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THE SENATE

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REPORT OF THE STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY  
ON

THE KONZA TECHNOPOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)

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## **ABBREVIATIONS AND ACRONYMS**

MP	Member of Parliament
Sen.	Senator
ICT	Information Communication and Technology
MoICDE	Ministry of Information, Communication and the Digital Economy
KoTDA	Konza Technopolis Development Authority
COG	Council of Governors
PS	Principal Secretary
CS	Cabinet Secretary
PSC	Public Service Commission
CEO	Chief Executive Officer

## **PRELIMINARIES**

### **Establishment of the Committee**

The Standing Committee on Information, Communication and Technology is established under standing order 228(3) and the Second Schedule of the Senate Standing Orders. The Committee is mandated to “*consider all matters relating to technology, engineering and electronic research, information, broadcasting and Information Communications Technology (ICT) development.*”

### **Membership of the Committee**

- |  |                           |
|--|---------------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - <b>Chairperson</b>      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - <b>Vice Chairperson</b> |
| 3. Sen. William Kisang Kipkemoi, MP    | - Member                  |
| 4. Sen. Boy Issa Juma, MP              | - Member                  |
| 5. Sen. Samson Kiprotich Cherarkey, MP | - Member                  |
| 6. Sen. Shakila Abdalla Mohamed, MP    | - Member                  |
| 7. Sen. Godfrey Atieno Osotsi, MP      | - Member                  |
| 8. Sen. Karen Njeri Nyamu, MP          | - Member                  |
| 9. Sen. Beatrice Akinyi Ogola, MP      | - Member                  |

### **The Mandate of the Committee**

Under the provisions of the Fourth Schedule of the Senate Standing Orders, the Standing Committee on Information, Communication and Technology considers all matters related to technology, engineering and electronic research, information broadcasting and Information Communications Technology development.

Standing order 228 (4) specifically provides the functions of committees as to -

- i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned ministries and departments;

- ii) study the program and policy objectives of ministries and departments and the effectiveness of the implementation;
- iii) study and review all legislation referred to it;
- iv) the study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- v) consider the Budget Policy Statement in line with Committee's mandate;
- vi) report on all appointments where the Constitution or any law requires the Senate to approve;
- vii) make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
- viii) consider reports of Commissions and Independent Offices submitted to the Senate according to the provisions of Article 254 of the Constitution;
- ix) examine any statements raised by Senators on a matter within its mandate; and
- x) follow up and report on the status of implementation of resolution within their mandate.

## **CHAIRPERSON'S FOREWORD**

**Mr. Speaker Sir,**

The Konza Technopolis Bill, 2022 (Senate Bills No. 2 of 2023) seeks to provide for the establishment of the Konza Technopolis; the establishment of an Authority to administer the planning, development and management of the Konza Technopolis and for connected purposes.

**Mr. Speaker Sir,**

The Konza Technopolis Bill, 2022 (Senate Bills No. 2 of 2023) was read for a First Time in the Senate on 15<sup>th</sup> February, 2023 and thereafter committed to the Senate Standing Committee on Information, Communication and Technology for consideration.

Under the provisions of Article 118 and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Information, Communication and Technology invited interested members of the public and Stakeholders to submit their representations on the Bill.

The Committee received written submissions from the following stakeholders on the Bill;

- i). Ministry of Information Communication and Technology and the Digital Economy
- ii). The National Treasury and Economic Planning
- iii). Council of Governors
- iv). Konza Technopolis Development Authority

## ACKNOWLEDGEMENT

**Mr. Speaker Sir,**

On behalf of the Committee, I wish to sincerely thank the Stakeholders who heeded our call and responded through well-researched and articulate written submissions. The Committee reviewed submissions from all stakeholders and has taken into account their views by proposing amendments to the Bill and accompanying report.

**Mr. Speaker Sir,**

As I conclude, I wish to sincerely thank the Members of the Committee for their insightful contributions during the consideration of this Bill and the development of the report.


The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

**Mr. Speaker, Sir**

It is now my pleasant duty, pursuant to standing order 145 (5) and 148 of the Senate Standing Orders, to present the Report of the Standing Committee on Information, Communication and Technology on the Konza Technopolis Bill, 2023 (Senate Bills No. 2 of 2023).

I thank you.

Signed:

.....

Date: 13<sup>th</sup> June, 2023

**SEN. ALLAN KIPROTICH CHESANG, MP**

**CHAIRPERSON, STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY**

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background

1. Konza (Konza Technopolis) is a key flagship project of Kenya's Vision 2030. The aim of the project is to transform Kenya into an industrializing middle income country by developing a sustainable smart city and an innovation ecosystem. Konza, as a special economic zone, is proposed to be a world-class city, powered by high speed information, communications and technology (ICT) reliable infrastructure, power and business friendly governance systems.
2. This Bill therefore, seeks to put in place the law and regulations to establish and regulate the Konza Technopolis and the Konza Technopolis Authority.
3. The Konza Technopolis Bill, 2022 (Senate Bills No. 2 of 2023) was read for a First Time in the Senate on 15<sup>th</sup> February 2023 and thereafter stood committed to the Senate Standing Committee on Information, Communication and Technology for consideration.
4. The Bill was read for First Time on 15<sup>th</sup> February 2023 and thereafter stood committed to the Senate Standing Committee on Information, Communication and Technology for consideration and facilitation of public participation.

#### 1.2 Purpose of the Bill

5. The proposed Bill intends to:-
  - a. establish the Konza Technopolis, an Innovation and smart city on Land Reference Number 9918/6;
  - b. establish the Konza Technopolis Authority which is a legal entity responsible for the administration of the Konza Technopolis;
  - c. provide for the regulation of the Technopolis and licensing of persons to undertake activities or provide services within the Technopolis; and
  - d. provide for incentives for investors in the Technopolis and publication in the Kenya Gazette of the criteria to be applied for identifying investors among others.
6. This Bill further sets out how the Konza Technopolis Development Authority transitions to the Konza Technopolis Authority including transfer of rights and

obligations, assets and liabilities, pending cases, licences and permits granted as well as persons employed by the Konza Technopolis Development Authority.

### **1.3 Overview of the Bill**

7. The Bill contains the following—

#### **Part II – Establishment of the Konza Technopolis and the Authority**

8. **Clause 3** establishes the Konza Technopolis over the area known as Land Reference Number 9918/6.

9. **Clause 4** of the Bill seeks to establish an Authority as a separate corporate legal entity known as the Konza Technopolis Authority *which is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—*

- a. suing and being sued;*
- b. purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;*
- c. borrowing and lending money; and*
- d. doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may awfully be done or performed by a body corporate.*

10. **Clause 5** of the proposal sets out the Functions of the authority which amongst other things;

- a. is to administer the planning, development and management of the Technopolis,
- b. facilitate the specialized research and development in high technology in collaboration with relevant institutions of higher learning and research institutions
- c. facilitate the conduct of scientific research and development in technology and innovation in Kenya in collaboration with the National Commission for Science, Technology and Innovation pursuant section 3 and 28 of the Science, Technology and Innovation Act and the Science, Technology and Innovation Act respectively;

11. **Clause 6** establishes the board of Authority which shall consist of;
- a. a Chairperson competitively recruited by the Public Service Commission and appointed by the President;
  - b. the Principal Secretary responsible for matters relating to Information and Communications Technology or a person designated by the Principal Secretary in writing;
  - c. the Principal Secretary responsible for matters relating to finance or a person designated by the Principal Secretary in writing;
  - d. the Principal Secretary responsible for matters relating to industrialization or a person designated by the Principal Secretary in writing;
  - e. two persons of the opposite gender nominated by the Council of County Governors and appointed by the Cabinet Secretary;
  - f. one person appointed by the Cabinet Secretary; and
  - g. the chief executive officer who shall be an ex-officio member of the Board with no right to vote.

The appointment of the chairperson of the board and members shall be by notice in the Gazette.

12. **Clause 7** of the Bill provides that the term limit of the members of the Board to be capped at three years.
13. **Clause 8** sets out the qualifications for appointment of the members of the Board to include one being a citizen of the Kenya with a relevant degree of not less than 10 years' experience in case of the Chairperson of the Board and five years' experience in case for members of the Board.
14. **Clause 9** give conditions under which the office of the Chairperson can be declared vacant. It mandates the Board to observe the rules of natural justice in removing the Chairperson in case he or she is declared bankrupt.
15. **Clause 10** confers the Board with powers which amongst others includes; the power to enter into contracts and the power to invest the funds of the Authority upon getting approval from the Cabinet Secretary responsible for matters Finance.
16. **Clause 11** provides for establishment of Committees by the Board to ensure effective performance of its functions. It further provides for co-opting of members

whose knowledge and skills are necessary for the performance of the functions of the Board.

17. **Clause 12** provides for the delegation by the Board to any member or Committee its powers for the performance of any functions of the Board.

18. **Clause 14** lays out the procedure for the appointment of the Chief Executive Officer of the Authority. It establishes that the recruitment of such person should be based on competitive exercise by the Board and the appointment should be done in consultation with Salaries and Remuneration Commission. The provision further caps the term of the Chief Executive Officer to a 5-year non-renewable period.

The Chief Executive officer should be a citizen of Kenya who meets the requirements of leadership and integrity set out in Chapter Six of the Constitution and holds a degree from a university recognized in Kenya with at least ten years' experience in—

- i. information and communications technology;
- ii. development of special economic zones;
- iii. science parks infrastructure;
- iv. law;
- v. manufacturing;
- vi. industrial research and development
- vii. finance;
- viii. economics; or
- ix. tax; and has experience in management.

19. **Clause 17** establishes the office of the Corporation Secretary responsible for providing guidance to the Board on the duties and responsibilities on governance. The provision confers the recruitment and appointment of the Corporation Secretary to be done on competitive basis in consultation with Salaries and Remuneration Commission.

20. **Clause 19** confers the Chief Executive Officer with the mandate to be custodian of the corporate Seal of the Authority.

### **PART III- REGULATION OF THE TECHNOPOLIS**

21. This part bestows the Board of the Authority with mandate to issue License to any person who intends to undertake any activity or render any service in the Technopolis.

**Clause 22** mandates the Cabinet Secretary in consultations with the Board to create regulations prescribing the activities to be undertaken and services to be rendered in the Technopolis.

22. **Clause 25** of the Bill provides that the Authority shall determine the Classes of Licenses it may consider appropriate for enterprises to run within the technopolis. The Bill also sets out the criteria to be applied by the Cabinet Secretary before issuing the licenses and grounds under which the Board may refuse to issue license a service provider.

### **PART IV- INCENTIVES FOR INVESTMENT IN THE TECHNOPOLIS**

23. The Bill provides that, the Authority shall develop and publish in the Gazette the criteria for identifying persons to carry on the business in the Technopolis.

24. **Clause 39** of the Bill further provides that, the Authority shall procure land in the Technopolis and avail it to identified investors for use in accordance with conditions set by the Authority. The Authority shall, in consultation with the Cabinet Secretary, develop and publish in the Gazette the criteria for the identification of investors for the lease of land.

On fiscal incentives, the Bill provides that, the Cabinet Secretary responsible for matters relating to finance may, with the approval of Parliament, introduce fiscal measures to provide incentives for investment in the Technopolis. For non-fiscal incentives, the Authority shall collaborate with existing licensing authorities to facilitate the issuance of such licenses, approvals or issuance of permits to Konza Technopolis enterprises. To achieve this, the Bill recommends that the Cabinet Secretary may grant exemptions from any charges, fees, payments and approvals on such conditions as may be imposed by the licensing or approving authority.

On development of the centralized administrative system, the legislative Bill seeks to empower the Authority, in collaboration with the relevant national and county government agencies, to develop a centralized administrative system within the Technopolis for the efficient and effective processing of applications and documentation required by entities to carry on business and render services in the Technopolis.

- 25. Clause 43**- through the Bill, there is established the Micro and small enterprise support centre that provides support services to micro and small enterprises in the Technopolis including—
- a. financial and technical assistance to start-ups;
  - b. technical assistance programs;
  - c. business training;
  - d. feasibility studies and market research; and
  - e. any other service that the Authority considers necessary to assist micro and small enterprises in the Technopolis.

#### **PART V- FINANCIAL SERVICES**

- 26.** On the funds of the authority, the Bill provides that the funds and assets of the Authority shall comprise of—
- a. monies that may be appropriated by the National Assembly;
  - b. such monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
  - c. such monies as may be payable to the Authority pursuant to this Act or any other written law;
  - d. such gifts as may be donated to the Authority; and
  - e. monies from any other source granted, donated or lent to the Authority.

The Authority shall cause to be kept such books of accounts and other books in relation thereto of all its undertakings, funds, activities and property as the Cabinet Secretary may, from time to time, approve and shall, within a period of three months after the end of the financial year, cause to be prepared, signed and forwarded to the Auditor-General a balance sheet showing in detail the assets and liabilities of the Authority and such other statements of accounts as the Cabinet Secretary may approve.

## **PART VI- MISCELLANEOUS PROVISIONS**

### **REGULATIONS**

The Bill obligates the Cabinet Secretary upon consultation with the Authority, to make Regulations prescribing anything that may be prescribed under the Bill including the services to be rendered in the Technopolis, the process of application for licenses and related activities, the classes of licenses to be issued, the criteria and threshold to be applied for approval of licenses, the form of register of licenses to be maintained, the conditions for the provision of land in the Technopolis and any fee which may be charged for anything done under and for the better carrying out of the provisions of the Bill.

**27. Clause 49** – on dispute resolution, the Bill provides that where a dispute arises regarding anything done or not done pursuant to this Act, the parties shall, in the first instance, make effort to resolve the dispute amicably before submitting the dispute to a court or tribunal of competent jurisdiction.

## CHAPTER TWO

### PUBLIC PARTICIPATION

#### **2.0 Attendance by the Stakeholders**

**28.** The Committee, pursuant to its mandate vides Article 118 of the Constitution and Standing Order 145 (5) of the Standing Orders of the Senate, invited submissions from members of the public on the Bill via an advertisement on the Daily Nation Newspaper and Standard Newspapers on Tuesday, 21<sup>st</sup> February, 2023 (*Annex 4*). The deadline for submission of views was on Friday, 3<sup>rd</sup> March 2023.

**29.** The Committee issued correspondence to targeted stakeholders, namely -

- a) The National Treasury and Economic Planning;
- b) The Ministry of Information, Communications and the Digital Economy;
- c) The Ministry of Lands, Public Works, Housing and Urban Development;
- d) The Ministry of Investments, Trade and Industry;
- e) The Council of Governors;

**30.** The Committee invited the Sponsor of the Bill, Sen. Gloria Orwoba, MP via correspondence Ref: SEN/DSEC/ICT/2023(32) dated 2<sup>nd</sup> May, 2023 who appeared before the Committee on 4<sup>th</sup> May, 2023 and was requested to send any further views she may want share with the Committee especially after receipt of submissions from the Ministry of Information, Communications and the Digital Economy on their version of the Bill, other stakeholders and members of the public.

**31.** At the close of the public participation period, a total of four (4) written memoranda were received from the following stakeholders;

- a) Ministry of Information Communication and Technology and the Digital Economy
- b) The National Treasury and Economic Planning
- c) Council of Governors
- d) Konza Technopolis Development Authority

Copies of the submissions from the stakeholders are attached to this Report as *Annex 5*.

32. The Committee further proceeded to conduct a Site visit to Konza Technopolis on 17<sup>th</sup> March, 2023 to see the progress currently going on at Konza City, Machakos County.

33. The Committee proceeded to consider the Bill extensively, together with the stakeholder submissions received thereon.

## **2.1 Submissions from Stakeholders**

### **Determinations on stakeholder proposals**

34. The Committee took into consideration proposals from Stakeholders on specific Clauses of the Bill as follows-

#### **I). Ministry of Information Communication and Technology and the Digital Economy**

35. The Ministry advised the Committee to consider the version of their Bill which is annexed to this report. The Ministry proposed that the Bill should speak to all technopoles and not limited to Konza Technopolis, a matter which the Committee agreed with.

The Committee proceeded to capture their proposals as amendments to the Bill currently before the Committee as contained on the specific clauses herein and on the Committee Stage Amendments.

#### **II). The National Treasury and Economic Planning**

36. The Ministry advised the Committee to harmonize the Senate Bill and the Ministry of Information, Communication and Technology and the Digital Economy version of the Bill.

The Committee was in agreement with the Proposal and harmonized the two versions of the Bill.

#### **III). Council of Governors**

37. The COG made proposals that have also been captured in this Chapter of the Report on the detailed analysis of Specific clauses below.

**IV). Konza Technopolis Development Authority**

38. Majority of the views herein were proposed by the Konza Technopolis Development Authority as contained in this Chapter of the Report.

**DETAILED ANALYSIS OF THE SUBMISSIONS ON THE SPECIFIC CLAUSES BY THE COMMITTEE**

**39. CLAUSE 2 OF THE BILL-INTERPRETATION**

Amend section 2 to include a General Fund

**Rationale**

It is imperative that the Bill provides for the Konza Technopolis Innovation Fund and the same should expressly be defined for the avoidance of doubt.

The Rationale for this proposal is that the term ‘revenue’ is applicable differently in sectors covered by the Act.

**Committee Observation/Determination:** The Committee agreed with this proposal and noted that it is necessary to define the term ‘Fund’ as well as the monies that should be deposited in to the Fund.

**40. CLAUSE 5 OF THE BILL - FUNCTIONS OF THE AUTHORITY**

A. On Clause 5(2) of the Bill which gives the Functions of the Authority, Council of County Governors proposed that the same should be amended to include the development of High technology.

**Rationale**

The provision for the innovation of high technology is necessary to maintain the high standards in running Technopolis.

**Committee Observation/Determination:** The Committee rejected this proposal. The Committee noted that there is no need of incorporating high technology aspect in

the Bill. **The Committee resolved that the input of the Council of Governors in light of** Schedule IV of the Constitution of Kenya on this part of the Bill is fundamental.

The Committee noted, as far as the Authority feels licensing should be left to the Authority, the adverse contention between Counties such as Makueni, Kajiado and Machakos over delimitation, collection of levies, and licensing should be put under consideration.

- B. Delete sub-clause 5(2)(1) which requires collaboration with counties to determine and regulate land use within the Technopolis and the Buffer zone.

Insert provisions mandating the Authority to exclusively manage the land within the technopolis including but not limited to determining the criteria for selection of investors and providers of services, mapping of land with Konza, determine land use within Konza

#### **Rationale**

This shall give the Authority mandate to exclusively manage the land of the Technopolis, and come up with the criteria to be applied in allocating the land and in identifying the investors.

**Committee Observation/Determination: The Committee rejected this proposal.** The Committee resolved that the Technopolis should operate within the already established laws and should collaborate and cooperate with the counties where required to.

- C. Deleting sub-clause 5(2)(o) which states that *“The Authority shall collaborate with other State agencies and relevant county governments in facilitating the issuance of licenses to entities requiring licenses to carry out their activities within the Technopolis”*

**Committee Observation/Determination: The Committee rejected this proposal.** The Committee resolved that the responsibility of issuance of licenses and relevant permits should be done by the relevant government agencies under the premises to be provided by the Authority within the Technopolis.

The Committee cautioned that the duplication of tasks was likely to lead to confusion and that it was better for the Technopolis and therefore the Authority to operate within the existing laws.

D. Amend Clause 5 which gives the *Functions of the Authority* by adding a sub-clause to provide for the Authority's imperative mandate to liaise with the **National Commission of Science, Technology and Innovation, Kenya Innovation Agency, The National Research Fund and any other relevant agency** to ensure funding and implementation of prioritized research and innovation programs.

**Committee Observation/Determination: The Committee agreed with this proposal** and noted that the Bill should provide for the mandate of the Authority to ensure funding and implementation of prioritized research and innovation programs within the Technopolis.

E. Amend Clause 5(1) of the Bill to read 'the Authority shall jointly with the relevant County Governments administer the planning, development and management of the Technopolis.

#### **Rationale**

Planning as well as development Control within the Jurisdiction of a County is devolved function. With Konza lying within several Counties, the planning and development Control should be undertaken jointly. Urban Governance and Management is also a devolved function according to the Constitution of Kenya 2010 and the Urban Areas and Cities Act 2011 amended in 2019. The management of the Technopolis therefore should be a joint effort between the relevant Counties and the authority.

**Committee Observation/Determination: The Committee rejected this proposal.** The committee noted that since Konza Technopolis will be run by the authority, planning and development of technopolis be left to the authority.

#### **41. CLAUSE 6 OF THE BILL –BOARD OF THE AUTHORITY**

A. Clause 6(a) which provides for the recruitment of the Chairperson by the Public Service Commission and appointed by the President by deleting the phrase "*competitively recruited by the Public Service Commission.*"

#### **Rationale**

PSC should appoint the Chairperson without the approval of the President. To make the process swift and cost-effective, the mandate should be left to PSC.

**Committee Observation/Determination: The Committee rejected this proposal.** The Committee resolved that the Chairperson should be appointed by the President based on set qualifications set by the PSC.

B. Clause 6(1) (e) of the Bill as proposed by COG be amended to read “two persons of the opposite gender nominated by the Council of County Governors and appointed by the Cabinet Secretary; e) three persons from the relevant Counties nominated by the Council of County Governors and appointed by the Cabinet Secretary;(f) the Principal Secretary responsible for matters relating to urban development or a person designated by the Principal Secretary in writing”.

#### **Rationale**

The relevant counties (Kajiado, Makueni and Machakos) are key stakeholders in the Governance and Management of the City. Under the urban areas and cities Act this function is a county function and therefore the need for representation of the relevant Counties.

