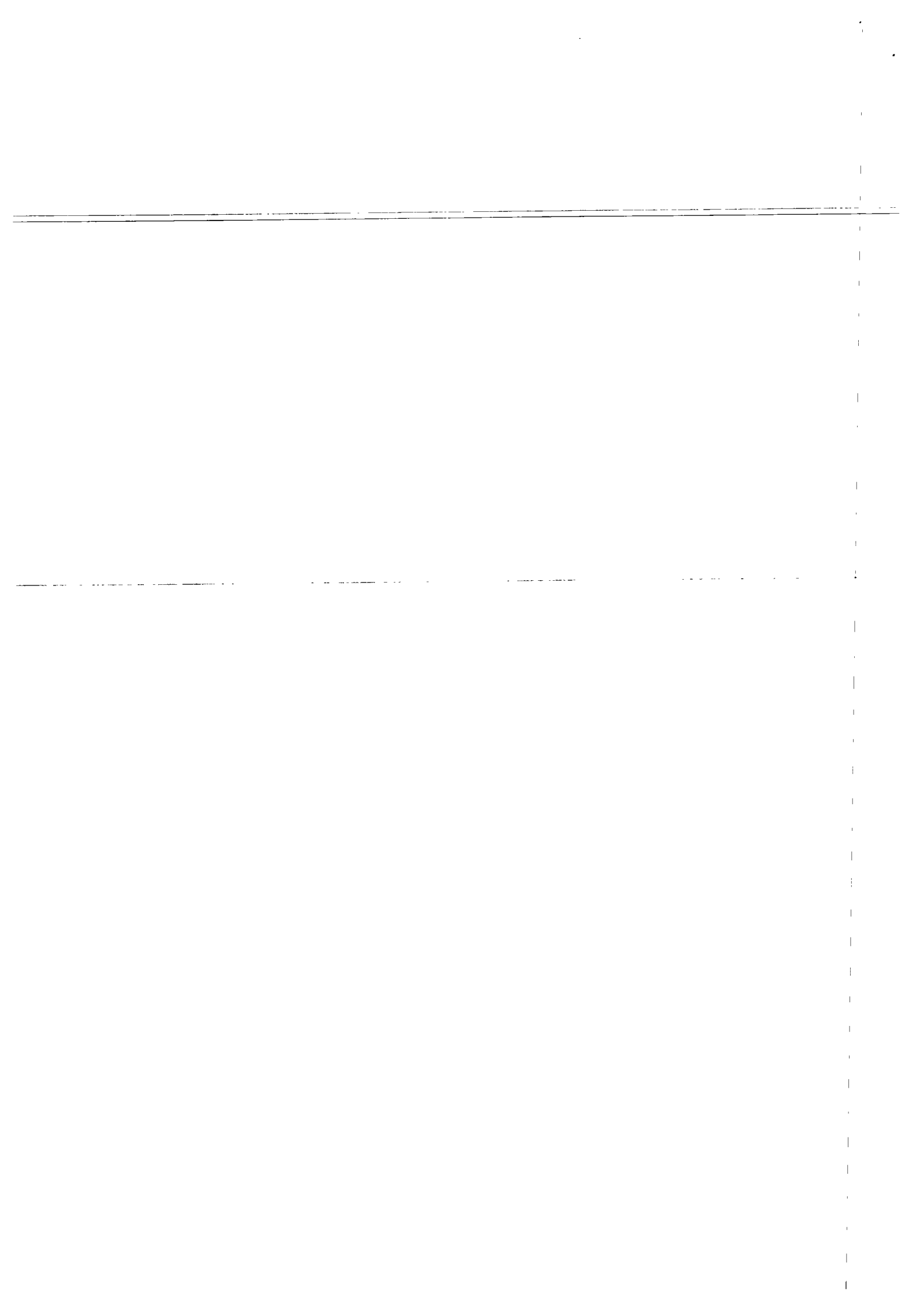
GENERAL INFORMATION	
Name and physical address of Building	
Name and address of the owner	
Date of Inspection	
Building Surveyor	
Proprietorship/Ownership/Tenure details	
L.R Number	
Location plan	
Sketch site plan	
Number of levels/floors	
Gross area of Building as Currently Configured	
Description of main usage of building	
Date of completion	
Name of original architect/service engineers and contractor	
Tenancy Status.....	