**Committee Observation/Determination: The Committee accepted proposals with amendments.** The Committee is of the view that the Council of Governors should have a representation in the board. The committee does not see the need for having a PS of urban development as the Bill is more of technology based.

C. Clause 6(d) which states that “*The Board shall consist of the Principal Secretary responsible for matters relating to Industrialization or a person designated by the Principal Secretary in writing*” of the Bill be deleted.

#### **Rationale**

The KOTDA and the scope of its mandate are such that the docket of the Ministry of Information, Communication and Technology and the Ministry of Finance is the vital ministries connected to the functionality of the Technopolis.

It is not necessary to have the Ministry of Industrialization or his/her representative, sit on the Board of the Authority

**Committee Observation/Determination: The Committee agreed with this proposal.** The Committee accepted the view that the Ministry of Industrialization need not be represented.

D. Clause 6(f) which states that “*one person appointed by the Cabinet Secretary*” by increasing the number of persons to be appointed by the Cabinet Secretary to four and delete clause 6(e) which states that “*two persons of the opposite gender nominated by the Council of Governors and appointed by the Cabinet Secretary*”

#### **Rationale**

The criteria set out under the Bill in sub-clause (e) to have one member appointed by the COG and then have them subsequently appointed by the President, is a lengthy and costly and susceptible to be influenced by external forces which may undermine the autonomy and transparency of the Board of the Authority.

Increasing the membership to the board to 4 instead of 3 public officers as set out in the Bill ensures gender balance and a mix of skills when making the said appointments.

**Committee Observation/Determination: The Committee agreed with this proposal.** The committee observed that the Board as set out under Section 6 of the Bill should include *two persons of the opposite gender nominated by the Council of Governors and appointed by the Cabinet Secretary summing up the number of appointed members to seven members minus the CEO.*

#### **42. CLAUSE 7 OF THE BILL – TERM OF OFFICE**

Amend clause 7 which provides for the term and re-appointment of the board members (3 years and eligible for re-appointment for one term) “to insert sub-clause 7(2) which provides for the appointment of members of the Board on diverse dates.

#### **Rationale**

This is crucial as it ensures that terms of office of the members of the Board start and end on diverse dates to realize perpetuity and safeguard the board from falling below the mandated quorum of four members; a requirement that deems the board as properly constituted.

**Committee Observation/Determination: The Committee agreed with the proposal.** The Committee observed that the amendment was fundamental to the proper functioning of the Board.

#### **43. CLAUSE 8 OF THE BILL – QUALIFICATION FOR APPOINTMENT**

- A. Clause 8(1)(e) states that *'the chairperson of the Board should have at least fifteen years' experience in the fields stated in the Bill* be deleted and replaced with 8(1)(e) "Posses at least fifteen (15) years specialist knowledge and distinguished service and experience in various fields.

### **Rationale**

This clause leaves out a lot of professional fields that have the right and desired competencies to chair the board of Authority. The suggested amendments will ensure that the said professional fields are duly captured.

### **Committee Observation/Determination: The Committee agreed with the proposal, but the proposal should only contain five key fields.**

The Committee observed that the rationale behind the criteria for selection is not practicable thus the same should limit to Managerial qualifications, and reduce to a minimum experience of (10) years for the CEO and (5) years' experience for the Board Members.

- B. Clause 8(1) of the Bill as proposed by COG be amended to read "A person shall be qualified for appointment as the chairperson of the Board if that person— (a) is a citizen of Kenya; (b) meets the requirements of Chapter Six of the Constitution; (c) holds a degree from a university recognized in Kenya; (d) if registered as a member of a professional body, is in good standing with that body; and (e) has at least fifteen years' experience in - (i) information and communications technology; (ii) development of special economic zones; (iii) science parks infrastructure; (iv) manufacturing; (v) industrial research and development (vi) finance; (vii) economics; or (viii)tax. (ix) Urban Planning or Urban Development"

### **Rationale**

The Committee does not see the need to have Urban Planning as one of the fields that the chairperson of the board should have.

### **Committee Observation/Determination: The Committee rejected the proposal.**

- C. Clause 8(3)(e) on the members of the board, it states that "*Has at least seven years' experience (in the fields stated in the Bill)* be deleted and replaced with 8(3)(e)

“Posses at least ten (10) years of knowledge in (the same field as those of the chairperson)

### **Rationale**

Having board members with 10 years of experience in their different fields will enrich the board.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee observed that having board members with 5 years of experience in their different fields will enrich the board.

## **44. CLAUSE 10 OF THE BILL – POWERS OF THE BOARD**

Clause 10 sub-clause 10(d), states that "*subject to the approval of the Cabinet secretary responsible for matters relating to finance, invest any of the funds of the Authority not immediately required for this Act as it may determine*", of the Bill be **amended** by **deleting the phrase** "...subject to the approval of Cabinet Secretary responsible for matters relating to finance..."

### **Rationale**

This specific clause provides for the powers of the Board to invest the funds of the Authority but undermines its independence and autonomy.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee contends that the Board should approve and not direct how the money of the Authority should be spent.

The Committee observed that this proposal undermines the Principle of accountability that hinges on checks and balances.

Further, the committee contends that projects are funded on a program basis.

## **45. CLAUSE 13 OF THE BILL – REMUNERATION OF MEMBERS OF THE BOARD**

Amend Clause 13 which states that "*There shall be paid to the members of the Board, such remuneration, fee or allowances as the Cabinet Secretary in consultation with the*

*Salaries and Remuneration Commission, determine” by deleting the phrase ‘...in consultation with salaries and Remuneration Commission...’*

#### **Rationale**

The remuneration of members of the Board is and should remain an internal mandate of the board.

The autonomy of the Authority is prone to be meddled with under the provision under clause 13 of the Bill which instructs that there shall be paid to the members of the Board such remunerations as it may determine upon the advice of the Cabinet Secretary. This nurtures the independence and self-sufficiency of the Authority.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee contends that that matter salary should be determined as set out under Article 230 of the Constitution.

#### **46. CLAUSE 14 OF THE BILL – CHIEF EXECUTIVE OFFICER**

A. Amend Clause 14(1) which states that “*There shall be a chief executive officer of the Authority who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission, determine*” by deleting the phrase “...in consultation with the Salaries and Remunerations Commission...”

#### **Rationale**

Recruitment and remuneration of the CEO of the Board is an internal function that should be left to the autonomy and independence of the Board.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee observed that subject to provisions of Article 230 of the Constitution, there is a standard way to remunerate both the executive and non-executive board in Public Service through the salaries and remuneration commission.

B. Amend Clause 14 (2) (d) of the Bill be amended as proposed by COG to read “ has at least ten years’ experience in— (i) information and communications technology; (ii) development of special economic zones; (iii) science parks infrastructure; (iv) law; (v) manufacturing; (vi) industrial research and development (vii) finance; (viii)economics; or (ix) tax; and experience in— (i) information and communications technology; (ii) development of special economic zones; (iii) science parks

infrastructure; (iv) law; (v) manufacturing; (vi) industrial research and development (vii) finance; (viii)economics; or (ix) tax”

**Rationale**

The Committee does not see the need to have CEO possessing the Urban development experience or qualification as that is not the core business of Konza Technopolis.

**Committee Observation/Determination: The Committee rejected the proposal.**

C. Amend sub-clause (3) which states that “*The chief executive officer shall serve for a term of five years and shall not be eligible for re-appointment*”, of the Bill by deleting the phrase “...and shall not be eligible for reappointment.”

To be read “...shall be eligible for reappointment for one further term by the Board based on performance, determined through an objective evaluation process.”

**Rationale**

The Bill provides for only one term of office, this does not enhance the stability of the Authority as there will be frequent staff turnovers.

**Committee Observation/Determination: The Committee agreed with the proposal.**

The committee agrees with this proposal as it ensures continuity, but the same be amended to provide for one term of 6 years.

**47. CLAUSE 17 OF THE BILL – THE CORPORATION SECRETARY**

Amend Clause 17(1) which calls for appointment of the corporation secretary with the approval of the *Salaries and Remuneration Commission, determine*” by deleting the phrase “...in consultation with the Salaries and Remuneration Commission...”

**Rationale**

Recruitment of the corporate secretary of the Board is an internal function that should be left to the autonomy and independence of the Board without any external influence.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee observed that the recruitment should be done in consultation with the Salaries and Remuneration commission for purposes of their remuneration.

#### **48. CLAUSE 18 OF THE BILL – STAFF OF THE AUTHORITY**

Amend clause 18 (2) which calls for the appointment of the staff in consultation with the Salaries and Remuneration Commission by deleting the phrase “...in consultation with the Salaries and Remunerations Commission...”

##### **Rationale**

Recruitment of staff by the Authority of the Board is an internal function that should be left to the autonomy of the Board without any external influence.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee observed that the Salaries and remuneration commissions should be involved as is required by the law.

#### **49. PART III OF THE BILL – REGULATION OF THE TECHNOPOLIS**

Amend the clause on *Regulation of the Technopolis (Clause 22)* by adding clauses on the investigatory powers of the Authority after sub-clause 2

Add a sub-clause (9) as a punitive clause for contravention of provisions of clause 22.

##### **Rationale**

By making such additional sub-clauses to the Bill, the Authority is granted powers to investigate enforce and sanction any possible offence that may be committed under the Act.

**Committee Observation/Determination: The Committee agreed with the proposal.** The Committee recommended the addition of: *Authority upon establishing the reasonable cause, shall conduct such administrative, investigative, enforcement and sanctioning activities as may be necessary to ensure compliance with this Act.*

#### **50. PART IV OF THE BILL – INCENTIVES FOR INVESTMENT IN THE TECHNOPOLIS**

##### **51. CLAUSE 40 OF THE BILL – FISCAL INCENTIVES**

Amend Clause 40 to introduce fiscal measures by the CS by adding the following sub-clauses;

1. The enjoyment of incentives under the Special Economic Zone
2. Exempt the area from the application of the following Acts and their regulations

- a) Urban areas and Cities Act
  - b) Physical and Land Use Planning Act
  - c) County Government Act
  - d) Stamp duty Act
  - e) Capital Gains Tax
  - f) Charges on approval of plans, designs and change of user,
3. The Technopolis shall be subject to Regulations issued by the Cabinet Secretary in consultation with the Authority on work permits for up to twenty per cent of their full-time employees and additional work permits may be obtained for specialized sectors.
  4. The Authority and the Area shall enjoy any other exemption as may be granted under this Act in consultation with the Cabinet Secretary by notice in the gazette.

#### **Rationale**

The listed additional sub-clauses shall serve and facilitate the operationalization of Technopolis by expressly making for incentives that attract investors to Technopolis and favour the operations thereof.

#### **Committee Observation/Determination:**

**The Committee agreed with the proposal 1.** The Committee observed that the technopolis should enjoy the incentives as provided for under Special Economic Zones Act, 2015 and empower the CS to come up with Regulations to introduce fiscal measures to provide additional incentives for investment in the Technopolis.

**The Committee rejected proposal 2.** Konza Technopolis transactions should like any other transaction, be subjected to all the tax regimes provided for in the law. **The committee observed that the provisions and regulations of the** Urban areas and Cities Act, Physical and Land Use Planning Act and County Government Act should as well apply to the Konza Technopolis.

## **52. PART V OF THE BILL – FINANCIAL PROVISIONS**

### **53. CLAUSE 44 OF THE BILL – FUNDS OF THE AUTHORITY**

Amend Clause 44 on *the funds and assets of the Authority*-and make the current provisions to be under sub-clause 1, and by adding the following sub-clauses;

2. power of the Authority to use its funds at its discretion to carry out its objective and functions
3. powers of the trustees to invest the Authorities funds in government securities in trust funds, or in any other securities that the National Treasury may, from time to time approve.

### **Rationale**

The Bill does not make provisions for the utilization of funds by the Authority and adding such clauses shall enable the Authority to perform its operations with fiscal independence.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee observed that the term ‘trustee’ under this clause should be reconsidered. All decisions of the Authority should go through the Board. The committee recommended that the Board should operate like any other board duly constituted within the Kenyan legal framework.

## **INTRODUCTION OF NEW CLAUSES**

### **A. NEW CLAUSE: CLAUSE 4 OF THE BILL – ESTABLISHMENT OF THE AUTHORITY**

Amend Clause 4 which provides for *the Establishment of the Authority* by adding sub-clause (2) to introduce the Objectives of the Authority; 4(2) to develop, manage and maintain the Konza Technopolis and to ensure that it grows into a sustainable, world-class Technopolis and Center for development of the Kenyan knowledge-based economy, with a vibrant mix of businesses, workers and residents and urban amenities.

### **Rationale**

Objectives help define goals, identify conflicting activities, guide elements, of decision—making processes and ensure accountability of personnel within the Authority. Without clearly defined objectives, goal displacement often occurs

**Committee Observation/Determination: The Committee rejected the proposal** and noted that the proposed entire clause should not be incorporated under the law.

**B. NEW CLAUSE:**

A new clause be included to provide for the Konza High Technology Innovative System  
“The Konza High Technology Innovative System and its functions.

**Rationale**

It is prudent that the Bill expressly provides for the Konza High Technology Innovative System. This is because Technopolis is being developed into a globally competitive Smart City by creating an enabling environment through the use of ICT infrastructure for socio-economic development.

**Committee Observation/Determination: The Committee rejected the proposal.** The Clause should not be considered since the content of the clause falls within the mandate of Konza.

**C. NEW CLAUSE:**

The consolidation and operation of a One-Stop-Shop is a universally acceptable function of any relevant authority mandated with the managing of smart city zones.

The establishment of the "One-Stop-Shop" is important and necessary as it consolidates the aforementioned functions and duties making it seamless for potential investors to set up businesses in the Technopolis as it eliminates bureaucratic hurdles and accelerates the processes of getting all relevant permits and licenses for potential investors.

**Rationale**

Issuance of licenses should be subject to other laws thus Konza should liaise with relevant government agencies to ensure the processing of licenses is coordinated from within the city.

The one-stop shop aspect in the Clause is a solution to eliminating bureaucratic hurdles thus accelerating processes involved in getting relevant permits and licenses for investors.

**Committee Observation/Determination: The Committee agreed with the proposal.**

**D. NEW CLAUSE: CLAUSE 5 OF THE BILL – FUNCTIONS OF THE AUTHORITY**

Amend clause 5 that outlines the Functions of the Authority by introducing the sub-clause 5(3) that stipulates the "Powers of the Authority" in addition to the functions as already stipulated.

5(3) Powers of the Authority

- 1) The Authority shall have all the powers necessary for the proper performance of its functions under this act and in particular but without prejudice to the generality of the foregoing, the authority shall have the power to;
  - a) Regulate, control, guide, co-ordinate and promote development and management, either by itself, through special purpose vehicles formed for specific purposes or through public, private or public-private partnerships of infrastructure, buildings and public amenities and facilities in Konza Technopolis
  - b) Raise funds from public and private sources, treat all funds as fungible, and flexibly spend funds to carry out its objective and functions
  - c) Develop, make, implement and enforce, as the case may be, by-laws, policies, rules, regulations, guidelines and standards for the sustainable development, management and maintenance of the Area
  - d) Control, regulate, coordinate and guide land use, sub-division, land development and zoning by public and private sectors for any purpose
  - e) License, register or regulate the activities of all persons operating in the Area and charge such license or operating fees as the Authority shall prescribe
  - f) Enter into agreements with other government entities for the provision of services falling under the jurisdiction of such government entities with a view of providing "one-stop-shop" solutions to the persons operating in the area
  - g) Enter into contracts, arrangements, agencies, associations or partnerships with any person, Government agency or authority whether within or outside Kenya
  - h) The Authority shall develop, establish and manage Konza High Technology System

- i) Competitively employ such staff, consultants, technical advisers, experts and contractors as the Authority may require for carrying out its functions under this Act
- j) Acquire, hold, lease, sell, exchange or otherwise dispose of or deal with any land and other property on such terms and conditions as the authority shall determine
- k) Designate any land for use as part of the area under this Act, subject to applicable law
- l) Construct establish or operate water, electricity gas, telecommunications, sewage sanitization, roads and other municipal and infrastructural facilities and provide the related service thereof either directly or through its subsidiaries or special purpose vehicles formed for such purposes
- m) Charge and collect license fees and other revenues to be determined by the Authority relating to its provision of land, facilities, infrastructure and services and under the proper carrying out of its functions under this Act
- n) Cause, procure either by itself or through public, private or public-private partnership and development; construction, operation and maintenance of such roads, railways, sidewalks, tramways, bridges, tunnels, reservoirs, water sources, buildings, plants and machinery and such other infrastructure and works as may be necessary for or conducive to the discharge of its functions
- o) Establish institutions of specialized learning in high technology, either in partnership with public entities or persons or on its own, for purposes of promoting industrial technological innovation through the integration of enterprises, universities, tertiary institutions and research institutions
- p) The authority shall establish subsidiaries, special purpose vehicles and a Foundation as may be necessary for the discharge of its functions
- q) Invest monies standing to the credit of the Authority and not for the time being required for its functions in such securities or conformity with the requirements of public management practices
- r) Purchase or otherwise lawfully acquire, take over or dispose of any assets business, property, privilege, contract, right, obligation and liability of any person or body whether corporate or incorporated in furtherance of its functions

- s) borrow capital funds to carry out its functions under the Act
- t) Grant such exemptions to any person operating within the area as would not be contrary to any financial liability imposed by any written law or the provisions of the Act; and
- u) Carry out any other function conferred by or under this Act and perform any other functions that are supplemental, incidental or consequential to any of the functions specified in this Act

### **Rationale**

The Bill, under clause 5, only provides for the functions of the Authority and not its powers.

Functions refer to the duties and responsibilities that an entity is authorized to perform under the statute while powers refer to the legal authority granted to the entity to perform certain actions and make decisions.

Not expressly providing for the powers of the Authority may limit how it implements its mandate and carries out its functions.

**Committee Observation/Determination: The Committee accepted the proposals with the amendments.** The Committee noted that Sub-clause 18 on employment of staff, the aspect of Special purpose vehicles should be strengthened. Some provisions should be deleted, like PPT,

### **E. NEW CLAUSE: PART III – REGULATION OF THE TECHNOPOLIS**

- i). Amend Clause 22 on the powers of the Authority to add a new clause 22 for delegation of powers.

22 “Delegation of powers of the authority”

### **Rationale**

Delegation of duties is an important aspect of effective management of the affairs of the Authority as it helps improve productivity, promote personal and professional growth, build trust, foster collaboration and reduce stress and workload levels.

**Committee Observation/Determination: The Committee rejected the proposal.** The power should solely lie with the Chief Executive Officer. Interference with these powers should be utterly discouraged. As an organization entrenched with powers, functions and working structures. Every entity ought to operate following its respective job description.

Amend Clause 22 on the powers of the Authority to add a new clause 22 for delegation of powers.

– 22 “Delegation of powers of the authority”

### **Rationale**

Delegation of duties is an important aspect of effective management of the affairs of the Authority as it helps improve productivity, promote personal and professional growth, build trust, foster collaboration and reduce stress and workload levels.

**Committee Observation/Determination: The Committee rejected the proposal.** The power should solely lie with the Chief Executive Officer. Interference with these powers should be utterly discouraged. As an organization entrenched with powers, functions and working structures. Every entity ought to operate following its respective job description.

ii). Amend the Bill by introducing a new clause after the proposed clause 23, being clause 24 which provides for the "Establishment of a Small Enterprise Centre"

24 1). The authority shall “Establish a Small Enterprise Support Center”

To provide business advisory services, based on appropriate research and demand for services.

### **Rationale**

The Technopolis will be an all-inclusive Technopolis that offers support to all enterprises including medium and small enterprises.

**Committee Observation/Determination:**

**The Committee agreed with the proposal 1 subject to clarity.** The proposal should be subjected to further scrutiny to provide clarity.

**Proposal on 24 (1)** the Committee noted that this is already provided for in the Bill under clause

- iii). Amend clause 22(3) (punitive clause) to read as follows; 22(3) "Any person who contravenes the provision of subsection (1) commits an offence and is liable on conviction, to a fine not exceeding five million shillings and or five years or both"

**Rationale**

For the potential offence of operating in the Technopolis without the required license, the term of two years in prison and a fine of one million, provided in the Bill is lenient and will have little impact.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee noted that Prosecution of offences should be carried out according to the existing laws.

- iv). Amend Clause 33(2) which puts across the conditions for revocation of a license be amended as follows; 32(3) "Any person who contravenes the provision of subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both"

**Rationale**

For the potential offence of operating within the Authority with a revoked license, the punitive term provided is lenient.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee noted that Prosecution of offences should be carried out according to the existing laws.