BUILDING STRUCTURE	CONDITIONS	REMARKS	LOCATION
Foundations/Slabs			
Columns/Beams			
Structural walls			
Ground floor			
Upper floors			
Roof structure			
Stairs/fire escape			
General Remarks			
ROOFING			
Type of roof			
Roof covering			
Flashing			
Gutters			
Soffits			
Down pipes			
Roof protection			
Domes			
Other			
General Remarks			
BUILDING EXTERIOR			
Exterior walls			
Exterior doors			
Exterior windows			

Exterior columns/Beams			
Fire escapes			
Corridor railings and posts			
Other			
General remarks			
BUILDING INTERIOR			
Floor covering			
Interior columns/Beams			
Interior walls			
Ceilings			
Interior doors			
Window glazing			
Other			
General remarks			
PLUMBING			
Water Supply			
Water storage			
Fittings/Fixture			
Water collection			
Sewer line			
Septic tank			
Other			
General Remarks			
ELECTRICAL			

Service entrance cable			
Main panel box			
Circuits and conductors			
Outlets and switches			
Interior lighting			
Exterior/Security lights			
Electrical equipments			
General Remarks			
BUILDING GROUNDS			
Courtyard/Main Entrance			
Sidewalks /Walkways			
Parkings/Driveways			
Retaining walls			
Gardens			
Fencing			
Others eg. Drains			
General Remarks			
FURNITURE/EQUIPMENT			
Desks/Chairs			
Boards			
Electrical equipment			
Computers			
Educational material			
Office stores			

Others			
General Remarks			
BUILDING SERVICES			
Fire safety			
Security			
IT services			
Ventilation			
Heating			
Cooling			
Lifts and escalators			
Pumps			
Generators			
Solar PVs			
Power supply			
Waste disposal			
Recreational			
Sports grounds			
Health			



Annexure 4

Advert

**inviting submission of
memoranda from the public**



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- FIRST SESSION

In the Matter of consideration by the National Assembly of the Building Surveyors Bill, 2017 and the Physical Planning Bill, 2017

SUBMISSION OF MEMORANDA

The Constitution (Art. 118(1)(b) requires Parliament to facilitate public participation and involvement in the legislative, other business, and business of its committees. National Assembly Standing Order (S.O.) 127(3) further requires a Departmental Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

The above Bills have undergone First Reading in accordance with the provisions of S.O.127(3) and are now committed to the **Departmental Committee on Lands** for consideration.

The particulars of the Bills are as follows:-

1. The Building Surveyors Bill, 2017, seeks to regulate the activities and conduct of building surveyors; and
2. The Physical Planning Bill, 2017 seeks to repeal and replace the Physical Planning Act, No.6 of 1996 and intends to provide for the planning, use, regulation and development of land in Kenya. It further gives effect to Article 66 (1) of the Constitution which provides that the State may regulate the use of any land, or any interest in or right over any land, in the interest of defence, public safety, public order, public morality, public health, or land use planning.

Both Bills are sponsored by Hon. Aden Duale, MP Leader of the Majority Party in the National Assembly

The Committee therefore in compliance with the provisions of Article 118(1)(b) of the Constitution and S.O. 127(3), invites interested members of the public to submit any representations that they may have on the two Bills.

The representations may be forwarded to the **Clerk of the National Assembly, P. O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk of the National Assembly, First Floor, Main Parliament Buildings, Nairobi**, or emailed to clerk@parliament.go.ke, to be received on or before **Friday 12th January, 2018 at 5:00pm**.

Copies of the Bills may be downloaded from <http://kenyalaw.org>. Follow the link on Bills/Bill tracker/ National Assembly Bills/2017.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

Annexure 5

Minutes

MINUTES OF THE THIRTY SEVENTH (37TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 19TH JUNE 2018 AT 9.30 A.M. IN 11TH FLOOR BOARDROOM, PROTECTION HOUSE, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Suleiman Dori Ramadhani
4. Hon. Ahmed Abdisalan Ibrahim
5. Hon. Kulow Maalim Hassan
6. Hon. Mugambi Murwithania Rindikiri
7. Hon. Peris Pesi Tobiko
8. Hon. Rehema Dida Jaldesa
9. Hon. Shadrack John Mose
10. Hon. Tom Mboya Odege
11. Hon. Vincent Kemosi Mogaka
12. Hon. Dominic Kipkoech Koskei
13. Hon. Rigathi Gachagua
14. Hon. David Njuguna Kiaraho
15. Hon. Johnson Many Naicca

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Ahmed Bashane Gaal
3. Hon. Gideon Mutemi Mulyungi

MEMBERS ABSENT WITHOUT APOLOGY

1. Hon. Savula Ayub Angatia

FRIEND OF THE COMMITTEE

1. Hon. Chris Wamalwa - Member for Kimilili

SECRETARIAT

1. Ms. Chelagat Aaron Tungo - Clerk Assistant II
2. Mr. Ahmed Salim A. - Clerk Assistant III
3. Ms. Mercy Wanyonyi - Legal Counsel II
4. Mr. James Muguna - Research Officer
5. Mr. Eugene Luteshi - Audio Officer
6. Ms. Zainab Wario - Sergeant at arm
7. Mr. Yezziel Jillo - Sergeant at arm
8. Ms. Noelle Chelagat - Media-Relations Officer

IN ATTENDANCE

2. Mr. Nicholas Bodo - Ag. Director, Air Transport
3. Mr. Gilber Kibe - Director General. KCAA
4. Mr. Conrad Mochu - M.D. PR Agency
5. Mr. Martyn Lunani - Chief Investigator of Aircraft Accidents

MIN No. TPWH 150/2018: PRELIMINARIES

The Chairperson called the meeting to order at forty minutes past nine o'clock, with a prayer from Hon. Sam Arama, MP. The Chairperson informed the Committee that the agenda of the meeting was meeting with Kenya Civil Aviation Authority on the statement by Hon. Chris Wamalwa on the aircraft crash of 5th June 2018 and adoption of reports on the Statute Law (Miscellaneous Amendments) Bill, 2018, the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018, the Building Surveyors Bill, 2017 and three delegation reports for visits undertaken in Malaysia, Senegal and South Africa.

MIN No. TPWH 151/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The confirmation of the pending minutes of the previous sittings was deferred to Tuesday, 26th June 2018.

MIN No. TPWH 152/2018: **MEETING WITH THE KENYA CIVIL AVIATION
AUTHORITY (KCAA) ON THE AIRCRAFT CRASH
OF 5TH JUNE 2018**

Mr. Nicholas Bodo, who accompanied the Director General of KCAA, read to the Committee a statement signed by the Cabinet Secretary for Transport, explaining the sequence of events since the occurrence of the aircraft crash of the flight Reg. 5Y-CAC en route from Kitale to Nairobi, which was operated by Fly SAX company.

In the statement, the Cabinet Secretary informed the Committee that investigations were ongoing, and added that the Emergency Locator Transmitter (ELT) was found and was being examined. It was further reported that the aircraft last underwent an inspection and received a Certificate of Release into Service (CRS) on 14th May 2018 and was therefore airworthy. In addition, the aircraft was fitted with a Ground Proximity Warning System (GPWS) and Weather Radar. The Ministry undertook to update the Committee with more information as and when it becomes available.

Members, including the Hon. Chris Wamalwa, were not satisfied with the information from the Ministry. The Committee noted that the government owed the families of the victims and the country at large a detailed and open explanation on the air crash. While interacting with the Ministry representatives, it was noted that there were ten pending investigations into the causes of different air crashes in Kenya and therefore it was important that the matters be brought to a quick and conclusive closure. The Committee further noted with concern that although the flight was given clearance to fly at 13000 feet, the crew requested to fly at 11000 feet despite the fact that the path might not have been favorable to a lower cruise. The Committee also noted that although the flight was destined for Wilson to Kitale, there was an immediate change to Jomo Kenyatta International Airport reportedly for the pilot to drop three passengers who were late for their connecting flight. This information was however subject to verification from the Fly SAX Company. The Director General of KCAA informed the Committee that change of path is

normal as long as the pilot requested from the air traffic control for any reasons deemed proper by the pilot.

The Committee was further informed that most of the information spread on both the print and the social media on the accident were untrue but that the relevant government and investigatory agencies cannot respond to such because the investigations were ongoing and therefore it needed extreme level of restraint considering the sensitivity of the matter.