**F. NEW PART VI: ESTABLISHMENT OF THE KONZA TECHNOPSIS INNOVATION FUND**

*A new part should be added after part V of the Bill. The part should be numbered as part VI making the following provisions:*

**Establishment of the Konza Technopolis Innovation Fund**

- 1) There is hereby established a fund to be known as the **Konza Technopolis Innovation Fund** which shall be managed and administered by the Authority.
- 2) Use of the fund shall be limited to activities domiciled within the area
- 3) The fund shall be established for the following purpose:
  - a) To support basic and applied technology
  - b) Forging productive partnerships or collaborations within and among institutions, sectors and discipline
  - c) To support the implementation or commercialization of innovative technologies or processes
  - d) Strengthening private sector research and innovation initiatives in small and medium-sized enterprises
  - e) Support innovation start-ups
- 4) The fund shall consist of;
  - a) Paid under this Act as penalties and fines
  - b) Received from the national treasury as allocation from the Exchequer
  - c) Accruing from interests and profits from investing the fund money
  - e) Any gifts, donations, grants and endowments made to the fund
  - f) Received as fees, charges, or other similar funds received from the Konza Technopolis Dispute Resolution Tribunal; and
  - g) Such sums of money as are received for purposes of the fund from any other sources approved by the Konza Technopolis Innovation Board
- 5) There shall be paid of Fund any expenditure approved by the Board for the administration of the Fund
- 6) Money which has accumulated in the Fund may be invested by the Authority in such a manner that is determined by the Board
- 7) any person may make an application to the Board for consideration of a loan from the fund in the prescribed form
- 8) The board may -
  - a) Accept or reject any application for a loan
  - b) Grant a loan to an applicant and in granting the loan, may impose conditions, demand security and require repayment in instalments at such time with such

periods as the board deems fit provided that subject to the provisions of this section, the Board may, upon request by an applicant to whom a loan is granted at any time vary;

- i). The conditions upon which the loan was made
  - ii). Any security given about the loan; or
  - iii). Any of the terms of repayment of the loan
- 9) Where the Board has resolved to grant a loan, the Board shall notify the applicant in writing and require him within a specified period not exceeding six months to comply with any condition and provide any security which the Board may have imposed or demanded
- 10) Where an applicant fails to comply with the requirement of the Board notified to him under section (9) within the prescribed period, the application may be deemed to have lapsed;
- 11) Where an applicant fails to make a repayment of instalments on the loan within the prescribed period, the Board may impose penalties for each month that the repayment remains unpaid
- 12) the Board shall comply with regulations on public financial management as regards the operations of the Fund
- 13) The Cabinet Secretary may, in consultation with the Authority, make regulations generally concerning the administration of the Fund. The fund is necessary to establish a leading and thriving smart city and a vibrant ecosystem that is in line with the vision of the Authority

### **Rationale**

The fund is necessary to establish a leading and thriving smart city and a vibrant ecosystem that is in line with the vision of the Authority.

**Committee Observation/Determination: The Committee rejected the proposal.** The Committee noted that establishing the fund contravenes section 44 of the Act. The proposal shall introduce two competing sources of money from the exchequer. Any funds they get should be channelled through the Treasury. Departments should be established on a need-to-be basis but with the authority of the parent Ministry.

### **G. NEW PART VII; THE KONZA TECHNOPOLIS DISPUTE RESOLUTION TRIBUNAL**

The proposal is that the part should have the following provisions:

#### **1. Establishment of the Tribunal**

- 1) There is **established a Tribunal** to be known as Konza Technopolis Dispute Resolution Tribunal which shall have powers to hear and determine appeals from the decision of the Authority and the composition of the Tribunal.

## 2. Appeals to the Tribunal

- 1) The Tribunal shall upon an appeal made to it in writing by any party or a reference made to it by the Authority.

### **Rationale**

Establishing a Tribunal serves as a key milestone in ensuring that there are more elaborate channels of dispute resolution within the Authority.

**Committee Observation/Determination: The Committee agreed with the proposal.** The Committee noted that Members of the Tribunal should be drawn from different fields and constituting the tribunal should be a reserve of the Judicial Service Commission.

## **H. DELETE CLAUSE: 34 – REVIEW AND APPEAL PROCESS**

Delete this clause which provides for the *review and appeal process*

### **Rationale**

Upon introduction of the proposed Konza Technopolis Dispute Resolution Tribunal, as proposed above, clause 34 will stand redundant.

**Committee Observation/Determination: The committee rejected the proposal.** The Committee rejected this proposal.

## **I. DELETE CLAUSE: 49 – DISPUTE RESOLUTION**

Delete this clause “Where a dispute arises regarding anything done or not done under this Act, the parties shall, in the first instance, make effort to resolve the dispute amicably before submitting the dispute to a court or tribunal of competent jurisdiction”

### **Rationale**

Upon introduction of the proposed tribunal, the mechanism for dispute resolution will have been adequately provided for, thus making clause 49 redundant.

**Committee Observation/Determination:** The Committee observed that this should be incorporated into the Subsidiary legislation.

## **J. NEW CLAUSE: PART VIII – OFFENCES**

It should have the following provisions

### **1. General Penalty for Offences**

1) Where a person commits an offence under this Act and no specific penalty is provided for, that person shall be liable on conviction:

a) On a first offence in the case of;

i) An individual to a fine not exceeding five million shillings or imprisonment for a term not exceeding two years and pay two times the amount of any gain or loss avoided as a result of the contravention; or

ii) A company, to a fine not exceeding ten million shillings and pay two times the amount of any gain or loss avoided as a result of the contravention

b) On any subsequent offence, in the case of;

i) An individual to a fine not exceeding ten million shillings or a term not exceeding five years and pay three times the amount of any profit or loss avoided as a result of the contravention; or

ii) Company to a fine not exceeding thirty million shillings and pay three times the gains or loss avoided as a result of the contravention

### **2. General Development Control offences and penalties**

### **3. Additional Sanctions**

1) The maximum penalties enumerated in this Act for violations thereof do not preclude the inclusion of other types of sanctions as prescribed in this Act or any other law.

## **Rationale**

The Bill vests the Authority with certain powers, it is thus very crucial that the Authority is also vested with the ability to enforce the said powers. This ability to enforce the Authority's powers is not provided for in the Bill.

Without the ability to enforce its powers, the Authority will only be a shell with powers vested on a paper that mean nothing and to that extent, the Authority will be unable to perform its functions as envisaged in the Bill.

**Committee Observation/Determination: The Committee rejected the proposal.** The power should solely lie with the Chief Executive Officer. Interference with these powers should be utterly discouraged. As an organization entrenched with powers, functions and working structures. Every entity ought to operate following its respective job description.

Amend Clause 22 on the powers of the Authority to add a new clause 22 for delegation of powers.

22 "Delegation of powers of the authority"

### **Rationale**

Delegation of duties is an important aspect of effective management of the affairs of the Authority as it helps improve productivity, promote personal and professional growth, build trust, foster collaboration and reduce stress and workload levels.

**Committee Observation/Determination: The Committee rejected the proposal.** The Bill provides for offences however it is prudent to include provisions for purposes of enforcement.

## **K. NEW CLAUSE: REGULATIONS AND GUIDELINES**

Clause 53 which puts across the Regulations of the Authority be deleted and replaced by more detailed provisions of regulations and guidelines as provided below;

### **Regulations**

- 1) The Cabinet Secretary in consultation with the Authority shall make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act or for prescribing anything that may be or is required to be, prescribed under this Act

### **Purpose for regulations**

- 1) Without prejudice to the generality of subsection (1), regulations may be made for:
  - a. The regulation, governance, planning and administration of Konza Technopolis, the Konza Special Planning Belt and generally providing for the orderly development, planning and construction of land, infrastructure buildings and other facilities in Konza Technopolis and the Konza Special Planning Belt
  - b. The Enforcement of this Act, imposition of sanctions or levying of fees, costs, levies, contributions or any other charges such cases as may be determined by the Authority
  - c. The exit process for licensed persons and entities from the Area has been revoked
  - d. Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act
- 1) The Authority may issue such guidelines and notices the Authority considers necessary for the better carrying out of the functions of the Authority under this Act and in particular;
  - a) The evaluation of proposals from potential investors
  - b) The selection of suitable investors
  - c) The issuance of leases
  - d) For the regulation of all the activities and developments to be undertaken in the Area
  - e) The standards to be adhered to by regulated persons in the conduct of their business
  - f) The attainment of any objective of the Authority
  - g) Any matter relating to any power, duty or function conferred or imposed on the authority under this Act
  - h) The operation of any provision of this Act or any other legislation vesting responsibility in the Authority
- 2) The Authority may publish guidelines and notices issued under subsection (1) in such a manner as the Authority may consider appropriate.

### **Rationale**

It is prudent the bill provides for the regulations and guidelines necessary for the operation and fulfilment of its mandate

**Committee Observation/Determination: The Committee rejected the proposal.** The power should solely lie with the Chief Executive Officer. Interference with these powers should be utterly discouraged. As an organization entrenched with powers, functions and working structures. Every entity ought to operate following its respective job description.

Amend Clause 22 on the powers of the Authority to add a new clause 22 for delegation of powers.

22 “Delegation of powers of the authority”

### **Rationale**

Delegation of duties is an important aspect of effective management of the affairs of the Authority as it helps improve productivity, promote personal and professional growth, build trust, foster collaboration and reduce stress and workload levels.

**Committee Observation/Determination: The Committee agreed with the proposal.** The Committee observed that the Cabinet Secretary should make the Regulations; the CS need not consult the Authority while constructing Regulations.

## **CHAPTER THREE**

### **COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

#### **COMMITTEE OBSERVATIONS**

Following extensive interrogation of targeted stakeholder submissions and comments received from the members of the public, the Committee observes that–

1. The Bill seeks to realize the Kenya Vision 2030 strategic intent to transition the Country into a knowledge-based economy;
2. There is need to safeguard the legal framework establishing the Konza Technopolis Authority by entrenching it in legislation and at the same time providing for all technopoles a submission proposed by the Ministry of Information, Communication Technology and the Digital Economy. The proposal was to the effect that there is a shift in policy to the effect that the government not only wishes to safeguard the Konza Technopolis envisioned under the Vision 2030 and established under Legal Notice No. 23 of 2012, but also seeks the flexibility to establish more technopoles;
3. The Authority must adhere to the existing laws relating to physical planning and development including but not limited to the Physical and Land Use Planning Act and County Government Act. The technopoles should be guided by some rules in relation to developments that may be made therein;
4. Acknowledging, the level of investment that is to be channeled through the Authority, it is important that provisions in respect to borrowing of money and investment of funds comply with the existing legal framework regulating public finance in Kenya;
5. It is critical that the Authority collaborates with other relevant agencies to ensure that it achieves its objectives. This collaboration should extend to matters that relate to ensuring the ease with which investors are able to gain the necessary approvals required for them to commence their enterprise. In this regard, the idea that the Technopolis can create a solution to eliminating bureaucratic hurdles thus accelerating processes involved in getting relevant permits and licenses for investors is welcome;
6. It is crucial to ensure that dispute resolution is prompt to ensure ease of doing business. In this regard, the establishment of a Tribunal to handle matters that relate to the technopoles would ensure expediency in resolution to conflicts between the Authority and the enterprises that set up shop there;

7. It is essential that the penalty provisions under the Bill are augmented to ensure deterrence from activities or actions that are against the provisions of the legislation. This would safeguard the investment and create investor confidence; and
8. It is important to ensure collaboration between the research institutions in the country with the authority. Similarly, it is essential to ensure that the Authority establishes a fund to support basic and applied technology, support the implementation or commercialization of innovation and strengthen research and to determine the source of the funds of the Fund.

## **RECOMMENDATIONS**

Based on the foregoing, the Committee proposes to make the following amendments to the Bill as per the attached Amendments (*Annex 2*) to -

- (a) Expand its scope to cover all technopoles in Kenya including the existing Konza Technopolis;
- (b) Rationalize the professional background of the Chairperson and members of the Board of the Authority as well as the Chief Executive Officer;
- (c) Ensure that the members of the Board are appointed at varying times to ensure that there is continuity;
- (d) Ensure that the Authority collaborates with relevant government agencies to achieve the objectives of the Act in regard to the developments to be carried out in the Technopoles;
- (e) Establish a Fund to support basic and applied technology, support the implementation or commercialization of innovation and strengthen research and to determine the source of the funds of the Fund;
- (f) Establish a Tribunal to ensure the quick resolution of disputes relating to Technopoles in Kenya; and
- (g) Ensure that the term limit of the Chief Executive Officer is optimal in accordance to the principal of good governance.

## **APPENDICES**

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Annex1: Signed Minutes of the Committee Sittings during Consideration of the Bill

Annex 2: Committee Stage Amendments.

Annex 3: Copy of the Bill

Annex 4: Advertisement as published in the Media

Annex5: Stakeholder Submissions including the Ministry of Information Communication and Technology and the Digital Economy version of the Bill





**MINUTES OF THE THIRTY-NINETH (39<sup>TH</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY, 13<sup>TH</sup> JUNE, 2023 AT IMPALA, FIRST FLOOR BOARDROOM, KICC BUILDING AT 9:00 A.M.**

**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. William Kipkemoi Kisang, MP    | - Member           |
| 4. Sen. Shakila Abdalla Mohamed, MP    | - Member           |
| 5. Sen. Beatrice Akinyi Ogola, MP      | - Member           |
| 6. Sen. Boy Issa Juma, MP              | - Member           |

**ABSENT WITH APOLOGY**

- |  |          |
|--|----------|
| 1. Sen. Karen Njeri Nyamu, MP          | - Member |
| 2. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 3. Sen. Godfrey Atieno Osotsi, MP      | - Member |

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I      |
| 2. Mr. Yusuf Duale    | - Clerk Assistant III    |
| 3. MS. Sombe Toona    | - Legal Counsel          |
| 4. Ms. Zainab Jirma   | - Legal Counsel          |
| 5. Mr. Sapan Pkiror   | - Fiscal Analyst III     |
| 6. Mr. Stanley Gikore | -Media Relations Officer |
| 7. Mr. Mike Mwamuye   | - Public Comms. Officer  |
| 8. Mr. Charles Oyosi  | - Audio Officer          |
| 9. Mr. Jackson Osore  | - Research Officer III   |
| 10. Ms. Linet Amollo  | - Research Officer III   |

**MIN/SEN/ICT/253/2023:**

**PRAYER**

The Chairperson called the meeting to order thirty minutes past nine o'clock followed by a word of prayer

**MIN/SEN/ICT/254/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 37<sup>th</sup> and 38<sup>th</sup> Sitting held;
4. Matters arising from Minutes of the 37<sup>th</sup> and 38<sup>th</sup> Sitting;
5. Consideration and **Adoption of the Committee Report on the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023);**
6. **Pre-publication scrutiny of a Legislative Proposal: The Digital Literacy Bill, 2023.**
7. Any Other Business; and
8. Adjournment and Date of the Next Meeting.

**MIN/SEN/ICT/255/2023:**

**CONFIRMATION OF MINUTES**

1. The Minutes of the 37<sup>th</sup> sitting held on Thursday 30<sup>th</sup> May 2023, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Boy Issa Juma, MP.
2. The Minutes of the 38<sup>th</sup> sitting held on Thursday 6<sup>th</sup> June 2023, were confirmed as a true record of the deliberations after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. William Kipkemoi Kisang, MP.

**MIN/SEN/ICT/256/2023:**

**MATTERS ARISING**

There were no matters arising.

**MIN/SEN/ICT/257/2023:**

**CONSIDERATION OF THE COMMITTEE REPORT ON THE KONZA TECHNOPOLOIS BILL, 2023 (SENATE BILLS NO.2 OF 2023);**

The Committee resolved and adopted the Committee Report on the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023 as proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Miraj Abdulahi Abdulrahman, MP.

**MIN/SEN/ICT/258/2023:**

**CONSIDERATION OF PRE-PUBLICATION SCRUTINY OF A LEGISLATIVE PROPOSAL: THE DIGITAL LITERACY BILL, 2023.**

The Committee resolved to defer consideration of Pre-publication scrutiny of the Legislative Proposal: The Digital Literacy Bill, 2023 to Thursday, 15<sup>th</sup> June, 2023 owing to the absence of the Sponsor of the Bill.

**MIN/SEN/ICT/259/2023:**


**ANY OTHER BUSINESS**

There was no other business.

**MIN/SEN/ICT/260/2023:**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at twenty-five minutes past ten o'clock. The date of the next meeting was scheduled for Thursday, 15<sup>th</sup> June, 2023 at 12:00 Noon.

SIGNED: .....  ..... DATE: 15<sup>TH</sup> JUNE, 2023 .....

**SEN. ALLAN KIPROTICH CHESANG, MP,**  
**CHAIRPERSON,**  
**SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND  
TECHNOLOGY**



**MINUTES OF THE THIRTY-SIXTH (36<sup>TH</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON THURSDAY, 25<sup>TH</sup> MAY, 2023 AT THE VIP ANNEX II, FIRST FLOOR BOARDROOM, KICC BUILDING AT 8:00 A.M.**

**PRESENT**

- |                                     |               |
|-------------------------------------|---------------|
| 1. Sen. Allan Kiprotich Chesang, MP | - Chairperson |
| 2. Sen. William Kipkemoi Kisang, MP | - Member      |
| 3. Sen. Beatrice Akinyi Ogola, MP   | - Member      |
| 4. Sen. Shakila Abdalla Mohamed, MP | - Member      |
| 5. Sen. Godfrey Atieno Osotsi, MP   | - Member      |
| 6. Sen. Boy Issa Juma, MP           | - Member      |

**ABSENT WITH APOLOGY**

- |  |                    |
|--|--------------------|
| 1. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. Samson Kiprotich Cherarkey, MP | - Member           |
| 3. Sen. Karen Njeri Nyamu, MP          | - Member           |

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I      |
| 2. Mr. Yusuf Duale    | - Clerk Assistant III    |
| 3. MS. Sombe Toona    | - Legal Counsel          |
| 4. Ms. Zainab Jirma   | - Legal Counsel          |
| 5. Mr. Stanley Gikore | -Media Relations Officer |
| 6. Mr. Mike Mwamuye   | - Public Comms. Officer  |
| 7. Mr. Charles Oyosi  | - Audio Officer          |
| 8. Mr. Jackson Osore  | - Research Officer III   |
| 9. Ms. Linet Amollo   | - Research Officer III   |

**MIN/SEN/ICT/230/2023:**

**PRAYER**

The Chairperson called the meeting to order at thirty minutes past eight o'clock followed by a word of prayer

**MIN/SEN/ICT/231/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. William Kipkemoi Kisang, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 32nd, 33rd, 34th and 35th Sittings;
4. Matters Arising from the confirmed Minutes;
5. Consideration of the Committee Report on the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023);
6. Adoption of the Committee Report on the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023);
7. Any Other Business; and
8. Adjournment and Date of the Next Meeting.

**MIN/SEN/ICT/232/2023:**

**CONFIRMATION OF MINUTES**

1. The minutes of the 32<sup>nd</sup> sitting held on Thursday 4<sup>th</sup> May 2023, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP.
2. The minutes of the 33<sup>rd</sup> sitting held on Saturday 20<sup>th</sup> May 2023 at 9 am, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP
3. The minutes of the 34<sup>th</sup> sitting held on 20<sup>th</sup> May 2023 at 2 pm, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP.
4. The minutes of the 35<sup>th</sup> sitting held on Sunday 21<sup>st</sup> May 2023, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP.

**MIN/SEN/ICT/233/2023:**

**MATTERS ARISING**

**Under Ex - MIN/SEN/ICT/215/2023: MEETING WITH SEN. GLORIA ORWOBA, MP, TO DELIBERATE ON THE FOLLOWING LEGISLATIVE BUSINESS**

**Statement concerning the Management of Media Council of Kenya Fund**

The Committee resolved to conduct site visits to the Media Council of Kenya Offices in Eldoret County and Kisumu County as well as paying courtesy calls to Stakeholders actively involved with ICT in both Counties and to the Kenya Institute of Mass Communication and Rivatex East Africa Limited in Eldoret Town.

**MIN/SEN/ICT/234/2023:**

**CONSIDERATION OF THE COMMITTEE  
REPORT ON THE KONZA  
TECHNOPSIS BILL, 2023 (SENATE  
BILLS NO.2 OF 2023);**

The Legal Counsel presented the Committee Stage amendments on the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023) before the members for consideration.

The Committee considered the proposed amendments and noted the following;

- (a) The Technopolis Innovation Fund shall consist of a ten per centum of the total amount of monies raised by the Technopolis.
- (b) Safeguarding the existing Members of the Board and finding a way for transition of a new Board.
- (c) The term limit for the Chief Executive Officer shall be 3 years, renewable once.
- (d) The Chairperson of the Tribunal be nominated and appointed by the Judicial Service Commission.

**MIN/SEN/ICT/235/2023:**

**ADOPTION OF THE COMMITTEE  
REPORT ON THE KONZA  
TECHNOPSIS BILL, 2023 (SENATE  
BILLS NO.2 OF 2023);**

The Committee **Observed** there is no adequate quorum for adoption of the Committee Report and **resolved** to adopt the Committee Report on the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023) when it has sufficient quorum of 5 members.

**MIN/SEN/ICT/236/2023:**


**ANY OTHER BUSINESS**

There was no other business.

**MIN/SEN/ICT/237/2023:**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at ten o'clock. The date of the next meeting would be called on notice.

SIGNED: .....  ..... DATE: 6<sup>TH</sup> JUNE, 2023 .....