The Ministry officials were asked to send more information and a preliminary report to the Committee by Thursday, 21st June 2018. Further, the KCAA was advised to send a request to aircraft operators to ensure they only use pressurized aircrafts in those routes with bad weather as part of precautionary and safety steps.

MIN No. TPWH 153/2018: **ADOPTION OF THE REPORT ON STATUTE LAW
(MISCELLANEOUS AMENDMENTS) BILL, 2018**

The Report on Statute Law (Miscellaneous Amendments) Bill, 2018 was adopted by the Committee, having been proposed for adoption by Hon. Peris Tobiko and seconded by Hon. Mugambi Rindikiri.

MIN No. TPWH 154/2018: **ADOPTION OF THE REPORT ON STATUTE LAW
(MISCELLANEOUS AMENDMENTS) (NO. 2) BILL,
2018**

The Report on Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 was adopted by the Committee, having been proposed for adoption by Hon. Samuel Arama and seconded by Hon. Shadrack Mose.

MIN No. TPWH 155/2018: **ADOPTION OF THE REPORT ON THE BUILDING
SURVEYORS BILL, 2018**

The Report on the Building Surveyors Bill, 2018 was adopted by the Committee, having been proposed for adoption by Hon. David Kiharao and seconded by Hon. Rigathi Gachagua.

MIN No. TPWH 156/2018: **ADOPTION OF THE DELEGATION REPORT ON
THE 9TH WORLD URBAN FORUM (WUF9) HELD IN
KUALA LUMPUR, MALAYSIA**

The Delegation Report on the 9TH World Urban Forum (WUF9) held in Kuala Lumpur, Malaysia on February 2018 was adopted by the Committee, having been proposed for adoption by Hon. Tom Odege and seconded by Hon. Dominic Koskei.

MIN No. TPWH 157/2018: **ADOPTION OF THE DELEGATION REPORT ON
THE ICAO REGIONAL FACILITATION (FAL)
SEMINAR HELD IN DAKAR SENEGAL**

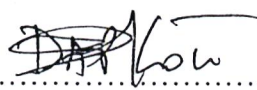
The Delegation Report on the ICAO Regional Facilitation (FAL) Seminar held in Dakar Senegal on March 2018 was adopted by the Committee, having been proposed for adoption by Hon. Rehema Jaldesa and seconded by Hon. Mugambi Rindikiri.

MIN No. TPWH 158/2018: **ADOPTION OF THE DELEGATION REPORT ON
THE ICAO REGIONAL SEMINAR HELD IN
JOHANNESBURG, SOUTH AFRICA**

The Delegation Report on the ICAO Regional Seminar held in Johannesburg, South Africa on April 2018 was adopted by the Committee, having been proposed for adoption by Hon. Samuel Arama and seconded by Hon. Vincent Mogaka.

MIN No. TPWH 159/2018: **ADJOURNMENT**

There being no other business, the sitting was adjourned at ten minutes past one o'clock. The next meeting to be held on Thursday, 21st June 2018.

Signed.....
(Chairperson)

Date..... 20/06/2018

MINUTES OF THE TWENTY FIFTH (25TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 26TH APRIL 2018 AT 10.00 A.M. IN THE COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Suleiman Dori Ramadhani
4. Hon. Ahmed Abdisalan Ibrahim
5. Hon. Ahmed Bashane Gaal
6. Hon. Dominic Kipkoech Koskei
7. Hon. Gideon Mutemi Mulyungi
8. Hon. Johnson Many Naicca
9. Hon. Kulow Maalim Hassan
10. Hon. Mugambi Murwithania Rindikiri
11. Hon. Peris Pesi Tobiko
12. Hon. Shadrack John Mose
13. Hon. Tom Mboya Odege

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Savula Ayub Angatia
3. Hon. David Njuguna Kiaraho
4. Hon. Rehema Dida Jaldesa
5. Hon. Rigathi Gachagua
6. Hon. Vincent Kemosi Mogaka

SECRETARIAT

- | | | |
|-----------------------------|---|--------------------|
| 1. Ms. Chelagat Aaron Tungo | - | Clerk Assistant I |
| 2. Mr. Ahmed Salim A. | - | Clerk Assistant II |
| 3. Ms. Mercy Wanyonyi | - | Legal Counsel II |
| 4. Mr. James Muguna | - | Research Officer |
| 5. Mr. Eugene Luteshi | - | Audio Officer |
| 6. Ms. Zainab Wario | - | Sergeant at arm |

MIN No. TPWH 105/2018: PRELIMINARIES

The Chairperson called the meeting to order at ten o'clock, with a prayer from Hon. Johnson Naicca, MP. The Chairperson informed the Committee that the agenda of the meeting was to consider the Building Surveyors Bill, 2017.