**SEN. ALLAN KIPROTICH CHESANG, MP,**

**CHAIRPERSON,**

**SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND  
TECHNOLOGY**



**MINUTES OF THE THIRTY FIFTH (35<sup>TH</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON SUNDAY, 21<sup>ST</sup> MAY, 2023 AT THE BOARDROOM C, 1<sup>ST</sup> FLOOR, TRADE MARK HOTEL, KIAMBU COUNTY AT 9:00 A.M.**

**PRESENT**

- |  |          |
|--|----------|
| 1. Sen. William Kipkemoi Kisang, MP    | - Member |
| 2. Sen. Beatrice Akinyi Ogola, MP      | - Member |
| 3. Sen. Karen Njeri Nyamu, MP          | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member |

**ABSENT WITH APOLOGY**

- |  |                    |
|--|--------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. Boy Issa Juma, MP              | - Member           |
| 4. Sen. Shakila Abdalla Mohamed, MP    | - Member           |
| 5. Sen. Godfrey Atieno Osotsi, MP      | - Member           |

**SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Mr. Victor Bett     | - Clerk Assistant I      |
| 2. Ms. Sombe Toona     | - Legal Counsel          |
| 3. Ms. Zainab Jirma    | - Legal Counsel          |
| 4. Mr. Stanley Gikore  | -Media Relations Officer |
| 5. Mr. Jackson Osore   | - Research Officer III   |
| 6. Mr. Boniface Mbithi | - Seargent at Arms       |

**MIN/SEN/ICT/227/2023: COMMITTEE REPORT ON THE KONZA TECHNOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

The Committee considered the draft report and resolved to further look at it during the next meeting when the Committee obtains adequate quorum to consider the Report. The Committee thereafter resolved to review the drafted observations while considering the Report;

**MIN/SEN/ICT/228/2023:**

There was no other business.

**ANY OTHER BUSINESS**

**MIN/SEN/ICT/229/2023:**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at ten minutes past ten o'clock. The date of the next meeting was to called on notice.

SIGNED: .....  .....

DATE: 25<sup>TH</sup> MAY, 2023.....

**SEN. ALLAN KIPROTICH CHESANG, MP,**  
**CHAIRPERSON,**  
**SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND  
TECHNOLOGY**



**MINUTES OF THE THIRTY FOURTH (34<sup>TH</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON SATURDAY, 20<sup>TH</sup> MAY, 2023 AT THE BOARDROOM C, 1<sup>ST</sup> FLOOR, TRADE MARK HOTEL, KIAMBU COUNTY AT 2:00 P.M.**

**PRESENT**

1. Sen. William Kipkemoi Kisang, MP - Member
2. Sen. Beatrice Akinyi Ogola, MP - Member
3. Sen. Karen Njeri Nyamu, MP - Member
4. Sen. Samson Kiprotich Cherarkey, MP - Member

**ABSENT WITH APOLOGY**

1. Sen. Allan Kiprotich Chesang, MP - **Chairperson**
2. Sen. Miraj Abdulahi Abdulrahman, MP - **Vice-Chairperson**
3. Sen. Boy Issa Juma, MP - Member
4. Sen. Shakila Abdalla Mohamed, MP - Member
5. Sen. Godfrey Atieno Osotsi, MP - Member

**SECRETARIAT**

1. Mr. Victor Bett - Clerk Assistant I
2. Ms. Sombe Toona - Legal Counsel
3. Ms. Zainab Jirma - Legal Counsel
4. Mr. Stanley Gikore - Media Relations Officer
5. Mr. Jackson Osore - Research Officer III
6. Mr. Boniface Mbithi - Sergeant at Arms

**MIN/SEN/ICT/224/2023: CONSIDERATION OF THE COMMITTEE STAGE AMENDMENTS ON KONZA TECHNOPOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

**Clause 8:** The Committee proposed that;

- i.) The Board members should not be holding a public office at point appointment;
- ii.) Set a timeline within which members of the Board need to have been appointed;
- iii.) During appointment, there shall be representatives from the special interest groups, Women, Youth and Persons living with Disabilities;

**Clause 14:** The Committee proposed that;

- i.) d (i) – add “data science” as part of the areas within which experience is drawn

- from,
- ii.) (3) – *for the term of the CEO, the Committee differed the conclusion of the decision on whether; 5 or 6 Years non-renewable or 3 Years renewable once, 4 or 5 Years renewable once.*

**Clause 44:** The Committee proposed that;

- i.) Align the percentage of the monies they can expend on administrative functions to similar Acts i.e. NHIF Act and NSSF Act. The initial provision was for 5%.

**Clause 53:** The Committee proposed that;

- i.) Insertion of a timeline within which the Regulations must be in place.

### **NEW CLAUSES**

**Clause 48:** The Committee proposed that;

- i.) (a) – Remove the requirement for 7 Years;
- ii.) Align the composition to the case mentioning by the Judicial Service Commission;

Powers of the Authority – the power to make by-laws, the Committee resolved that this be included in the Bill.

Part III A: Technopolis Development Control: the Committee resolved that it be retained; it should not infringe on the role of the County with respect to Planning.

**Clause 13 (4)** – the Committee resolved to add the qualification to a “Masters Degree” on the qualifications of the CEO.

**MIN/SEN/ICT/225/2023:**

There was no other business.

**ANY OTHER BUSINESS**

**MIN/SEN/ICT/226/2023:**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at forty-six minutes past three o'clock. The date of the next meeting was scheduled for Sunday, 21<sup>st</sup> May, 2023 at 8:30 am.

SIGNED: .....  ..... DATE: ..... 25<sup>TH</sup> MAY, 2023 .....

**SEN. ALLAN KIPROTICH CHESANG, MP, - CHAIRPERSON,**  
**SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND  
TECHNOLOGY**



**MINUTES OF THE THIRTY THIRD (33<sup>RD</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON SATURDAY, 20<sup>TH</sup> MAY, 2023 AT THE BOARDROOM C, 1<sup>ST</sup> FLOOR, TRADE MARK HOTEL, KIAMBU COUNTY AT 9:00 A.M.**

**PRESENT**

- |  |          |
|--|----------|
| 1. Sen. William Kipkemoi Kisang, MP    | - Member |
| 2. Sen. Beatrice Akinyi Ogola, MP      | - Member |
| 3. Sen. Karen Njeri Nyamu, MP          | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member |

**ABSENT WITH APOLOGY**

- |  |                    |
|--|--------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. Boy Issa Juma, MP              | - Member           |
| 4. Sen. Shakila Abdalla Mohamed, MP    | - Member           |
| 5. Sen. Godfrey Atieno Osotsi, MP      | - Member           |

**SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Mr. Victor Bett     | - Clerk Assistant I      |
| 2. Ms. Sombe Toona     | - Legal Counsel          |
| 3. Ms. Zainab Jirma    | - Legal Counsel          |
| 4. Mr. Stanley Gikore  | -Media Relations Officer |
| 5. Mr. Jackson Osore   | - Research Officer III   |
| 6. Mr. Boniface Mbithi | - Seargent at Arms       |

**MIN/SEN/ICT/218/2023:**

**PRAYER**

The Chairperson called the meeting to order at Nine Thirty o'clock followed by a word of prayer.

**MIN/SEN/ICT/219/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Karen Nyamu, MP as follows:

1. Prayer;
2. Adoption of the Agenda;

3. **Consideration of the Committee Stage Amendments on Konza Technopolis Bill, 2023 (Senate Bills No. 2 of 2023);**
4. Any Other Business; and
5. Adjournment and date of the next meeting.

**MIN/SEN/ICT/220/2023: CONSIDERATION OF THE MINISTRY OF INFORMATION COMMUNICATION AND DIGITAL ECONOMY VERSION OF THE KONZA TECHNOPOILS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

The Ministry of Information Communication and Digital Economy vide its letters Ref. No: MICDE/ICTDE/18/08 dated 31<sup>st</sup> March, 2023 sent their version of the Technopolis Bill, 2023. The Secretariat took members through the Bill looking at its purpose, background and the various provisions.

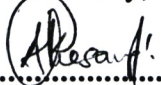
**MIN/SEN/ICT/221/2023: CONSIDERATION OF THE PUBLIC PARTICIPATION COMBINED MATRIX ON THE KONZA TECHNOPOILS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

The Secretariat took members through the public views matrix obtained from memoranda of submissions from the public. The Committee then discussed, proposing various amendments while rejecting some of the proposals. (*Matrix attached*)

**MIN/SEN/ICT/222/2023: ANY OTHER BUSINESS**  
There was no other business.

**MIN/SEN/ICT/223/2023: ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at ten minutes past one o'clock. The date of the next meeting was scheduled for Saturday, 20<sup>st</sup> May, 2023 at 2:00 pm.

SIGNED: .....  ..... DATE: 25<sup>TH</sup> MAY, 2023.....

**SEN. ALLAN KIPROTICH CHESANG, MP,**  
**CHAIRPERSON,**  
**SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY**



**MINUTES OF THE THIRTY-FIRST (32<sup>ND</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON THURSDAY, 4<sup>TH</sup> MAY, 2023 AT THE VIP ANNEX 1, FIRST FLOOR BOARDROOM, KICC BUILDING AT 8:00 A.M.**

**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. William Kipkemoi Kisang, MP    | - Member           |
| 4. Sen. Beatrice Akinyi Ogola, MP      | - Member           |
| 5. Sen. Shakila Abdalla Mohamed, MP    | - Member           |

**ABSENT WITH APOLOGY**

- |  |          |
|--|----------|
| 1. Sen. Boy Issa Juma, MP              | - Member |
| 2. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 3. Sen. Karen Njeri Nyamu, MP          | - Member |
| 4. Sen. Godfrey Atieno Osotsi, MP      | - Member |

**IN ATTENDANCE**

Sen. Gloria Orwoba, MP - Nominated Senator/Friend of the Committee

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I      |
| 2. Mr. Yusuf Duale    | - Clerk Assistant III    |
| 3. MS. Sombe Toona    | - Legal Counsel          |
| 4. Ms. Zainab Jirma   | - Legal Counsel          |
| 5. Mr. Stanley Gikore | -Media Relations Officer |
| 6. Mr. Mike Mwamuye   | - Public Comms Officer   |
| 7. Mr. Charles Oyosi  | - Audio Officer          |
| 8. Mr. Jackson Osore  | - Research Officer III   |
| 9. Ms. Linet Amollo   | - Research Officer III   |

**MIN/SEN/ICT/211/2023:**

**PRAYER**

The Chairperson called the meeting to order at ten o'clock followed by a word of prayer.

**MIN/SEN/ICT/212/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. William Kipkemoi Kisang, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 30<sup>th</sup> and 31<sup>st</sup> Sitting held on 2<sup>nd</sup> May, 2023;
4. Matters arising from Minutes of the 30<sup>th</sup> and 31<sup>st</sup> Sitting;
5. **Meeting with Sen. Gloria Orwoba, MP, to deliberate on the following legislative business -**
  - (a) The Konza Technopolis Bill, 2023 (Senate Bills No. 2 of 2023);**
  - (b) Statement concerning the Data Protection in Sim Card registration process;**  
**and**
  - (c) Statement concerning the Management of Media Council of Kenya funds.**
6. Any Other Business; and
7. Adjournment and date of the next meeting.

**MIN/SEN/ICT/213/2023:**

**CONFIRMATION OF MINUTES OF THE  
30<sup>TH</sup> AND 31<sup>ST</sup> SITTING HELD ON 2<sup>ND</sup>  
MAY, 2023**

1. The minutes of the 30<sup>th</sup> sitting held on 2<sup>nd</sup> May 2023, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP.
2. The minutes of the 31<sup>st</sup> sitting held on 2<sup>nd</sup> May 2023, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP

**MIN/SEN/ICT/214/2023:**

**MATTERS ARISING**

There were no matters arising.

**MIN/SEN/ICT/215/2023: MEETING WITH SEN. GLORIA ORWOBA, MP, TO  
DELIBERATE ON THE FOLLOWING LEGISLATIVE  
BUSINESS**

The Secretariat presented Committee paper No. 23, on the pending legislative business

before the Committee, which highlighted the progress on the Konza Technopolis Bill and two Statements sought by Sen. Gloria Orwoba, MP on the Data Protection in Sim Card registration process and the Management of Media Council of Kenya funds.

**a) The Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023).**

The Legal Counsel took members through the Matrix and the members noted the following;

- a) The Chairperson of the Board be appointed by the president without reference to the Public Service Commission.
- b) The Technopolis is financed through the exchequer and therefore the SRC is to be included in the Bill, to advise on the salary of the CEO.
- c) The CEO, of the Technopolis should have a postgraduate degree.

The Chair invited Sen. Gloria Orwoba, MP to make her submissions and informed the Committee as follows;

- a) The Chief Executive Officer to serve for a term of five years as guided by the Mwongozo guidelines.
- b) A postgraduate Degree should not be a requirement for the appointment of the Chief Executive Officer.
- c) The SRC is to participate in the determination of the remuneration of the Corporation secretary.

The Committee resolved to give Sen. Gloria Orwoba, MP up to 18<sup>th</sup> May, 2023 for her to provide comprehensive submissions on the version of the Bill as submitted by the Ministry of Information, Communication and Digital Economy.

**b) Statement concerning the Data Protection in Sim Card registration process.**

The Committee resolved to invite the Cabinet Secretary, Ministry of Information, Communication and Digital Economy and Safaricom Limited on the Statement sought by Sen. Gloria Orwoba, MP regarding Data Protection in Sim Card Registration Process on Friday, 26<sup>th</sup> May, 2023.

**c) Statement concerning the Management of Media Council of Kenya funds.**

The Committee resolved to invite the Cabinet Secretary, Ministry of Information, Communication and Digital Economy and the Media Council of Kenya regarding the Statement sought by Sen. Gloria Orwoba, MP on the allegation of management of the Media Council of Kenya funds by the Board and the Chief Executive Officer (CEO) of Council.

The Committee further **resolved** to hold a Committee Retreat in Mombasa from Friday

19<sup>th</sup> May, 2023 to 21<sup>st</sup> May, 2023 to consider the Matrix and the Committee stage amendments of the Konza Technopolis, 2023 (Senate Bills No.2).

**MIN/SEN/ICT/216/2023:**

There was no other business.

**ANY OTHER BUSINESS**

**MIN/SEN/ICT/217/2023:**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at four minutes past ten o'clock. The date of the next meeting would be by notice.

SIGNED:  .....

DATE: 25<sup>TH</sup> MAY, 2023 .....

**SEN. ALLAN KIPROTICH CHESANG, MP,**  
**CHAIRPERSON,**  
**SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND  
TECHNOLOGY**



**MINUTES OF THE TWENTY NINTH (29<sup>TH</sup>) SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON THURSDAY, 27<sup>TH</sup> APRIL, 2023 AT THE SMALL DINING HALL, NEW WING, MAIN PARLIAMENT BUILDINGS AT 9.00 A.M.**

**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. William Kipkemoi Kisang, MP    | - Member           |
| 3. Sen. Godfrey Atieno Osotsi, MP      | - Member           |
| 4. Sen. Beatrice Akinyi Ogola, MP      | - Member           |

**ABSENT WITH APOLOGY**

- |  |               |
|--|---------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson |
| 2. Sen. Boy Issa Juma, MP              | - Member      |
| 3. Sen. Samson Kiprotich Cherarkey, MP | - Member      |
| 4. Sen. Shakila Abdalla Mohamed, MP    | - Member      |
| 5. Sen. Karen Njeri Nyamu, MP          | - Member      |

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I      |
| 2. Mr. Yusuf Duale    | - Clerk Assistant III    |
| 3. MS. Sombe Toona    | - Legal Counsel          |
| 4. Ms. Zainab Jirma   | - Legal Counsel          |
| 5. Mr. Stanley Gikore | -Media Relations Officer |
| 6. Mr. Mike Mwamuye   | - Public Comms Officer   |
| 7. Mr. Charles Oyosi  | - Audio Officer          |
| 8. Mr. Jackson Osore  | - Research Officer III   |
| 9. Ms. Linet Amollo   | - Research Officer III   |

**MIN/SEN/ICT/192/2023:**

**PRAYER**

The Chairperson called the meeting to order at thirty minutes past nine o'clock followed by a word of prayer.

**MIN/SEN/ICT/193/2023:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as proposed by Sen. Godfrey Atieno Osotsi, MP and seconded by Sen. William Kipkemoi Kisang, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 28th Sitting held on 11<sup>th</sup> April, 2023;
4. Matters arising from Minutes of the 28th Sitting;
5. Consideration of the Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023); (Committee Paper No.21);
6. Any Other Business; and
7. Adjournment and date of the next meeting.

**MIN/SEN/ICT/194/2023:**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

The minutes of the 28<sup>th</sup> sitting held on 11<sup>th</sup> April 2023, were confirmed as a true record of the deliberations after being proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP

**MIN/SEN/ICT/195/2023:**

**MATTERS ARISING FROM THE MINUTES OF THE 28<sup>TH</sup> SITTING**

**Under Ex - Min/Sen/ICT/189/2023 - CONSIDERATION OF RESPONSES TO A STATEMENT REQUESTED BY SEN. DAVID WAKOLI, MP REGARDING THE ROUTING OF INTERNATIONAL GATEWAY TARIFFS BY MOBILETELECOMMUNICATION**

The Committee resolved not to hear representations from any persons who were not invited to present before the Committee.

**MIN/SEN/ICT/196/2023:**

**CONSIDERATION OF THE KONZA TECHNOPOLEIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

1. The Secretariat presented Committee Paper No. 21 on the Konza Technopolis Bill, 2023 which highlighted the progress so far on the Bill and informed the Committee that submissions from the Ministry of Information, Communication and the Digital

Economy have so far been received by the Committee;

2. Thereafter the Legal Counsel informed the Committee that the Ministry of Information, Communication and the Digital Economy submitted their version of the Bill on 14<sup>th</sup> April, 2023 and the Directorate of Legal Services is in the process of generating an in depth analysis of the Bill received from the Ministry vis a vis the Konza Technopolis Bill;
3. The Committee acceded to the request by the Secretariat for more time to prepare a comprehensive analysis of both versions of the Bills and resolved to have a meeting on Tuesday 2<sup>nd</sup>, May 2023 at 8:00 am to consider the joint version of the Matrix;
4. The Committee resolved to have a Committee meeting on Tuesday 2<sup>nd</sup>, May 2023 at 10:00 am with Stakeholders regarding a Statement requested by Sen. David Wakoli, MP regarding routing of international gateways tariffs by mobile telecommunication firms and mobile service providers; and
5. The Committee further resolved to hold a meeting on Thursday 4<sup>th</sup> May, 2023 at 8.30 am and invite Sen. Gloria Orwoba, MP to deliberate on the following legislative business -
  - (a) Statement on Data Protection in Sim card registration process;
  - (b) Statement concerning the management of Media Council of Kenya fund; and
  - (c) The Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023).

**MIN/SEN/ICT/197/2023:**

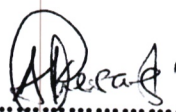
There was no other business.

**ANY OTHER BUSINESS**

**MIN/SEN/ICT/198/2023:**

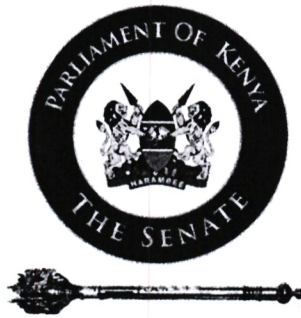
**ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at Fifteen minutes past ten o'clock. The date of the next meeting was scheduled for Tuesday, 2<sup>nd</sup> May, 2023 at 8:00 am to consider The Konza Technopolis Bill, 2023 (Senate Bills No.2 of 2023).

SIGNED..........

DATE.....2<sup>ND</sup> MAY 2023.....

**SEN. ALLAN KIPROTICH CHESANG, MP,  
CHAIRPERSON, SENATE STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY**



## THIRTEENTH PARLIAMENT | SECOND SESSION

### MINUTES OF THE TWENTY-FIRST SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY 14<sup>th</sup> MARCH, 2023 IN FIRST FLOOR BOARDROOM, RED CROSS BUILDING AT 9.00 A.M.

#### PRESENT

- |  |                               |
|--|-------------------------------|
| 1. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson (Chairing) |
| 2. Sen. Boy Juma Issa, MP              | - Member                      |
| 3. Sen. William Kipkemoi Kisang        | - Member                      |
| 4. Sen. Shakila Abdalla Mohamed, MP    | - Member                      |
| 5. Sen. Godfrey Atieno Osotsi, MP      | - Member                      |

#### ABSENT WITH APOLOGY

- |  |               |
|--|---------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson |
| 2. Sen. Samson Kiprotich Cherarkey, MP | - Member      |
| 3. Sen. Karen Njeri Nyamu, MP          | - Member      |
| 4. Sen. Beatrice Akinyi Ogola, MP      | - Member      |

#### SECRETARIAT

- |                        |                                    |
|------------------------|------------------------------------|
| 1. Ms. Florence Waweru | - Clerk Assistant III              |
| 2. Mr. Reinhardt Choge | - Clerk Assistant III              |
| 3. Ms. Zeinab Jirma    | - Legal Counsel II                 |
| 4. Mr. Stanley Gikore  | - Media Relations Officer          |
| 5. Mr. Mike Mwamuye    | - Public Communications<br>Officer |
| 6. Mr. Charles Oyosi   | - Audio Officer                    |
| 7. Mr. Sapan Pkiror    | - Fiscal Analyst II                |
| 8. Ms. Linet Amollo    | - Research Officer                 |
| 9. Mr. Boniface Mbithi | - Serjeant-at-arms                 |

**MIN/SEN/ICT/141/2023****PRAYER**

The Vice-Chairperson called the meeting to order at twenty-seven minutes past nine followed by a word of prayer.

**MIN/SEN/ICT/142/2023****ADOPTION OF THE AGENDA**

The agenda was adopted as proposed by Sen. Boy Juma Issa, MP and seconded by Sen. William Kipkemoi Kisang, MP with Amendments as follows:

1. Prayer;
2. Adoption of the agenda;
3. Confirmation of minutes of previous meetings-
  - a) Minutes of the thirteenth sitting held on 28<sup>th</sup> February, 2022
  - b) Minutes of the fourteenth sitting held on 2<sup>nd</sup> March, 2023
  - c) Minutes of the fifteenth sitting held on 7<sup>th</sup> March 2023
  - d) Minutes of the sixteenth sitting held on 9<sup>th</sup> March, 2023
4. Matters arising from minutes of the previous meetings;
5. Consideration of Submissions on the Office of the County Printer Bill, 2022 (Senate Bills No. 10 of 2022) and The Konza Technopolis Bill, 2023 (Senate Bills No. 2 of 2023) (Committee paper 10)
6. Consideration of correspondence before the Committee (Committee paper 11)
7. Any other business; and
8. Adjournment/Date of the next meeting.

**MIN/SEN/ICT/143/2023****CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- a) Minutes of the thirteenth sitting held on 28<sup>th</sup> February, 2022 were confirmed to be a true record of the deliberations as proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Godfrey Atieno Osotsi, MP.
- b) Minutes of the fourteenth sitting held on 2<sup>nd</sup> March, 2023 were deferred to a later meeting.
- c) Minutes of the fifteenth sitting held on 7<sup>th</sup> March 2023 were deferred to a later meeting.
- d) Minutes of the sixteenth sitting held on 9<sup>th</sup> March, 2023 were deferred to a later meeting.

**MIN/SEN/ICT/144/2023****MATTERS ARISING FROM MINUTES OF THE PREVIOUS MEETINGS**

There were no matters arising from the minutes of the thirteenth sitting held on 28<sup>th</sup> February, 2022.

**MIN/SEN/ICT/145/2023**

**CONSIDERATION OF SUBMISSIONS ON  
THE OFFICE OF THE COUNTY PRINTER  
BILL, 2022 (SENATE BILLS NO. 10 OF 2022)  
AND THE KONZA TECHNOPOLIS BILL,  
2023 (SENATE BILLS NO. 2 OF 2023)  
(COMMITTEE PAPER 10)**

Members were informed of the letter received from The National Treasury and Economic Planning submitting their memoranda on the Office of the County Printer Bill, 2022 (Senate Bills No. 10 of 2022).

The Committee noted that the National Treasury and Economic Planning had made similar suggestions to what had been resolved by the Committee at its Fourteenth sitting under **MIN/SEN/ICT/99/2023 CONSIDERATION OF THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 10 OF 2022) (COMMITTEE PAPER 5)**. They further reiterated that there was no need to heighten recurrent expenditure by additional offices at the county level.

Members agreed to amend the incidental clauses in the County Government Act to remove the provisions of the County Printer and County Gazette.

**MIN/SEN/ICT/146/2023**

**CONSIDERATION OF CORRESPONDENCE  
BEFORE THE COMMITTEE (COMMITTEE  
PAPER 11)**

Members were informed of a letter received from the Council of Governors on 9<sup>th</sup> March, 2023 regarding an induction retreat for the County Executive Committee Members (CECMS) in charge of ICT under the theme- ICT for improved service delivery at the County Level from 27<sup>th</sup> – 31<sup>st</sup> March, 2023 in Mombasa County at a venue that will be communicated.

Members proposed to that the Chairperson and/or Vice-Chairperson attend the opening ceremony/sessions starting from Monday, 27<sup>th</sup> March while the rest of the committee members join them from Thursday, 30<sup>th</sup> March, 2023.

**MIN/SEN/ICT/147/2023**

**ANY OTHER BUSINESS**

The Committee proposed to schedule an In-House meeting to brainstorm on possible ICT matters for its consideration.

**MIN/SEN/ICT/148/2023**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting adjourned at Two minutes to Ten. The next meeting would be by notice.

SIGNED..........

DATE.....28/3/2023.....

(CHAIRPERSON: SEN. ALLAN KIPROTICH CHESANG, MP)



## THIRTEENTH PARLIAMENT | SECOND SESSION

### MINUTES OF THE EIGHTEENTH SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON FRIDAY, 10 TH MARCH, 2023 IN LONGONOT BOARDROOM AT LAKE NAIVASHA SAWELA LODGES, NAKURU COUNTY AT 2.30 P.M.

#### PRESENT

- |  |                    |
|--|--------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. William Kipkemoi Kisang, MP    | - Member           |
| 4. Sen. Boy Juma Issa, MP              | - Member           |
| 5. Sen. Samson Kiprotich Cherarkey, MP | - Member           |
| 6. Sen. Shakila Abdalla Mohamed, MP    | - Member           |
| 7. Sen. Karen Njeri Nyamu, MP          | - Member           |

#### ABSENT WITH APOLOGY

- |                                   |          |
|-----------------------------------|----------|
| 1. Sen. Godfrey Atieno Osotsi, MP | - Member |
| 2. Sen. Beatrice Akinyi Ogola, MP | - Member |

#### SECRETARIAT

- |                        |                             |
|------------------------|-----------------------------|
| 1. Ms. Veronica Kibati | - Principal Clerk Assistant |
| 2. Ms. Florence Waweru | - Clerk Assistant           |
| 3. Mr. Reinhardt Choge | - Clerk Assistant           |
| 4. Ms. Sombe Toona     | - Legal Counsel             |
| 5. Ms. Zeinab Jirma    | - Legal Counsel             |
| 6. Mr. Jackson Osore   | - Research Officer          |
| 7. Mr. Stanley Gikore  | - Media Relations Officer   |
| 8. Mr. Charles Oyosi   | - Audio Officer             |
| 9. Mr. Boniface Mbithi | - Sergeant-At-Arms          |

**MIN/SEN/ICT/126/2023**

**PRAYER**

The Chairperson called the meeting to order at thirty minutes past two followed by a word of prayer. This was followed by a round of introductions of the committee members and secretariat present.

**MIN/SEN/ICT/127/2023**

**ADOPTION OF THE AGENDA**

The agenda was adopted as proposed by Sen. Miraj Abdulahi Abdulrahman, MP and seconded by Sen. Shakila Abdalla Mohamed, MP as follows-

1. Prayer
2. Adoption of the agenda
3. Konza Technopolis Bill, 2023(Senate Bills No. 2 of 2023) *(Committee paper 8)* (Submission from Council of Governors)
4. Any other business
5. Adjournment and Date of the next meeting

**MIN/SEN/ICT/128/2023**

**KONZA            TECHNOPSIS            BILL,  
2023(SENATE BILLS NO. 2 OF 2023)  
(COMMITTEE PAPER 8) (SUBMISSION  
FROM COUNCIL OF GOVERNORS)**

1. Members were first briefed on the actions that had been taken towards engaging public participation by placing an advertisement in the Daily Nation and Standard Newspapers on Tuesday 21<sup>st</sup> February, 2023 and had also engaged targeted stakeholders to submit their memoranda on the bill. Members were further informed that the submission received from the Council of Governors had been received on the 9<sup>th</sup> March, 2023.
2. Members made recommendations on the clauses in the submissions received from the Council of Governors. They agreed with the Council of Governors that the Authority should liaise with the relevant County Governments in administration of the planning, development and management of the Technopolis.

**MIN/SEN/ICT/129/2023**

**ANY OTHER BUSINESS**

There was no other business.

**MIN/SEN/ICT/130/2023**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The Chairperson adjourned the meeting at ten minutes past 4.00pm. The next meeting will be held on the 11<sup>th</sup> March, 2023.

SIGNED..........

DATE.....20/3/2023.....

(CHAIRPERSON: SEN. ALLAN KIPROTICH CHESANG, MP)





## THIRTEENTH PARLIAMENT | SECOND SESSION

### MINUTES OF THE SEVENTEENTH SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON FRIDAY, 10 TH MARCH, 2023 IN LONGONOT BOARDROOM AT LAKE NAIVASHA SAWELA LODGES, NAKURU COUNTY AT 9.00 A.M.

#### PRESENT

- |  |                    |
|--|--------------------|
| 1. Sen. Allan Kiprotich Chesang, MP    | - Chairperson      |
| 2. Sen. Miraj Abdulahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. William Kipkemoi Kisang, MP    | - Member           |
| 4. Sen. Boy Juma Issa, MP              | - Member           |
| 5. Sen. Samson Kiprotich Cherarkey, MP | - Member           |
| 6. Sen. Shakila Abdalla Mohamed, MP    | - Member           |
| 7. Sen. Karen Njeri Nyamu, MP          | - Member           |

#### ABSENT WITH APOLOGY

- |                                   |          |
|-----------------------------------|----------|
| 1. Sen. Godfrey Atieno Osotsi, MP | - Member |
| 2. Sen. Beatrice Akinyi Ogola, MP | - Member |

#### SECRETARIAT

- |                        |                             |
|------------------------|-----------------------------|
| 1. Ms. Veronica Kibati | - Principal Clerk Assistant |
| 2. Ms. Florence Waweru | - Clerk Assistant           |
| 3. Mr. Reinhardt Choge | - Clerk Assistant           |
| 4. Ms. Sombe Toona     | - Legal Counsel             |
| 5. Ms. Zeinab Jirma    | - Legal Counsel             |
| 6. Mr. Jackson Osore   | - Research Officer          |
| 7. Mr. Stanley Gikore  | - Media Relations Officer   |
| 8. Mr. Charles Oyosi   | - Audio Officer             |
| 9. Mr. Boniface Mbithi | - Sergeant-At-Arms          |

**MIN/SEN/ICT/121/2023**

**PRAYER**

The Chairperson called the meeting to order at thirty minutes past nine followed by a word of prayer. This was followed by a round of introductions of the committee members and secretariat present.

**MIN/SEN/ICT/122/2023**

**ADOPTION OF THE AGENDA**

The agenda was adopted as proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Shakila Abdalla Mohamed, MP as follows-

1. Prayer
2. Adoption of the agenda
3. Consideration of the Konza Technopolis Bill, 2023(Senate Bills No. 2 of 2023)  
(*Committee paper 8*) (Submission from Konza Technopolis Development Authority)
4. Any other business
5. Adjournment and Date of the next meeting

**MIN/SEN/ICT/123/2023**

**CONSIDERATION OF THE KONZA  
TECHNOPOLIS BILL, 2023(SENATE BILLS  
NO. 2 OF 2023)(COMMITTEE PAPER 8)  
(SUBMISSION FROM KONZA  
TECHNOPOLIS DEVELOPMENT  
AUTHORITY)**

1. Members were first briefed on the actions that had been taken towards engaging public participation by placing an advertisement in the Daily Nation and Standard Newspapers on Tuesday 21<sup>st</sup> February, 2023 and had further engaged targeted stakeholders to submit their memoranda on the bill. Members were further informed that the submission received from the Konza Technopolis Development Authority had been received on 3<sup>rd</sup> March, 2023.
2. Members were guided through the matrix of submissions from the Konza Technopolis Development Authority by the Legal Counsel. Members made contributions and recommendations on the clauses deemed inadequate based on the submissions received from the Konza Technopolis Development Authority.

3. Members were informed that correspondence had been dispatched to the Ministry of Information, Communication and the Digital Economy inviting them to a meeting of the committee for further deliberations on the Bill.
4. The Committee further noted that the Chair of the Board of Management should be appointed by the President as is the norm with other Boards and further to this, the Council of Governors should have two slots on the Board.
5. The proposal to have a Konza Dispute Resolution Tribunal was considered to be a progressive one by the Committee and they stated that Tribunal Members should not be drawn from different fields and further that constituting the tribunal should be a reserve of the Judicial Service Commission.
6. Members resolved to proceed with the tabling a progress report should the Ministry fail to attend the meeting; however, it should be indicated in the report that the Committee had engaged them.
7. Members guided that all the deliberations on the submissions from the Konza Technopolis Development Authority be captured clearly under the matrix.

**MIN/SEN/ICT/124/2023**

**ANY OTHER BUSINESS**

There was no other business.

**MIN/SEN/ICT/125/2023**

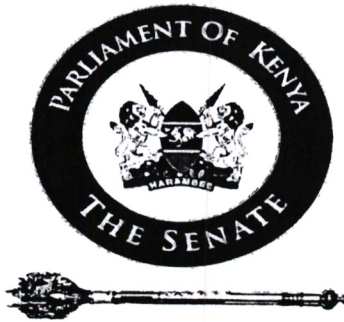
**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The Chairperson adjourned the meeting at forty minutes past 1.00pm. The next meeting will be held on 10<sup>th</sup> March, 2023 at 2.00pm.

SIGNED..........

DATE 20/3/2023.....

(CHAIRPERSON: SEN. ALLAN KIPROTICH CHESANG, MP)



**THIRTEENTH PARLIAMENT | SECOND SESSION**

**MINUTES OF THE THIRTEENTH SITTING OF THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY 28<sup>TH</sup> FEBRUARY, 2023 IN FIRST FLOOR BOARDROOM, RED CROSS BUILDING AT 9.00 A.M.**

**PRESENT**

- |                                     |               |
|-------------------------------------|---------------|
| 1. Sen. Allan Kiprotich Chesang, MP | - Chairperson |
| 2. Sen. William Kipkemoi Kisang     | -Member       |
| 3. Sen. Shakila Abdalla Mohamed, MP | - Member      |
| 4. Sen. Godfrey Atieno Osotsi, MP   | - Member      |
| 5. Sen. Karen Njeri Nyamu, MP       | -Member       |
| 6. Sen. Beatrice Akinyi Ogola, MP   | - Member      |

**ABSENT WITH APOLOGY**

- |  |          |
|--|----------|
| 1. Sen. Boy Juma Issa, MP              | - Member |
| 2. Sen. Samson Kiprotich Cherarkey, MP | -Member  |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | -Member  |

**SECRETARIAT**

- |                        |                                     |
|------------------------|-------------------------------------|
| 1. Ms. Florence Waweru | - Clerk Assistant III               |
| 2. Ms. Zeinab Jirma    | - Legal Counsel II                  |
| 3. Mr. Stanley Gikore  | -Media Relations Officer            |
| 4. Mr. Mike Mwamuye    | -Public Communications .<br>Officer |
| 5. Mr. Charles Oyosi   | -Audio Officer                      |
| 6. Mr. Saipan Pkioror  | - Fiscal Analyst II                 |
| 7. Ms. Linet Amollo    | -Research Officer                   |
| 8. Mr. Boniface Mbithi | -Assistant Sergeant-At-<br>Arms     |

**MIN/SEN/ICT/88/2023**

**PRAYER**

The Chairperson called the meeting to order at twenty minutes past nine followed by a

word of prayer and welcomed the Clerks on attachment, of ICT and Broadcasting committees from Makueni County Assembly.

**MIN/SEN/ICT/89/2023**

**ADOPTION OF THE AGENDA**

The agenda was adopted as proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. William Kipkemoi Kisang, MP as follows:

1. Prayer
2. Adoption of the agenda
3. Confirmation of minutes of the twelfth meeting held on 21<sup>st</sup> February, 2023
4. Matters arising from minutes of the twelfth meeting
5. Consideration of the Konza Technopolis Bill (Senate Bills No. 2 of 2023)  
(Committee paper 4)
6. Any other business
7. Adjournment and Date of the next meeting

**MIN/SEN/ICT/90/2023**

**CONFIRMATION OF MINUTES OF THE  
TWELFTH MEETING HELD ON 21<sup>ST</sup>  
FEBRUARY, 2023**

The minutes of the twelfth meeting held on 21<sup>st</sup> February, 2023, were confirmed as a true record of the deliberations after being proposed by Sen. Godfrey Osotsi, MP and seconded by Sen. Beatrice Akinyi Ogola, MP.

**MIN/SEN/ICT/91/2023**

**MATTERS ARISING FROM MINUTES OF  
THE ELEVENTH MEETING**

**UNDER MIN/SEN/ICT/86/2023**

**ANY OTHER BUSINESS**

Members sought confirmation regarding the correspondences dispatched to the targeted stakeholders on submission of memoranda on the Konza Technopolis Bill (Senate Bills No. 2 of 2023). Members were informed that correspondence had been sent out to the following; and submissions expected by 3<sup>rd</sup> March, 2023.

- a)
- b) The National Treasury and Economic Planning; Works, Housing and Urban Development; and;
- c) The Ministry of Investments, Trade and Industry; h) The Kenya Private Sector Alliance.
- d) The Council of Governors;
- e) The Ministry of Information, Communications and the Digital Economy;
- f) The State Corporations Advisory Committee;
- g) The Ministry of Lands, Public

**MIN/SEN/ICT/92/2023**

**CONSIDERATION OF THE KONZA  
TECHNOPOLIS BILL (SENATE BILLS NO. 2  
OF 2023) (COMMITTEE PAPER 4)**

1. The legal counsel took members through the Bill digest of the Konza Technopolis Bill (Senate Bills No. 2 of 2023) with the following being noted;
  - a) the seemingly excess Powers the Bill grants to the Cabinet Secretary;
  - b) there is need to have a Bill that is all inclusive particularly with reference to other existing special economic zones;
  - c) there is need to harmonize with other existing related bills/laws; for instance, the Urban areas and Cities Act.
  - d) that there is need to re-analyse whether the bill is a money Bill
  - e) the need to reconsider the inclusion of the land reference number in the Bill
2. Members were reminded that the Committee is expected to report to the House within thirty calendar days after committal of the Bill which would be on or before 17<sup>th</sup> March,2023.
3. Members resolved to undertake a retreat to consider the submissions of memoranda that will have been received and deliberate on committee recommendations so as to inform and generate the Bill- report.

**MIN/SEN/ICT/93/2023**

**ANY OTHER BUSINESS**

Members noted that the position of Vice-Chairperson was vacant following reconstitution of the Committee membership on Thursday, 16<sup>th</sup> February, 2023 by replacing Sen. Gloria Orwoba, MP with Sen. William Kipkemoi Kisang, MP and resolved that the election of the Vice-Chairperson of the Committee be conducted to ensure that the leadership of the Committee is duly constituted. It was proposed that the said elections be scheduled for Tuesday, 7<sup>th</sup> March,2023.

Members were also informed of the upcoming Connected Kenya Summit 2023- an annual tech leadership summit, from April 2<sup>nd</sup> to April 5<sup>th</sup> 2023 in Kwale County hosted by the Ministry of Information, Communications, and the Digital Economy, noting it falls under the mandate of the Committee and resolved the Committee attends the summit.

It was further proposed that the intended retreat with the targeted Semi-autonomous government agencies(SAGAs) to be scheduled prior to the mentioned summit in Kwale or Mombasa Counties.

**MIN/SEN/ICT/94/2023**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting adjourned at thirty minutes past ten. The next meeting would be by notice.

SIGNED M. REDD/2AH

DATE 23/3/2023

for

(CHAIRPERSON: SEN. ALLAN KIPROTICH CHESANG, MP)



**REPORT OF THE STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY**

**ON**

-----  
**THE KONZA TECHNOPOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

# **Annex II**

**12.06.2023**

The Clerk of the Senate,  
Parliament Buildings,  
**NAIROBI.**

**RE: COMMITTEE STAGE AMENDMENTS TO THE KONZA TECHNOPOLIS BILL,  
2023 (SENATE BILLS NO. 2 OF 2023)**

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**NOTICE** is given that the Chairperson of the Standing Committee on Information, Communication and Technology, Senator Allan Chesang' intends to move the following amendments to the Konza Technopolis Bill, Senate Bills No. 2 of 2023, at the Committee Stage

—

**HEADING TO PART II OF THE BILL**

**THAT** the Bill be amended by deleting the heading to Part II and substituting therefor the following heading –

**PART II – ESTABLISHMENT OF THE TECHNOPOLIS DEVELOPMENT  
AUTHORITY**

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “Konza Technopolis” appearing immediately after the words “known as the” and substituting therefor the words “Technopolis Development”; and
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (c)—
  - (ca) entering into contracts;

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended —

- (a) in sub-clause (1) by deleting the article “the” appearing immediately after the words “and management of” and substituting therefor the article “a”
- (b) in sub-clause (2) by—

- (i) inserting the following new paragraph immediately after paragraph (c) –
  - (ca) approve proposed development designs;
- (ii) inserting the following new paragraph immediately after paragraph (f) –
  - (fa) collaborate with the National Commission for Science, Technology and Innovation Agency, the National Research Fund and any other relevant agency to facilitate funding and implementation of prioritized research and innovation programs within a technopolis”;
- (iii) deleting paragraph (o) and substituting therefor the following new paragraph—
  - (o) collaborate with other State agencies and the relevant county governments in facilitating the issuance of licenses, permits, immigration services, taxation services and labour services to entities requiring the relevant licences, permits and services to carry out their activities within a technopolis;

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended—

- (a) in sub-clause (1) by –
  - (i) deleting the words “competitively recruited by the Public Service Commission and” appearing immediately after the words “a chairperson” in paragraph (a);
  - (ii) deleting paragraph (d);
  - (iii) deleting paragraph (e) and substituting therefor with the following new paragraphs-
    - (e) one county executive committee member in charge of matters relating to information communication technology nominated by Council of County Governors;
    - (ea) two persons not being public officers nominated by the Council of Governors
  - (iv) inserting the words “not being a public officer” immediately after the words “one person” in paragraph (f);
- (b) by inserting the following new sub-clause immediately after subclause (1)—

(1A) The appointing authorities shall, in appointing the members under subsection (1)(a), (e), (ea) and (f), take into account the principle of regional and ethnic balance and equal opportunities for persons with disabilities and shall ensure that at least one-third of the members are of either gender.

## **CLAUSE 8**

**THAT** clause 8 of the Bill be amended—

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

(e) has at least ten years' experience in —

- (i) information and communication technology;
- (ii) engineering, architecture, physical planning or land survey;
- (iii) development of special economic zones or science park infrastructure;
- (iv) economics, trade, finance, tax or business administration; or
- (v) law.