MIN No. TPWH 106/2018: CONFIRMATION OF THE MINUTES

Confirmation of the minutes of the previous sitting was deferred to a later date.

MIN No. TPWH 107/2018: CONSIDERATION OF THE BUILDING SURVEYORS BILL, 2017

The Committee considered the Building Surveyors Bill, 2017 clause by clause while considering all the proposed amendments as received from different stakeholders. Having considered the Bill in its entirety, the Committee proposed amendments to the **Long Title, clause 4, clause 5, clause 7, clause 10, clause 15, clause 16, clause 18, clause 29 and clause 38** of the Bill.


MIN No. TPWH 108/2018: ANY OTHER BUSINESS

1. It was proposed that the field visit to the Kenya Railways, the Standard Gauge Railway and LAPPSET project covering Lamu and Isiolo counties be undertaken during recess.
2. The Chairperson informed the Committee that there was expected a foreign trip to Savona Italy. Members proposed to participate in the event to included Hon. Shadrack Mose, Hon. Suleiman Dori, Hon. Ayub Savula, Hon. Ahmed Abdisalan Ibrahim, Hon. Rigathi Gachagua and the chairperson.

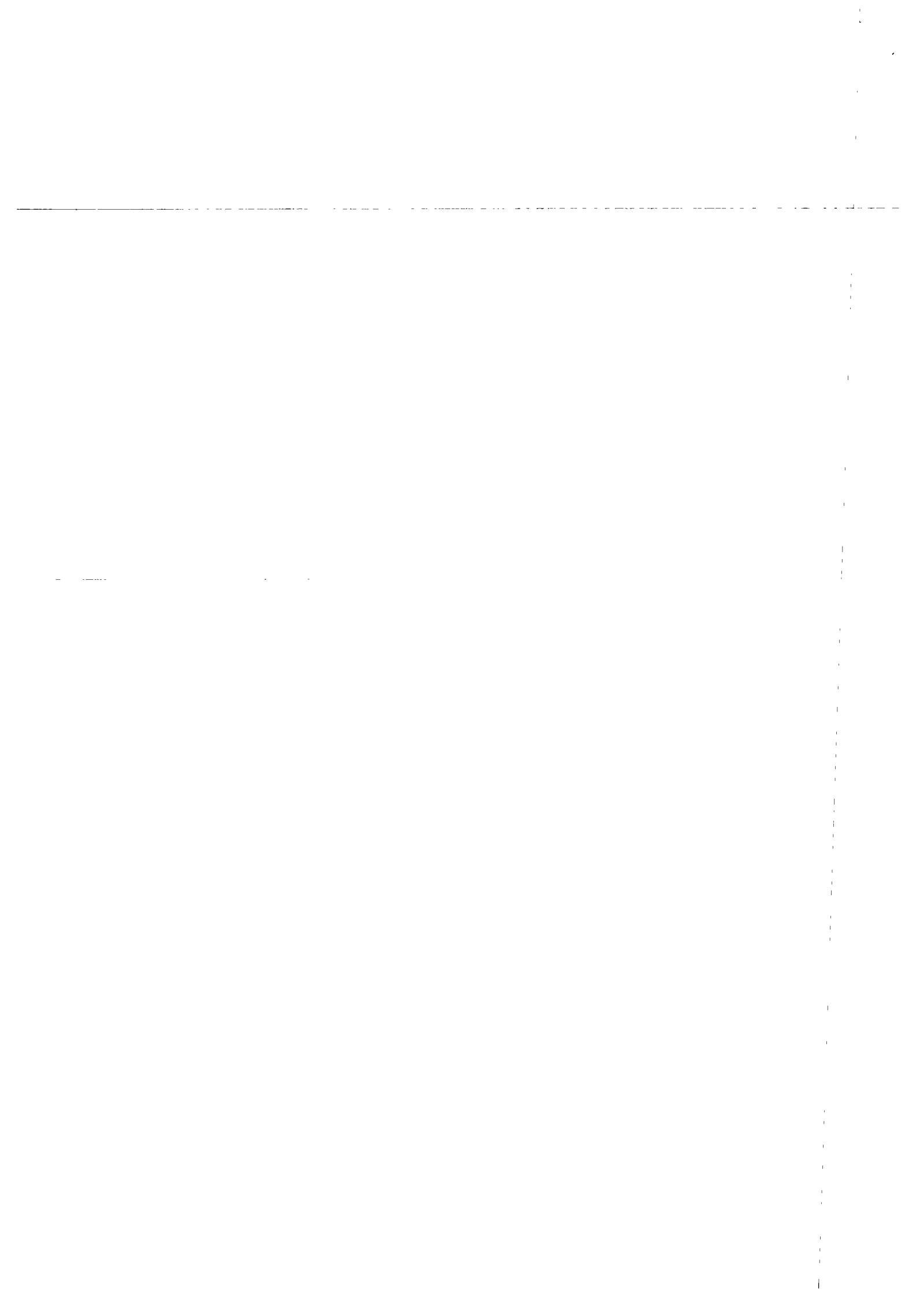
3. The Committee noted that it was important to invite the leadership of the Kenya Ports Authority and Bandari College to deliberate on the restructuring and improving of the college.

MIN No. TPWH 109/2018: ADJOURNMENT

The sitting was adjourned at fifteen minutes to one o'clock. The next sitting was scheduled for 14th May 2018 at Boma Inn Hotel where Members will receive submissions from The Ministry, State Agencies and Departments on the budget estimates for the financial year 2018/19.

Signed..... 
(Chairperson)

Date..... 20/06/2018



MINUTES OF THE TWENTY THIRD (23RD) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 19TH APRIL 2018 AT 10.00 A.M. IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. David Njuguna Kiaraho
4. Hon. Ahmed Abdisalan Ibrahim
5. Hon. Ahmed Bashane Gaal
6. Hon. Dominic Kipkoech Koskei
7. Hon. Gideon Mutemi Mulyungi
8. Hon. Johnson Many Naicca
9. Hon. Kulow Maalim Hassan
10. Hon. Mugambi Murwithania Rindikiri
11. Hon. Rehema Dida Jaldesa
12. Hon. Tom Mboya Odege

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Savula Ayub Angatia
3. Hon. Peris Pesi Tobiko
4. Hon. Rigathi Gachagua
5. Hon. Vincent Kemosi Mogaka
6. Hon. Shadrack John Mose
7. Hon. Suleiman Dori Ramadhani

SECRETARIAT

- | | | |
|-----------------------------|---|--------------------|
| 1. Ms. Chelagat Aaron Tungo | - | Clerk Assistant I |
| 2. Mr. Ahmed Salim A. | - | Clerk Assistant II |
| 3. Ms. Mercy Wanyonyi | - | Legal Counsel II |
| 4. Mr. James Muguna | - | Research Officer |
| 5. Mr. Eugene Luteshi | - | Audio Officer |
| 6. Ms. Zainab Wario | - | Sergeant at arm |

IN ATTENDANCE

- | | | |
|-------------------------------|---|--|
| 1. Ms. Cezanne Maherali | - | Head of Policy, UBER |
| 2. Mr. Dickson Muchiri | - | Kenya Motor Industry Association |
| 3. Mr. Frances Cattermole | - | Kenya Motor Industry Association |
| 4. Mr. Peter Thairu | - | PPD Officer, Public Private Dialogue |
| 5. Mr. Gikonyo Gitonga | - | Chair-Lands, Planning, Housing & Urban D. |
| 6. Ms. Rachel Muthoga | - | Dep. CEO, Kenya Private Sector Alliance |
| 7. Mr. Jacob W. Mwangi | - | CEO, Architecture Association of Kenya |
| 8. Mr. Joseph Njenga | - | Secretary General, KEMRA |
| 9. Eng. Benard Mgone | - | Chairperson, KEMRA |
| 10. Mr. Charles Hinga | - | Principal Secretary, Housing & Urban Dvpt. |
| 11. Mr. Patrick Bucha | - | Secretary, State Department of Housing |
| 12. Mr. Abraham Samoei | - | Chairperson, ISK |
| 13. Mr. Daniel Mandugu | - | CEO, National Construction Authority |
| 14. Mr. Moses Kiambuthi | - | CEO, Institution of Surveyors of Kenya |
| 15. Ms. Leah Muraguri | - | Director Estates, Department of Housing |
| 16. Mr. Edwina Ogero | - | Deputy Director, Estates (Dpt. of Housing) |
| 17. Mr. Boniface Ngochi | - | Deputy Director, Leasing |
| 18. Mr. Wafula Mabutola | - | Full Member, ISK |
| 19. Mr. Robert Koech | - | PRA, ISK |
| 20. Mr. Maurice Aketch | - | GM RT&CB, NCA |
| 21. Eng. Raymond Karani | - | M.R&C, NCA |
| 22. Mr. Christopher Matere K. | - | Chair BS Chapter ISK |