(b) in sub-clause (3) by —

(i) deleting the expression “6(1)(e)” appearing immediately after the words “under section” and substituting therefor the expression 6(1)(ea); and

(ii) deleting paragraph (e) and substituting therefor the following new paragraph—

(e) has at least five years' experience in —

- (i) information and communication technology;
- (ii) engineering, architecture, physical planning or land survey;
- (iii) development of special economic zones or science park infrastructure;
- (iv) economics, trade, finance, tax or business administration; or
- (v) law.

## **CLAUSE 10**

**THAT** clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(ba) inspect and enforce compliance to the Act and the standards, guidelines and regulations made under the Act.

## **CLAUSE 12**

**THAT** clause 12 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after sub-clause (1)—

(2) Notwithstanding the provisions of sub-section (1), the Board shall not delegate its powers to borrow money.

#### **CLAUSE 14**

**THAT** clause 14 of the Bill be amended—

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

(d) has at least ten years' experience in—

- (i) information and communication technology or data science;
- (ii) engineering, architecture, physical planning or land survey;
- (iii) development of special economic zones or science park infrastructure;
- (iv) economics, trade, finance, tax or business administration; or
- (v) law.

- (b) in sub-clause (3) by deleting the words “for a term of five years and shall not be eligible for re-appointment” appearing immediately after the words “shall serve” and substituting therefor the words “a three-year term renewable once”.

#### **CLAUSE 22**

**THAT** clause 22 of the Bill be amended in sub-clause (3) by deleting the words “one million shillings or to imprisonment for a term not exceeding two years” appearing immediately after the words “a fine not exceeding” and substituting therefor “five million shillings or to imprisonment for a term not exceeding three years”.

**THET** the Bill be amended by deleting the heading to Part III and substituting therefor the following new heading —

### **PART III- ESTABLISHMENT AND REGULATION OF A TECHNOPOLIS**

#### **CLAUSE 24**

**THAT** clause 24 of the Bill be amended by deleting the words “the Konza Technopolis” appearing immediately after the words “rendered by” in paragraph (b) and substituting therefor the words “a technopolis”.

**CLAUSE 26**

**THAT** clause 26 of the Bill be amended in the introductory clause by deleting the words “Konza Technopolis” appearing immediately after the article “a” and substituting therefor the word “technopolis”.

**CLAUSE 30**

**THAT** clause 30 of the Bill be amended in sub-clause (1) by deleting the words “Konza Technopolis” appearing immediately after the words “issued to a” in the introductory clause and substituting therefor the word “technopolis”.

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended in sub-clause (1) by deleting the words “Konza Technopolis” appearing immediately after the words “issue to a” in the introductory clause and substituting therefor the word “technopolis”.

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Konza Technopolis” appearing immediately after the article “a” and substituting therefor the word “technopolis”;
- (b) in sub-clause (2) by deleting the words “Konza Technopolis” appearing immediately after the article “a” and substituting therefor the word “technopolis”; and
- (c) in sub-clause (3) by deleting the words “one million shillings or to imprisonment for a term not exceeding two years” appearing immediately after the words “a fine not exceeding” and substituting therefor “five million shillings or to imprisonment for a term not exceeding three years”.

**CLAUSE 33**

**THAT** clause 33 of the Bill be amended in sub-clause (2) by deleting the words “the Konza Technopolis” appearing immediately after the words “issue to” and substituting therefor the words “a technopolis”.

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended in sub-clause (2) by deleting the words “Konza Technopolis” appearing immediately after the words “name of” in paragraph (a) and substitute therefor the word “technopolis”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended in sub-clause (1) by deleting the words “Konza Technopolis” appearing immediately after the words “licensing of” and substituting therefor the words “a technopolis”.

**CLAUSE 40**

**THAT** clause 40 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1).
- (b) inserting the following new sub-clause immediately after sub-clause (1) —

No. 16 of 2015.	(1A) The enterprises in a technopolis shall benefit from the incentives under the Special Economic Zone Act and any other incentive that may be extended to that technopolis by the Cabinet Secretary through any other written law.
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**CLAUSE 41**

**THAT** clause 41 of the Bill be amended in sub-clause (1) by deleting the words “Konza Technopolis” appearing immediately after the words “permits to” and substituting therefor the words “technopolis”.

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended by—

- (a) renumbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after sub-clause (1)—

(2) There shall be paid out of the funds of the Authority monies required to defray the expenditure incurred by the Authority in the exercise, discharge and performance of its objectives, functions and duties under this Act.

**CLAUSE 53**

**THAT** clause 53 of the Bill be amended in sub-clause (1) by –

- (a) inserting the words “within three months after coming into effect of this Act” immediately after the words “make regulations”; and
- (b) inserting the following new paragraph immediately after paragraph (a) —
  - (aa) relating to the regulation, governance, planning and administration of a technopolis;

**CLAUSE 60**

**THAT** clause 60 of the Bill be amended –

- (a) by deleting the marginal note and substituting therefor the following new marginal note “Board members and staff”; and

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

(2) The term of the members of Board of the Konza Technopolis Development Authority shall be deemed to be in force and the members shall serve for the remainder of their term.

#### **NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 2—

Objects.

**2A.** The objects of this Act are to—

- (a) provide for the establishment, development and management of a technopolis in a designated geographical area;
- (b) provide for the adoption of sustainable environmental practices and technologies within a technopolis; and
- (c) support the development of Kenya's knowledge-based economy.

#### **NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 22—

Establishment of a Technopolis.

**22A.** (1) The Cabinet Secretary, upon recommendation by the Authority, may establish a technopolis by a notice in the Gazette.

(2) A notice establishing a technopolis shall define the—

- (a) geographical area of a technopolis; and
- (b) buffer zone of the technopolis, if any.

Features of a Technopolis.

**22B.** A technopolis shall—

- (a) be equipped with state-of-the-art integrated infrastructure and facilities;
- (b) prioritise and promote the exploration and adoption of emerging technologies and disruptive innovations;
- (c) integrate sustainable practices, green technologies and resource efficient solutions into its operations and

infrastructure; and

- (d) avail a variety of resources and support services including investment opportunities, mentorship programs, networking events and funding and with the aim of fostering growth of the technopolis.

Buffer zone of a technopolis.

**22C.** The Authority may collaborate with a relevant county government or any other government agency to—

- (a) develop the physical and land use development plans of a buffer zone; and
- (b) ensure that development within the buffer zone adheres to the physical and land use development plans.

## NEW CLAUSES

**THAT** the Bill is be amended by inserting the following new clauses immediately after clause 37—

### PART IIIA-TECHNOPOLIS DEVELOPMENT CONTROL

Power to undertake development control.

**37A.** The Authority shall have power within the technopolis to—

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

Development approval.

**37B.** (1) All development, improvements to any infrastructure related works within a technopolis shall comply with the technopolis physical and land use development plan and development codes.

(2) A person shall not carry out development, improvements to any infrastructure, or related works within a technopolis without permission of the Authority.

Application and approval  
of a development permit.

**37C.** (1) A person who seeks to carry out any development, improvements to any infrastructure or related works within a technopolis shall apply for a development permit from the Authority.

(2) An application under sub-section (1) shall—

- (a) be in the prescribed form; and
- (b) accompanied by any documents, designs, plans, particulars and the prescribed fee as may be required by the Authority.

(3) All development plans and designs for any works or improvements, and any related works shall be prepared by a licensed professional.

(4) The Authority in consultation with other relevant bodies, may, after considering the application, grant a development permit subject to such conditions as the Authority considers necessary.

(5) The Authority may refuse to grant a development permit if the proposed development does not comply with the relevant development code.

Development compliance.

**37D.** (1) A person issued with a development permit under this Part shall undertake such development in accordance with the conditions of the permit and the relevant development code.

(2) Where a development does not comply with the development permit or a development code for a technopolis, the Authority may—

- (a) issue a stop work order to a person directing any work or activity to cease until the non-compliance is corrected;
- (b) require the alteration of the structure;
- (c) suspend a development permit; or
- (d) revoke the development permit.

(3) Where a development permit has been revoked, the Authority may require—

- (a) the discontinuance of any use of land or the construction of the structure;
- (b) demolition of the structure or works at the owner's expense; and

- (c) restoration of the land to its original condition or as near to its original condition within ninety days at the cost of the developer.

Review and appeal.

**37E.** A person aggrieved by the decision of the Authority under this part, may seek a review by the Authority or appeal to the Tribunal in accordance with this Act.

Offence.

**37F.** A person who—

- (a) uses or permits to be used any land or building in contravention of any conditions imposed in the development permit; or
- (b) commences, undertakes or carries out a development where —
  - (i) a development permit has been revoked;
  - (ii) a development permit has been modified and the development does not comply with the modifications; or
  - (iii) the building works are inconsistent with the designs or plans approved by the Authority commits an offence.

**THAT** the Bill be amended by inserting the following new clause immediately after clause 44—

Technopolis Innovation  
Fund.

**44A.** (1) There is established a Fund to be known as the Technopolis Innovation Fund.

(2) The Fund shall consist of ten per centum of the total amount of monies raised under section 44 of this Act;

(3) The Board shall expend the sums of the Fund to—

- (a) support basic and applied technology;
- (b) support the implementation or commercialization of innovative technologies or processes; and
- (c) strengthen private sector research and innovation initiatives in small and medium-sized enterprises.

(4) The Board may, with the approval of the Cabinet Secretary, invest any of the funds from the Fund not immediately required for the purposes of this Act.

(5) The Cabinet Secretary may, in consultation with the Board develop Regulations on the operationalisation and administration of the Fund.

THAT the Bill be amended by inserting the following new clauses immediately after clause 48 —

**PART VA –TECHNOPOLIS DISPUTE RESOLUTION TRIBUNAL**

Technopolis Dispute  
Resolution Tribunal.

**48A.** (1) There is established a Tribunal to be known as the Technopolis Dispute Resolution Tribunal.

(2) The Tribunal shall—

- (a) hear and determine appeals by any licensed or authorized person from any decision of the Authority;
- (b) hear and determine petitions by any licensed or authorized person against any other licensed or authorized person, comprising a dispute between the two parties; and
- (c) issue an opinion following a reference by the Authority.

Members of the Tribunal.

**48B.** (1) The tribunal shall consist of the following members—

- (a) a chairperson who shall be nominated by the Cabinet Secretary from amongst persons qualified to be judges of the High Court;
- (b) five other persons nominated by the Cabinet Secretary from amongst persons possessing knowledge and at least five years' experience in law, accounts, dispute resolution, urban development and property development; and
- (c) a secretary, who shall be an advocate of the High Court of Kenya of not less than five years' standing.

(2) A person shall be qualified for appointment under subsection (1) if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree in a relevant area from a university recognized in Kenya;
- (c) is a member in good standing of the relevant professional association;
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(3) All appointments to the Tribunal under subsection (1) shall be by notice in the Gazette issued by the Judicial Service Commission and

shall be for a period of three years.

(4) The members of the Tribunal shall serve on part-time basis.

(5) The members of the Tribunal shall at the first meeting of the Tribunal elect a vice-chairperson who shall be a person qualified to be a judge of the High Court possessing at least five years' experience in physical planning and survey.

Vacancy in the Tribunal.

**48C.** (1) The office of a member of the Tribunal shall become vacant—

- (a) at the expiration of three years from the date of appointment;
- (b) if the member accepts any office the holding of which, if he or she were not a member of the Tribunal, would make him or her ineligible for appointment to the office of member of the Tribunal;
- (c) if he or she is removed from membership of the Tribunal by the Judicial Service Commission for grounds set out in subsection (2) below; or
- (d) if he or she dies or resigns from office notice in writing to the Judicial Service Commission.

(2) A member of the Tribunal may be removed by the Judicial Service Commission under subsection (1) for—

- (a) failure to attend three consecutive meetings of the Tribunal;
- (b) gross misconduct;
- (c) being adjudged bankrupt; and
- (d) is generally unable to discharge the functions of his office due to physical and mental infirmity.

Oath of office.

**48D.** A person who is appointed a member of the Tribunal shall, before assuming the duties of the office, take and subscribe to the oath of allegiance of the office.

Disclosure of interest.

**48E.** Where a member of the Tribunal, as constituted for the purposes of a proceeding, has any interest, direct or indirect, that could conflict with the proper performance of the member's functions, he or she shall disclose the interest to the parties to the proceeding and shall not be present during any deliberations on the matter by the Tribunal or take part in a decision of the Tribunal on the matter.

Arrangement of business.

**48F.** (1) The Chairperson shall be responsible for ensuring the

orderly and expeditious discharge of the business of the Tribunal.

(2) Without limiting the operation of subsection (1), the Chairperson shall give directions relating to the—

- (a) arrangement of the business of Tribunal;
- (b) places at which the Tribunal may sit generally; and
- (c) procedure of the Tribunal at a particular place.

(3) The times and places of the hearings of the Tribunal shall be determined by the Chairperson with a view to securing a reasonable opportunity for applicants to appear before the Tribunal with as little inconvenience and expense as is practicable.

(4) The rules of procedure of the Tribunal shall be published in the Gazette by the Chairperson.

Quorum and conduct of  
business of the Tribunal.

**48G.** (1) The Chairperson shall preside at all sittings of the Tribunal at which he is present and in the absence of the Chairperson the Vice-Chairperson shall preside.

(2) The quorum of the Tribunal shall be three members including the Chairperson or the Vice-Chairperson as the case may be.

Technical advice.

**48H.** The Tribunal may seek technical advice from persons whose specialized knowledge or experience may assist the Tribunal in its proceedings:

Provided that such persons shall disclose any interest, they may have in a matter before the Tribunal or any subsequent interest acquired relating to the matter in question.

Remuneration.

**48I.** The Tribunal shall, in consultation with the Cabinet Secretary and upon the advice of the Salaries and Remuneration Commission, pay its members such remuneration, fees or allowances for expenses as it may determine from time to time.

Jurisdiction of the  
Tribunal.

**48J.** The Tribunal shall have jurisdiction to hear and determine all matter referred to it, relating to a technopolis arising under this Act or any other Act.

(2) The jurisdiction of the Tribunal shall not include the trial of any criminal offence.

(3) The Tribunal shall have original civil jurisdiction on any dispute between a licensee and a third party or between licensees.

(4) The Tribunal shall have appellate jurisdiction over the decisions of the Authority and any licensing authority and in exercise of its functions may refer any matter back to the Authority or any licensing

authority for re-consideration.

(5) The Tribunal shall have power to grant equitable reliefs including but not limited to injunctions, penalties, damages, specific performance.

(6) The Tribunal shall hear and determine matters referred to it expeditiously.

Power of review and appeals from Tribunal.

**48K.** (1) The Tribunal may, on its own motion or upon application by an aggrieved party, review its judgments and orders.

(2) Judgments and orders of the Tribunal shall be executed and enforced in the same manner as judgments and orders of a court of law.

(3) Any person aggrieved by a decision of the Tribunal may, within thirty days from the date of the decision or order, appeal to the High Court.

(4) The law applicable to applications for review to the High Court in civil matters shall, with the necessary modifications or other adjustments as the Chief Justice may direct, apply to applications for review from the Tribunal to the High Court.

Procedure of the Tribunal.

**48L.** (1) The Tribunal shall meet when there is need to exercise its jurisdiction under this Act.

(2) Unless a unanimous decision is reached, a decision on any matter before the Tribunal shall be by a majority of votes of the members present and in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(3) The Tribunal shall conduct its proceedings without procedural formality but shall observe the rules of natural justice and rules of evidence of a similar nature.

(4) Except as prescribed in this Act, the Tribunal shall regulate its own procedure.

Funds of the Tribunal.

**48M.** (1) The funds of the Tribunal shall consist of—

(a) such monies as may, from time to time, be appropriated by Parliament for that purpose;

(b) interest from bank deposits; and

(c) grants as may approved by the Judicial Service Commission.

(2) There shall be paid out of the funds of the Tribunal, all expenditure incurred by the Tribunal in the exercise of its powers or the performance of its functions under this Act.

Appeals from decisions of the Authority.

**48N.** Where under this Act the provision is made for appeals from the decisions of the Authority or any licensing authority, all such appeals shall be made to the Tribunal, in accordance with the provisions of this Act.

Protection from personal liability.

**48O.** A matter or thing or act done by a member of the Tribunal or any officer, employee or agent of the Tribunal shall not, if the matter or thing is done bona fide for executing the functions, powers or duties of the Tribunal, render the member, officer, employee, agent or any other person acting on those directions personally liable to any action, claim or demand whatsoever.

Any reference that has been made to the court.

**48P.** The Tribunal shall have appellate jurisdiction to hear and determine appeals to all disputes arising from decisions of the Authority or licensing authority relating to energy matters and any matter referred to the Authority or any licensing authority.

**THAT** the Bill be amended by inserting the following new clause immediately after clause 51

Coordination with government agencies.

**51A.** The Authority may liaise with a relevant government agency in the performance of its investigation and enforcement function.

## **CLAUSE 2**

**THAT** clause 2 of the Bill be amended by—

- (a) deleting the definition of the word “Authority” and substituting therefor the following new definition—

“Authority” means the Technopolis Development Authority established under section 4;

- (b) deleting the definition of the word “technopolis” and substituting therefor the following new definition —

“technopolis” means a designated geographical area established under Part III of the Act;

- (c) deleting the definition of the word “technopolis enterprise” and substituting therefor the following new definition —

“technopolis enterprise” means an entity licensed by the Authority to conduct business in a Technopolis;

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

“Fund” means the Technopolis Innovation Fund established under section 44A;

“licensee” means a person authorised by the authority to carry out business in the Technopolis under section 22; and

“Tribunal” means the Technopolis Dispute Resolution Tribunal established under section 48 A.

## LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—

**AN ACT of Parliament to provide for the establishment of the Technopolis Development Authority; the establishment of technopolis; the framework for planning, development and management of technopolis; and for connected purposes.**

## CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the word “Konza” appearing immediately after the words “cited as the”.

Dated the ..... 13 / 06 ....., 2023.



Sen. Allan Chesang,  
Chairperson,  
Standing Committee on Information, Communication and Technology.



**REPORT OF THE STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY**

**ON**

-----  
**THE KONZA TECHNOPOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

# **Annex III**

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 2 (Senate Bills No. 2)*



REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**SENATE BILLS, 2023**

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**NAIROBI, 6th January, 2023**

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**THE KONZA TECHNOLIS BILL BILL, 2023**

**A Bill for**

**AN ACT of Parliament to provide for the establishment of the Konza Technopolis; the establishment of an Authority to administer the planning, development and management of the Konza Technopolis and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows—

**PART 1—PRELIMINARY**

- 1. This Act may be cited as the Konza Technopolis Act, 2023. Short title.

**2. In this Act—**

Interpretation.

“area” means the parcel of land known as Land Reference Number 9918/6 and such other land as the Cabinet Secretary may Gazette;

“Authority” means the Konza Technopolis Authority established under section 4;

“Board” means the Board of the Authority constituted under section 6;

“buffer zone area” means all parcels of land lying within ten kilometres from the area;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to information and communications technology;

“chief executive officer” means the chief executive officer of the Authority appointed under section 12;

“high technology” means the most advanced technology currently available in the organisation of factors of production;

“Technopolis” means the Konza Technopolis established under section 3;

“licence” means a licence issued by the Authority under section 22; and

“Konza Technopolis enterprise” means a company licensed by the Authority to conduct business in the Konza Technopolis.

**PART II—ESTABLISHMENT OF KONZA TECHNOPSIS  
AND THE AUTHORITY**

3. There is established over the area known as Land Reference Number 9918/6 a technopolis known as the Konza Technopolis.

Establishment of  
Konza  
Technopolis.

4. (1) There is established an authority known as the <sup>Establishment of</sup> ~~the~~ Konza Technopolis Authority. <sub>the Authority.</sub>

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) ~~!~~suing and being sued;
- (b) ~~!~~purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) ~~!~~borrowing and lending money; and
- (d) ~~!~~doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

5. (1) The Authority shall administer the planning, <sup>Functions of the</sup> ~~the~~ development and management of the Technopolis. <sub>Authority.</sub>

(2) Without prejudice to the generality of subsection (1), the Authority shall—

- (a) ~~!~~formulate a development plan for the Technopolis and review the plan at least once every ten years;
- (b) ~~!~~initiate the formulation of policies, strategies and plans for the development of the Technopolis in consultation with the relevant State agencies, county governments and other stakeholders;
- (c) ~~!~~facilitate the development of industrial, commercial, educational, residential, recreational and related facilities and infrastructure in the Technopolis;
- (d) ~~!~~monitor and evaluate the development and performance of any project within the Technopolis;
- (e) ~~!~~facilitate the construction of any works necessary for the protection and preservation of natural resources within the Technopolis;

- (f)! facilitate the specialized research and development in high technology in collaboration with relevant institutions of higher learning and research institutions;
- (g)!facilitate the conduct of scientific research and development in technology and innovation in Kenya in collaboration with the National Commission for Science, Technology and Innovation established under section 3 of the Science, Technology and Innovation Act and the Kenya National Innovation Agency established under section 28 of the Science, Technology and Innovation Act;
- (h)!facilitate the establishment and development of industries that incorporate the use of high technology in their activities;
- (i)! facilitate the economic and social development of the Technopolis;
- (j)! facilitate the development and management of information and communication technology parks, industrial incubation parks, science and technology parks and related facilities within the Technopolis;
- (k)!make recommendations to the Cabinet Secretary on any impediments that ought to be removed or appropriate fiscal, tax and other investment incentives that the Authority considers necessary to encourage investment in the Technopolis;
- (l)! in collaboration with the relevant counties determine and regulate land use within the Technopolis and the buffer zone;
- (m)!collaborate with the relevant counties to ensure that developments within the buffer zone are in line with the physical and land use development plans in the Technopolis;
- (n)!keep and maintain a register of all entities carrying out activities within the Technopolis;

- (o) collaborate with other State agencies and the relevant county governments in facilitating the issuance of licenses to entities requiring licenses to carry out their activities within the Technopolis;
- (p) promote and market, locally and internationally, opportunities for investment in information and communications technology and industrial activities in the Technopolis; and
- (q) perform such other function as may be conferred on it by any other written law or as may be necessary for the development of information and communications technology products and services within the Technopolis.

6. (1) The management of the Authority shall vest in a Board which shall consist of— Board of the Authority.

- (a) a chairperson competitively recruited by the Public Service Commission and appointed by the President;
- (b) the Principal Secretary responsible for matters relating to information and communications technology or a person designated by the Principal Secretary in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a person designated by the Principal Secretary in writing;
- (d) the Principal Secretary responsible for matters relating to industrialization or a person designated by the Principal Secretary in writing;
- (e) two persons of the opposite gender nominated by the Council of County Governors and appointed by the Cabinet Secretary;
- (f) one person appointed by the Cabinet Secretary; and
- (g) the chief executive officer who shall be an *ex officio* member of the Board with no right to vote.

(2) The appointment of the chairperson of the board and members under subsection (1)(e) and (f) shall be by notice in the *Gazette*.

7. The chairperson and members of the Board <sup>Term of office.</sup> appointed under section 6(1)(e) and (f) shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

8. (1) A person shall be qualified for appointment as <sup>Qualification for</sup> the chairperson of the Board if that person—

- (a) is a citizen of Kenya;
- (b) meets the requirements of Chapter Six of the Constitution;
- (c) holds a degree from a university recognised in Kenya;
- (d) if registered as a member of a professional body, is in good standing with that body; and
- (e) has at least fifteen years' experience in—
  - (i) information and communications technology;
  - (ii) development of special economic zones;
  - (iii) science parks infrastructure;
  - (iv) manufacturing;
  - (v) industrial research and development
  - (vi) finance;
  - (vii) economics; or
  - (viii) tax.

(3) A person shall be qualified for appointment under section 6(1)(e) and (f) if that person—

- (a) is citizens of Kenya;
- (b) meet the requirements of Chapter Six of the Constitution;
- (c) holds a degree from a university recognised in Kenya;
- (d) if registered as a member of a professional body, is in good standing with that body; and
- (e) has at least seven years' experience in—
  - (i) information and communications technology;
  - (ii) development of special economic zones;
  - (iii) science parks infrastructure;
  - (iv) law;

- (v)! manufacturing;
- (vi)! industrial research and development
- (vii)! finance;
- (viii) economics; or
- (ix)! taxation.

Vacation of office.

9. (1) The office of the chairperson or a member of the Board appointed under section 6(1)(e) and (f) shall become vacant if the holder—

- (a)! resigns by notice in writing addressed, in the case of the chairperson and a member appointed under section 6(1)(e) or (f), to the chairperson of the Board;
- (b)! on the written recommendation of the person, or body which the person nominated or designated the member revoking the nomination or designation of that member;
- (c)! is convicted of an offence and sentenced to imprisonment for a term of not less than six months;
- (d)! is convicted of an offence relating to corruption, fraud or an offence under the Leadership and Integrity Act;
- (e)! is, on the recommendation of the Board under subsection (2), removed from office by the Cabinet Secretary for—
  - (i)! being absent, without reasonable cause, from three consecutive meetings of the Board;
  - (ii)! being unable to perform the functions of the office by reason of physical or mental infirmity; or
  - (iii)! failing to declare interest in any matter being considered or intended to be considered by the Board;
- (f)! is adjudged bankrupt; or (g)! dies.

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(2) Before the removal of a member under subsection (1)(f), the Board shall—

- (a)! investigate the circumstances giving rise to the proposed removal;

- 
- (b) offer the member proposed to be removed from office an opportunity to be heard; and
  - (c) make a recommendation to the Cabinet Secretary on whether or not the member should be removed from office.

**10.** The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular the Board shall have the power to—

Powers of the Board.

- (a) enter into contracts;
- (b) manage, control and administer the assets of the Authority in such manner and for such purposes as best achieves the objectives for which the Authority is established;
- (c) receive gifts, grants, donations or endowments made to the Authority and make disbursement from the receipts in accordance with the provisions of this Act;
- (d) subject to the approval of the Cabinet Secretary responsible for matters relating to finance, invest any of the funds of the Authority not immediately required for the purposes of this Act as it may determine;
- (e) establish and make contributions to a pension, superannuation or medical fund for the benefit of employees and may require such employees to contribute to the fund; and
- (f) open such bank accounts into which all monies received by the Authority shall be paid in the first instance and out of which all payments made by the Authority shall be made.

**11.** (1) The Board may establish such committees as it may consider necessary for the effective performance of its functions and the exercise of its powers under this Act.

Committees of the Board.

(2) The Board may co-opt any person, whose knowledge and skills are necessary for the performance of the functions of the Board, to sit in a committee established under subsection (1).

12. The Board may by resolution delegate to any committee of the Board or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions of the Board under this Act or under any other written law.

Delegation by the Board.

13. There shall be paid to the members of the Board, such remuneration, fees or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

Remuneration of members of the Board.

14. (1) There shall be a chief executive officer of the Authority who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

Chief executive officer.

(2) A person shall qualify for appointment as the chief executive officer of the Authority, if that person—

- (a) is a citizen of Kenya;
- (b) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution;
- (c) holds a degree from a university recognised in Kenya;
- (d) has at least ten years' experience in—
  - (i) information and communications technology;
  - (ii) development of special economic zones;
  - (iii) science parks infrastructure;
  - (iv) law;
  - (v) manufacturing;
  - (vi) industrial research and development
  - (vii) finance;
  - (viii) economics; or
  - (ix) tax; and
- (e) has experience in management.

(3) The chief executive officer shall serve for a term of five years and shall not be eligible for re-appointment.

15. The chief executive officer shall be responsible for the implementation of the policies, programmes and objectives of the Authority and shall, subject to the direction of the Board—

Functions of the chief executive officer.

- (a) be responsible for the day-to-day management of the Authority;
- (b) manage the funds, property and affairs of the Authority;
- (c) be responsible for the management of the staff of the Authority;
- (d) cause to be prepared for the approval of the Board—
  - (i) the strategic plan and annual plan of the Authority; and
  - (ii) the annual budget and audited accounts of the Authority; and
- (e) perform such other duties as may be assigned by the Board.

16. (1) The chief executive officer may—

Vacation of office of the chief executive officer.

- (a) at any time resign from office by a notice in writing addressed to the chairperson of the Board; or
- (b) be removed from office by the Board if the chief executive officer—
  - (i) breaches a term or condition of the employment contract;
  - (ii) is unable to perform the functions of the office by reason of a mental or physical infirmity;
  - (iii) is convicted of an offence and sentenced to imprisonment for a term exceeding one month;
  - (iv) is convicted of an offence related to corruption, fraud or an offence under the Leadership and Integrity Act;
  - (v) is adjudged bankrupt; or
  - (vi) conducts herself or himself in a manner determined by the Board to be inconsistent with this Act.

(2) Before the removal of the chief executive officer under subsection (1)(b), the Board shall —

- (a) investigate the circumstances giving rise to the proposed removal;
- (b) accord the chief executive officer an opportunity to be heard; and
- (c) determine whether or not to remove the chief executive officer from office.

17. (1) There shall be a corporation secretary of the Board who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

The corporation secretary.

(2) The corporation secretary shall be responsible for providing guidance to the Board on the duties and responsibilities of the Board and governance and shall, subject to the direction of the Board— (a) be the secretary to the Board;

- (b) record and keep minutes of business of the Board;
- (c) keep a register of conflict of interest; and
- (d) perform such other duties as may be assigned by the Board.

18. (1) The Board may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Authority under this Act.

Staff of the Authority.

(2) The staff appointed under subsection (1) shall serve on such terms and conditions of service as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

19. (1) The common seal of the Authority shall be kept in the custody of the chief executive officer or such other person as the Board may direct, and shall not be used except by order of the Board.

Common Seal of the Authority

(2) The affixing of the common seal of the Authority shall be authenticated by the signatures of the chairperson and the chief executive officer.

(3) Notwithstanding subsection (2), the Board shall, in the absence of the chairperson or the chief executive officer, nominate one member of the Board to authenticate the common seal of the Authority on behalf of either the chairperson or the chief executive officer, as the case may be.

20. (1) All letters and instruments written or made by or on behalf of the Authority, other than those required by law to be under seal, and all decisions of the Board, shall be signed under the hand of the chairperson and the chief executive officer.

Signing authority.

(2) Notwithstanding subsection (1), the Board shall, in the absence of the chairperson or the chief executive officer, nominate one member of the Board to sign the letters and instruments on behalf of either the Chairperson or the chief executive officer, as the case may be.

21. (1) The business and affairs of the Board shall be conducted in accordance with the Schedule.

Conduct of  
business of the  
Board.

(2) Except as provided for in the Schedule, the Board may regulate its own procedure.

### PART III—REGULATION OF THE TECHNOPOLIS

22. (1) A person shall not undertake an activity or render a service in the Technopolis unless the person has applied for and obtained a licence from the Board.

Licence to  
operate within  
the  
Technopolis.

(2) The Cabinet Secretary shall, in consultation with the Board and by regulations, prescribe activities to be undertaken and services to be rendered in the Technopolis.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

23. (1) A person who intends undertake activities or render services within the Technopolis shall make an application to the Board for the issuance of a licence.

Application for  
a licence.

(2) An application for a licence under subsection (1) shall—

(a) be made in writing and in the prescribed form;

- (b) contain such information as may be prescribed by the Board; and
- (c) be submitted together with the prescribed fee and such other information as may be prescribed by the Board.

(3) The Board shall, when considering an application for a licence under subsection (1), take into account the applicant's financial and technical capacity to carry out the intended business in line with the objectives of the Authority.

(4) The Board shall consider the application and may—

- (a) issue a licence unconditionally;
- (b) issue a licence subject to such conditions as the Board may determine; or
- (c) deny the applicant a licence.

(5) The Board shall inform the applicant of its decision under subsection (3) within seven days from the date of the decision of the Board.

24. A licence issued under this Act shall—

Form of a licence.

- (a) be in the prescribed form;
- (b) specify the business to be carried out or service to be rendered by the Konza Technopolis enterprise;
- (c) specify the period of validity of the licence;
- (d) contain such conditions as the Board may impose for the issuance or renewal of the licence; and
- (e) contain such other information as the Board may consider necessary.

25. (1) The Authority may, for the effective administration of the Technopolis, issue such classes of licences as it may consider appropriate.

Classes of licences.

(2) The Cabinet Secretary shall publish in the *Gazette* the classes of licences the Authority may issue together with any additional requirements or exemptions provided that the

processes and criteria set out in this Act shall not be departed from to the detriment of the Authority or an applicant.

26. A Konza Technopolis enterprise shall observe the following conditions in addition to those that may be imposed by the Board or specified under this Act—

Conditions for the issuance of a licence.

- (a) provide the service or carry out the business specified in the licence;
- (b) comply with all applicable laws and the conditions for issuance of the licence;
- (c) provide the Board with information with respect to any change in its directorship or shareholding;
- (d) pay such fees as may be prescribed; and
- (e) maintain, and where required, submit to the licensing authority such information as may be necessary for the continued licensing of the enterprise.

27. (1) A licence issued under this Act shall come into force on the date on which it is issued or on such date as may be specified on the licence.

Duration of a licence.

(2) The Board shall specify the duration of the licence in the licence issued under this Act and may prescribe different validity periods for the various classes of licences that are issued under this Act.

28. (1) The Board may refuse to issue a licence to an applicant where—

Refusal to issue a licence.

- (a) the applicant has submitted false or misleading information in the application;
- (b) the applicant does not meet the conditions for licensing prescribed under this Act or under any other written law; or
- (c) the application does not comply with the requirements imposed under this Act or any other applicable law.

(2) The Board shall notify the applicant of its decision within fourteen days of such refusal.

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29. (1) An application for the renewal of a licence shall be made to the Board in the prescribed form and shall be— Renewal of a licence.

- (a) made at least three months immediately preceding the expiry of the licence;
- (b) submitted to the Board in the manner specified in section 22; and
- (c) be considered in accordance with section 22.

(2) Where an application for the renewal of a licence is not lodged within three months immediately preceding its expiry, the Board may consider such application upon payment of such additional fee as the Cabinet Secretary may prescribe.

(3) The Board shall consider an application made under subsection (1) and may, if satisfied that the application meets the requirements of this Act, renew the licence.

30. (1) The Board may revoke a licence issued to a Konza Technopolis enterprise if— Revocation of a licence.

- (a) the enterprise ceases to carry on the business with respect to which the licence was issued;
- (b) the enterprise has contravened any of the conditions for the issuance of the licence;
- (c) the enterprise has been amalgamated with another entity or sold or its assets or liabilities have been transferred to another entity without obtaining the approval of the Board;
- (d) the enterprise is wound up, liquidated or otherwise dissolved;
- (e) the Board is satisfied that the business of the enterprise is being conducted in a manner that is detrimental to the interest of the public or the objectives of the Authority;
- (f) the enterprise fails to comply with the provisions of this Act; or
- (g) the enterprise surrenders the licence to the relevant licensing authority together with a notice setting out a request that the licence be revoked.

(2) The Board shall not revoke a licence under subsection (1) unless it has issued a notice to the enterprise in the manner specified under section 29.

31. (1) The Board shall, before revoking a licence issued under this Act, issue to a Konza Technopolis enterprise a compliance notice in the prescribed form.

Notice of noncompliance.

(2) A compliance notice issued under subsection (1) shall—

- (a) be in writing;
- (b) notify the enterprise of the non-compliance and the steps required to be undertaken in order to comply; and

(c) inform the enterprise of

the period, which shall be at least fourteen days, within which the enterprise is required to comply with the notice.

Effect of revocation of a licence.

(3) The Board may, upon request by the enterprise and where there are sufficient grounds shown by the enterprise, extend the period of compliance for such period as the Board may consider necessary to ensure compliance.

32. (1) A Konza Technopolis enterprise whose licence has been revoked shall not be eligible to the benefits or incentives specified under this Act.

(2) A Konza Technopolis enterprise whose licence has been revoked shall, if—

- (a) it has a lease over private land within the Technopolis, surrender the lease and possession of the land to the lessor within ninety days;
- (b) it has leased or been allocated land by the Authority, surrender the lease and possession of the land to the Authority within ninety days; and
- (c) it has acquired interest in land within the Technopolis under section 24 of the Land Registration Act, sell or otherwise transfer the land to a person approved by the Authority within twelve months.

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(3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

33. (1) The Board may vary the conditions upon which a licence is issued under this Act where, in the opinion of the Board, the variation is necessary for the purposes of achieving the objectives of the Authority.

Variation of conditions of a licence.

(2) The Board shall, before varying a condition of a licence issued under this Act, issue to the Konza Technopolis enterprise, a notice in writing of the intention to vary the conditions attached to the licence.

- 
- (3) A notice under subsection (2) shall—
- (a) specify the variation intended to be made with respect to the licence;
  - (b) set out the reasons for such variation;
  - (c) specify the time within which the variation shall take effect;
  - (d) allow the enterprise or any other person to submit any representations on the variation within thirty days from the date of the notice;
  - (e) specify the place from which information regarding the variation may be obtained; and
  - (f) set out such further information as the licencing authority may consider necessary.

34. (1) A person who is aggrieved by a decision of the Board may, within fourteen days of that decision, apply to the Board for review of the decision. Review and appeal process.

(2) An application for review shall be in such form as the Cabinet Secretary may prescribe.

(3) The Authority shall consider, determine and communicate its decision on an application for review under subsection (1) within thirty days of receipt of the application.

(4) A person who is not satisfied with the decision of the Authority under subsection (3) may, within thirty days of that decision, appeal to the High Court.

35. An applicant for a licence, the renewal or variation of a licence shall pay to the Authority such fees at such time and in such manner as the Cabinet Secretary may prescribe. Licence fees.

36. (1) The chief executive officer shall maintain a register of licences issued by the Authority under this Act. Register of licences.

(2) The register maintained under subsection (1) shall be in the prescribed form and shall include—

- (a) name of the Konza Technopolis enterprise;
- (b) the type of business carried out or service rendered by the enterprise;

- (c) the period of validity of the licence;
- (d) the physical address of the enterprise within the Technopolis; and
- (e) such other information as the Board may consider necessary.

(3) The chief executive officer shall cause to be published, on a website accessible to the public, an up-to-date register maintained under subsection (1).

37. The Authority shall put in place mechanisms to facilitate the registration and licensing of Konza Technopolis enterprises. Licensing processes.

(2) The Authority shall collaborate with existing registration and licensing authorities to ensure—

- (a) simplicity of the process of application for registration or licensing of the enterprises;
- (b) cost effectiveness of the registration and licensing processes;
- (c) that the licensing framework is consolidated and streamlined to avoid duplication and multiple licensing procedures where a person requires multiple licences to operate;
- (d) access to information relating to registration and licensing requirements and procedures;
- (e) licence holders are able to respond to changes in the market quickly with minimum regulatory friction; and
- (f) certainty by having in place clear and consistent registration and licensing conditions.

#### PART IV—INCENTIVES FOR INVESTMENT IN THE TECHNOPOLIS

38. (1) The Authority shall develop and publish in the *Gazette* the criteria for identifying persons to carry on the business of investors in the Technopolis. Identification of investors.

(2) The Authority shall, in formulating the criteria under subsection (1), specify —

- (a) the categories of industries for investment;
- (b) the minimum amount of resources to be invested;

(c)!the minimum number of local staff to be employed; and

(d)!the percentage of local content to be applied to the various categories of local goods, service and human resources by foreign investors.

**39.** (1) The Authority shall procure land in the Technopolis and avail it to identified investors for use in accordance with conditions set by the Authority.

Provision of land to identified investors.

(2) The Authority shall, in consultation with the Cabinet Secretary, develop and publish in the *Gazette* the criteria for the identification of investors for the lease of land under subsection (1).

**40.** The Cabinet Secretary responsible for matters relating to finance may, with the approval of Parliament, introduce fiscal measures to provide incentives for investment in the Technopolis.

Fiscal incentives.

**41.** (1) The Authority shall collaborate with existing licencing authorities to facilitate the issuance of such licences, approvals or issuance of permits to Konza Technopolis enterprises.

Non-fiscal incentives.

(2) The Board may, for purposes of subsection (1), make recommendations to the Cabinet Secretary for the grant of exemptions from any charges, fees, payments and approvals on such conditions as may be imposed by the licencing or approving authority.

**42.** (1) The Authority shall, in collaboration with the relevant national and county government agencies, develop a centralized administrative system within the Technopolis for the efficient and effective processing of applications and documentation required by entities to carry on business and render services in the Technopolis.

Development of a centralized administrative system.

(2) Without prejudice to the generality of subsection (1), applications to be processed through the system shall include—

- (a)!licences and permits;
- (b)!tax obligations and refunds; and
- (c)!entry, stay and work visas.

(3) The Authority shall, in developing the system, take into account the need to ensure -

- (a) access to information relating to the services offered through the system;
- (b) that the licensing procedures and other processes are simple;
- (c) that services offered through the system are accessible to persons applying for a licence;
- (d) cost effectiveness of obtaining approvals or making returns;
- (e) efficiency and effectiveness in the administration of the services offered through the system;
- (f) fairness and transparency in obtaining the services; and
- (g) that the licensing framework is consolidated and streamlined to avoid duplication and multiple licencing procedures where an entity requires multiple licences to carry on business or render services in the Technopolis.

43. (1) The Authority shall establish and maintain a micro and small enterprise support centre. Micro and small enterprise support centre.

(2) The micro and small enterprise support centre shall provide support services to micro and small enterprises in the Technopolis including—

- (a) financial and technical assistance to start-ups;
- (b) technical assistance programs;
- (c) business training;
- (d) feasibility studies and market research; and
- (e) any other service that the Authority considers necessary to assist micro and small enterprises in the Technopolis.

#### PART V—FINANCIAL PROVISIONS

44. The funds and assets of the Authority shall comprise Funds of the Authority.  
of—

- (a) monies that may be appropriated by the National Assembly;

- 
- (b) such monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
  - (c) such monies as may be payable to the Authority pursuant to this Act or any other written law;
  - (d) such gifts as may be donated to the Authority; and
  - (e) monies from any other source granted, donated or lent to the Authority.

45. (1) At least three months before the <sup>Annual</sup> <sub>Estimates</sub> commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Authority for the financial year concerned.

(3) The annual estimates prepared by the Board under subsection (2) shall be submitted to the Cabinet Secretary for tabling in Parliament.

46. (1) The Authority shall cause to be kept such books of accounts and other books in relation thereto of all its undertakings, funds, activities and property as the Cabinet Secretary may from time to time approve and shall, within a period of three months after the end of the financial year, cause to be prepared, signed and forwarded to the Auditor-General—

- (a) a balance sheet showing in detail the assets and liabilities of the Authority; and
- (b) such other statements of accounts as the Cabinet Secretary may approve.