MIN No. TPWH 95/2018: **PRELIMINARIES**

The Chairperson called the meeting to order at ten o'clock, with a prayer from Hon. Johnson Naicca, MP. The Chairperson informed the Committee that the agenda of the meeting was to receive a delegation from Kenya Private Sector Alliance KEPSA which was paying a courtesy call and to consider the Building Surveyors Bill, 2017.

MIN No. TPWH 96/2018: **CONFIRMATION OF THE MINUTES**

Confirmation of the minutes of the previous sitting was deferred to a later date.

MIN No. TPWH 97/2018: **COURTESY CALL ON THE COMMITTEE BY THE
KENYA PRIVATE SECTOR ALLIANCE (KEPSA)**

On the request of KEPSA, the Committee had agreed to meet KEPSA as part of the wider stakeholder network contact. The delegation from KEPSA thanked the Committee for giving them audience and expressed their hope that there will be much more interaction and engagements with the Committee on different issues of public concern. As a private sector umbrella body, KEPSA brings together the business community in its efforts to influence public policy for an enabling business environment. On behalf of the Committee, the chairperson assured KEPSA of the Committee's resolve to engage as many stakeholders as possible in its business and that it was the hope of the Committee that there will be more future interactions between the Committee and different stakeholders.

MIN No. TPWH 98/2018: **CONSIDERATION OF THE BUILDING
SURVEYORS BILL, 2017 – MEETING WITH THE
STAKEHOLDERS**

1. Submissions from the State Department for Housing & Urban Development

In their submissions, the Ministry had proposed amendments to the long title (preamble) and the interpretation clause. Further proposed amendments were on clauses 4, 5, 7, 9, 10, 11, 12, 15, 16, 18, 21 and 29. The Ministry further proposed amendments on Part V of the Bill on the Director of Building Surveying and a proposal on Part VI on Building Maintenance and Integrated Disaster Risk Management.

2. Submissions from the National Construction Authority (NCA)

In their submissions, the NCA was largely in support of the Bill except for a proposed amendment to clause 5(1) to align the section with the constitutional principles and the *Mwongozo* code. Further proposed amendment was to clause 15(4) to enhance punishment to offenders and an amendment to clause 26(1).

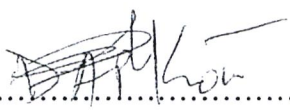
3. Submissions from the Institution of Surveyors of Kenya (ISK)

The ISK proposed an amendment to the Preamble of the Bill and the interpretation clause. Further proposed amendments were to clauses 4, 5, 7, 10, 11, 12, 15, 16, 18, 21 and 29. The ISK further proposed insertion of a new Part V on the Director of Building Surveying, a new Part VI on Building Maintenance and Integrated Disaster Risk Management and as a result of the two new parts, the ISK proposed renaming of the Initial Part V (Financial Provisions) to be Part VII and the renaming of the initial Part VI (Miscellaneous Provisions) to Part VIII. Lastly, the ISK also proposed amendments to the schedules of the Bill.

MIN No. TPWH 99/2018:

ADJOURNMENT

The sitting was adjourned at fifteen minutes to one o'clock. The next sitting was scheduled for 24th April 2018 where Members will receive a briefing from the State Department of Infrastructure on Status of roads damaged by the heavy rainfalls all over the Country.

Signed.....

(Chairperson)

Date.....
19/6/2018

END