(2) The accounts of the Authority shall be examined, audited and reported upon annually by the Auditor-General in accordance with the Public Audit Act.

(3) The Authority shall submit to the Auditor-General all books and accounts of the Authority, together with all

Accounts and Audit.

vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the Auditor-General shall be entitled to require from any member, officer, employee or agent of the Authority such information and explanation as he may consider necessary for the performance of his duties.

(4) The expenses incurred in and incidental to the auditing of the accounts of the Authority shall be met by the Authority.

47. (1) The Authority shall, within a period of three months after the end of the financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report of the operations of the Authority during such year, and the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, together with the Auditor-General's report thereon.

Annual report and publication.

(2) The Authority shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to the Cabinet Secretary under subsection (1) in such manner as the Cabinet Secretary may specify.

(3) The Cabinet Secretary shall submit to the National Assembly and the Senate the reports, balance sheet and statements submitted under subsection (1), within a period of fourteen days of the receipt of the reports, balance sheet and statements or, if any house of Parliament is not sitting, within fourteen days of the commencement of its next sitting.

48. The financial year of the Authority shall be the period of twelve months ending on thirtieth June of each year.

Financial year of the Authority.

#### **PART VI—MISCELLANEOUS PROVISIONS**

49. Where a dispute arises regarding anything done or not done pursuant to this Act, the parties shall, in the first instance, make effort to resolve the dispute amicably before submitting the dispute to a court or tribunal of competent jurisdiction.

Disputes resolution.

50. No matter or thing done by a member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting on his directions personally liable to any action, claim or demand whatsoever.

Protection from personal liability.

51. The provisions of section 48 shall not relieve the Authority of the liability to pay compensation or damages to any person for an injury to him, his property or any of his interests caused by the exercise of the powers conferred on the Board by this Act or by any other written law.

Liability of the Authority for damages.

52. (1) A person who commits an offence under this Act for which no penalty is provided shall be liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both.

General penalty.

(2) Where an offence under this Act is committed by a partnership, company, association or co-operative society, every person who at the time when the offence was committed—

- (a) was a director, partner or officer;
- (b) had knowledge or should have had knowledge of the commission of the offence; and
- (c) did not exercise due diligence to ensure compliance with this Act,

commits an offence and shall be liable for the offence as if they had themselves committed the offence, unless proved that the act or omission constituting the offence took place without their knowledge, consent or connivance and that they exercised diligence to prevent the commission of the offence as they ought to have exercised having regard to the nature of their functions as director, partner or officer concerned as aforesaid and to all the circumstances.

53. (1) The Cabinet Secretary may, upon consultation with the Authority, make Regulations—

- (a) prescribing anything that may be prescribed under this Act; and
- (b) generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may, upon consultation with the Authority, make Regulations to provide for—

- (a) activities to be undertaken or services to be rendered in the Technopolis;
  - (b) the process of application for licenses and related activities;

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  - (c) the classes of licences issued under this Act;
  - (d) the criteria and threshold to be applied for approval of licences under this Act;
  - (e) the form of register of licences to be maintained by the chief executive officer;
  - (f) the conditions for the provision of land in the Technopolis to identified investors; and
  - (g) any fee which may be charged for anything done under this Act.
- (3) For the purpose of Article 94(6) of the Constitution

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect the provisions of this Act;
- (b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section; and
- (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

Cap. 2.  
No. 23 of 2013.

**PART VII—TRANSITIONAL PROVISIONS**

54. In this Part, “Konza Technopolis Development Authority” means the Konza Technopolis Development Authority existing immediately before the commencement of this Act.

Interpretation.

55. Any regulations in force immediately before the commencement of this Act and applicable to the area in relation to the Konza Technopolis Development Authority shall, at the commencement of this Act, be deemed to be revoked.

Existing laws.

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56. All rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Konza Technopolis Development Authority shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Authority.

Rights and obligations.

57. All property which immediately before the commencement of this Act was vested in the Konza Technopolis Development Authority shall, on the date of the coming into effect of this Act, vest in the Authority subject to all interests, liabilities, charges, obligations and trusts affecting that property.

Transfer of assets and liabilities.

58. All pending legal proceedings and claims in respect of actions and activities to which this Act applies shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced by or against the Konza Technopolis Development Authority had this Act not been enacted.

Pending proceedings and claims.

59. All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Konza Technopolis Development Authority, and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made by the Authority, as the case may be, under this Act.

Previous authorizations.

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60. (1) Upon the coming into effect of this Act, members of staff employed by the Konza Technopolis Development Authority shall— Transfer of Staff.

- (a) be deemed to be members of staff of the Authority in their respective capacities;
- (b) retain any rights accrued or accruing to them as such staff or contributors;
- (c) be at liberty to continue to contribute to any superannuation scheme to which they were contributors;
- (d) be entitled to receive any deferred or extended leave as if they have continued to be such staff of the Authority during their service with the Konza Technopolis Development Authority;
- (e) be entitled to receive any payment, pension or gratuity as if they have continued to be such staff of the Authority during their service with the Konza Technopolis Development Authority; and
- (f) be deemed to be employees of the Authority for the purposes of any law under which those rights accrued or were accruing, under which they continue to contribute or by which that entitlement is conferred.

(2) Despite the provisions of subsection (1), the term of the members of Board of the Konza Technopolis Development Authority shall end on the expiry of ninety days from the coming into effect of this Act or the date that the Board is appointed, whichever is earlier.

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**SCHEDULE****s. 21****CONDUCT OF BUSINESS AND AFFAIRS OF THE AUTHORITY**

1. (1) The Board shall meet at least once in every three months to conduct the business of the Board of Authority. Meetings of the Board.

(2) The chairperson shall convene the meetings of the Board at the premises of the Authority.

(3) Despite the provisions of sub-paragraph (1), the chairperson shall, upon a written request by at least five members of the Board, convene a special meeting of the Board at any time where he considers it expedient for the transaction of the business of the Authority.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting of the Board shall be given to every member of the Board by the Secretary.

(5) The quorum for the conduct of the business of the Board shall be four members.

(6) The chairperson shall preside at every meeting of the Board at which he is present and in her or his absence, the members of the Board present shall elect one person from their number to preside over the meeting of the Board and he or she shall have all the powers of the chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings thereof.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he or she shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose his or her interest in the matter and shall not take part in the deliberations over, or vote on, the matter.

Disclosure of  
interest.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorized by the Board for that purpose.

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## MEMORANDUM OF OBJECTS AND REASONS

### Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to establish the Konza Technopolis on Land Reference Number 9918/6 and the Konza Technopolis Authority responsible for the administration of the Konza Technopolis.

**Part I** of the Bill provide for preliminary matters. These are the short title and definition of various words used in the Bill.

**Part II** establishes the Konza Technopolis and the Konza Technopolis Authority. The Konza Technopolis Authority is a body corporate responsible for the administration of the Konza Technopolis. This Part further sets out a Board of the Konza Technopolis Authority as well as members of the Board and staff of the Authority.

**Part III** provides for the regulation of the Technopolis. For a person to undertake activities or provide services within the Technopolis, the person must first be licenced by the Board. The process for application, consideration and validity of a licence are set out under this Part. Additionally, the Part requires the Board in collaboration with other entities responsible for registration and licensing to put in place mechanisms to ensure the process is simple, cost effective and avoids duplicity.

**Part IV** provides for incentives for investors in the Technopolis. The Konza Technopolis Authority is required to publish in the *Kenya Gazette* the criteria to be applied for identifying investors. Such criteria shall include, among others, the category of industries, minimum amount to be invested and minimum number of local staff to be employed. The Board is mandated in collaboration with the Cabinet Secretary for finance and other licensing authorities at the National and county governments put in place fiscal and non-fiscal incentives such as centralised administrative for processing of registration and licensing, technical assistance as well as feasibility and market research.

**Part V** provides for the finances, annual estimates, accounts and auditing of finances of the Konza Technopolis Authority as well as reporting on the operations of the Authority to both the Cabinet Secretary and Parliament. The finances of the Authority shall include funds allocated by the National Assembly and such other monies lawfully accruing to the Authority.

**Part VI** of the Bill provides for miscellaneous provisions. These include encouragement of resolution of disputes outside court, protection of members of the Board and staff of the authority from personal liability

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regarding things done in good faith, general penalty for offences committed under the Act for which no penalty has been provided, and power to make regulations by the Cabinet Secretary for the purpose of better carrying into effect the Act.

**Part VII** of the Bill provides for transitional provisions. Currently, there exists the Konza Technopolis Development Authority on Land Reference Number 9918/6, whose aim is to develop a sustainable smart city and an innovation ecosystem. The entity has a governing body, staff, has acquired property and permitted person to undertake activities within the said parcel of land. This part sets out how the Konza Technopolis Development Authority transitions to the Konza Technopolis Authority including transfer rights and obligations, assets and liabilities, pending cases, licences and permits granted as well as persons employed by the the Konza Technopolis Development Authority.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

Clause 53 of the Bill confers on the Cabinet Secretary the powers to make regulations under the Act for the purposes of carrying into effect the provisions of the Act. The Bill does not limit any fundamental rights or freedoms.

**Statement on how the Bill concerns county governments**

The Konza Technopolis Development Authority as currently existing is a flagship project of Kenya's Vision 2030 whose aim is to transform Kenya into a newly industrialising middle-income country. Konza Technopolis Development Authority contributes to the attainment of Vision 2030 by developing a sustainable smart city and an innovation ecosystem.

As a technology city contributing to the attainment of Kenya's Vision 2030, the konza Technopolis Authority must work in partnership with both the National Government and county governments within their respective functional areas as set out in the Fourth Schedule to the Constitution. Additionally, some of the activities to be undertaken or services to be provided within the Technopolis may require registration or licencing by a county government within which the Technopolis is situated. The Bill is therefore one that concerns county governments in terms of Article 110(1)(a) of the Constitution.

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**Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution**

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 21st October, 2022.

GLORIA ORWOBA,  
*Senator.*



**REPORT OF THE STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY**

**ON**

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**THE KONZA TECHNOPOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

# **Annex IV**

## ANNEX 4: Advertisement as Published in the Media

### REPUBLIC OF KENYA



## THIRTEENTH PARLIAMENT | SECOND SESSION THE SENATE

### INVITATION FOR SUBMISSION OF MEMORANDA

At a sitting of the Senate held on Tuesday 15<sup>th</sup> February and Thursday, 16<sup>th</sup> February, 2023, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Senate Standing Committees now invite interested members of the public to submit any representations that they may have on the Bills.

The representations may be made by way of written memoranda on email to the Clerk of the Senate on the address [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before **Friday, 3<sup>rd</sup> March, 2023 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The Konza Technopolis Bill (Senate Bills No. 2 of 2023)	Standing Committee on Information, Communication and Technology.	<a href="mailto:ictcommittee.senate@parliament.go.ke">ictcommittee.senate@parliament.go.ke</a>
b) The Office Of the County Printer Bill (Senate Bills No. 10 of 2022)	Standing Committee on Information, Communication and Technology.	<a href="mailto:ictcommittee.senate@parliament.go.ke">ictcommittee.senate@parliament.go.ke</a>
c) The Tea (Amendment) Bill (Senate Bills No. 1 of 2023)	Standing Committee on Agriculture, Livestock and Fisheries.	<a href="mailto:agriculturelfcommittee.senate@parliament.go.ke">agriculturelfcommittee.senate@parliament.go.ke</a>
d) The Agricultural Livestock Extension Services Bill (Senate Bills No. 12 of 2022)	Standing Committee on Agriculture, Livestock and Fisheries.	<a href="mailto:agriculturelfcommittee.senate@parliament.go.ke">agriculturelfcommittee.senate@parliament.go.ke</a>
e) The Mung Beans Bill (Senate Bills No. 13 of 2022)	Standing Committee on Agriculture, Livestock and Fisheries.	<a href="mailto:agriculturelfcommittee.senate@parliament.go.ke">agriculturelfcommittee.senate@parliament.go.ke</a>
f) The Start-Up Bill (Senate Bills No.14 of 2022)	Standing Committee on Trade, Industrialization and Tourism	<a href="mailto:tradeindtourismcomm.senate@parliament.go.ke">tradeindtourismcomm.senate@parliament.go.ke</a>

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

**J.M. NYEGENYE, CBS,  
CLERK OF THE SENATE.**



**REPORT OF THE STANDING COMMITTEE ON INFORMATION,  
COMMUNICATION AND TECHNOLOGY**

**ON**

-----  
**THE KONZA TECHNOPOLIS BILL, 2023 (SENATE BILLS NO. 2 OF 2023)**

# **Annex V**



REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND ECONOMIC PLANNING

www.treasury.go.ke  
FAX NO. 310833  
Telephone: 2252299  
When replying please quote:  
Ref.: TNT/ZZ/223/06 'B'

The National Treasury  
P.O. Box 30007-00100  
NAIROBI

① DSEC  
DHS

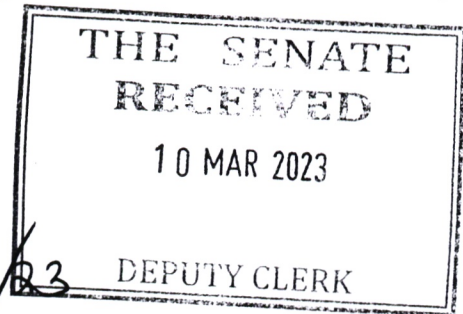
Date: 3<sup>rd</sup> March 2023

② HOD -  
(Ms. Hobuti)

J. M. Nyegenye CBS  
Clerk of Senate,  
Parliament,  
NAIROBI.

Kindly deal  
Eg  
11/03/23

Kindly deal  
13/3/23



Dear *Bw. Nyegenye,*

**Submission of Memoranda on the Konza Technopolis Bill (Senate Bill No. 2 of 2023) and the Office of the County Printer Bill (Senate Bill No. 10 of 2022):**

This is in reference to your letter SEN/DSEC/ICT/2023 (03) dated 22<sup>nd</sup> February 2023 on the above subject matter.

We have reviewed the Bills and noted that: -

**1. Office of the County Printer Bill (Senate Bill No. 10 of 2022):**

The principal object is to establish the Office of the County Printer in the forty-seven counties as required by section 23 and 25 of the County Government Act.

The National Treasury notes that, establishment of this Office is for good order but will result into bloated workforce with idle assets/capacities in both 47 Counties and Government Printer. This is mainly due to: -

- i. County Government Act requires Counties to publish in both County and Kenya Gazette. This requirement will force Government Printer to expand capacities to serve counties, yet counties are making huge investments to undertake the same function,

③ Ms. Waweru  
Kindly deal  
Hobuti  
13/03/2023

- ii. The Office of the County Printer in each County will require skilled officers including support services (Accounts, Finance, Procurement, Human Resources among others). Further, huge investments will be required to set-up and maintain the printing facilities. This will lead to bloated workforce and idle assets/capacities,
- iii. Access by the public on various County publications may be slowed due localization yet County publications affect Kenyans in various ways.

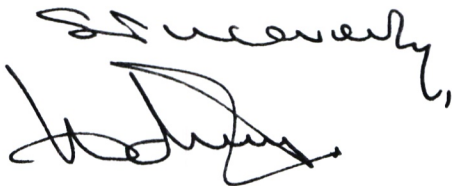
**2. Konza Technopolis Bill (Senate Bill No. 2 of 2023):**

It is our understanding that, the Attorney General was in the process of introducing a similar Bill to Parliament, a Bill developed in consultation with the Ministry of Information, Communications and The Digital Economy as line ministry, Konza Technopolis Development Authority, among other key stakeholders.

In view of the above, The National Treasury requests the Senate to consider: -

1. Converting the Government Printer, to a shared facility by the two levels of Government and provide a legal framework for smooth operation,
2. Amending the County Government Act by deleting words "county Gazette and" in both section 23 and section 25(1), and
3. Harmonizing the two Konza Technopolis Bills.

Yours



Njuguna Ndung'u, CBS

**Cabinet Secretary**

THE SENATE  
RECEIVED  
13 APR 2023  
DIRECTOR LEGAL SERVICES



RECEIVED  
10 APR 2023  
P.O. Box 30025-00100, NAIROBI, KENYA

REPUBLIC OF KENYA  
MINISTRY OF INFORMATION, COMMUNICATIONS AND THE DIGITAL ECONOMY  
STATE DEPARTMENT FOR ICT AND DIGITAL ECONOMY  
Office of the Principal Secretary

Telephone: +254-020-4920000  
If calling or telephoning as  
Email: ps@ict.go.ke

Telposta Towers  
P. O. Box 30025-00100  
Nairobi  
KENYA

When replying please quote  
Ref. No: MICDE/ICTDE/18/08

THE SENATE  
RECEIVED  
14 APR 2023  
DIRECTOR COMMITTEE SERVICES  
(DSEC)

31<sup>st</sup> March, 2023

J. M. Nyegenye, CBS  
Clerk of the Senate  
Parliament Buildings  
NAIROBI

Dear

*Mr. Nyegenye,*

SUBMISSION OF THE TECHNOPOLIS BILL, 2023

① DSEC  
DLS.  
Deal  
14/04/2023  
14/04/2023

Reference is made to your letter (Ref: SEN/DSEC/ICT/2023 (07)) dated 22<sup>nd</sup> February, 2023, calling for our submissions on the Konza Technopolis Bill (Senate Bills No.2 of 2023) hereinafter referred to as the "Bill".

Please find the Bill by the Ministry enclosed for your consideration.

We thank you for your continued support.

Yours

*Sincerely,*

ENG. JOHN TANUI, MBS  
PRINCIPAL SECRETARY

② Hon. Ms. Kibati  
Kindly deal  
17/04/2023

③ Mr. Bett  
Kindly deal  
17/04/2023

**Copy to:**

**Mr. Eliud Owalo**  
**Cabinet Secretary**  
**Ministry of Information, Communications and**  
**The Digital Economy**  
**NAIROBI**

**THE TECHNOPOLIS BILL, 2023**  
**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Object and purpose.

**PART II—TECHNOPOLIS DEVELOPMENT AUTHORITY**

- 4—Establishment of the Authority.
- 5—Functions of the Authority.
- 6—Powers of the Authority.
- 7—Board of the Authority.
- 8—Vacation of office.
- 9—Powers of the Board.
- 10—Conduct of business and affairs of the Board.
- 11—Seal and execution of documents.
- 12—Delegation of functions and powers.
- 13—Chief executive officer.
- 14—Corporation secretary.
- 15—Staff.

**PART III—ESTABLISHMENT OF A TECHNOPOLIS**

- 16—Declaration of the Technopolis
- 17—Features of a Technopolis
- 18—Buffer Zone of a Technopolis
- 19—Development of high technology ecosystem.
- 20—One-Stop-Shop.
- 21—Small Enterprise Support Centre.

**PART IV — TECHNOPSIS DEVELOPMENT CONTROL**

- 22— Power to undertake development control
- 23 —Development approval
- 24 —Application and approval for development permit
- 25 —Development compliance
- 26 —Review and Appeal

**PART V— LICENSING PROVISIONS**

- 27—License to operate in the Technopolis.
- 28—Application and issue of license.
- 29 — Refusal to issue a license.
- 30 —Renewal of the Licenses
- 31—Suspension or revocation of a license.
- 32 —Notice of non-compliance
- 33—Effect of revocation of license.
- 34—Variation of conditions of a license.
- 35—Review process
- 36—Register of the Licenses

**PART VI—ENFORCEMENT PROVISIONS**

- 37—Investigations and enforcement.
- 38—Sanctions.
- 39—Fair Administration.
- 40 —Coordination with government agencies

**PART VII—FINANCIAL PROVISIONS**

- 41—Authority's Funds.
- 42—Annual estimates.
- 43—Accounts and audit.

- 44—Expenditure.
- 45 —Annual Reports
- 46—Financial year.

**PART VIII—TECHNOPOLIS DISPUTE RESOLUTION  
TRIBUNAL**

- 47—Establishment of the Tribunal.
- 48—Appeals.
- 49—Petitions to the Tribunal.

**PART IX—GENERAL PROVISIONS**

- 50—Incentives
- 51—Regulations
- 52 —Offences
- 53 —General Penalty

**PART X—TRANSITIONAL AND SAVING PROVISIONS**

- 54—Transitional and saving.
- 55 —Revocation of L.N 23 of 2012

**SCHEDULE**

**THE TECHNOPOLIS BILL, 2023**

**A Bill for**

**AN ACT** of Parliament to provide for the establishment of Technopolis Development Authority; to provide a framework for the creation, management and development of Technopolises in Kenya; and for connected purposes.

**ENACTED** by the Parliament of Kenya, as follows—

**PART I—PRELIMINARY**

- Short title.                   1. This Act may be cited as the Technopolis Act, 2023.
- Interpretation.               2. In this Act, unless the context otherwise requires—
- “Authority” means the Technopolis Development Authority established under section 5;
- “Board” means the Board of the Authority;
- “Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to information and communications technology;
- “Former Authority” means the Konza Technopolis Development Authority established under the Konza Technopolis Development Authority Order, 2012”
- “high technology” means the most advanced and sophisticated technology currently available for the organisation of factors of production;
- “Konza Technopolis” means all that parcel of land known as Land Reference Number 9918/6 measuring 2023.6 hectares or thereabouts;
- “Buffer Zone” means a defined area surrounding a Technopolis that is subject to controlled land use;
- “licensee” means any person who at the material time bears a license or other authorization, as appropriate, issued by the Authority;