



*Paper laid by  
the chairperson of  
the Dept Committee  
on L & H of U-D.  
P. Mwangi  
31/10/13*

ELEVENTH PARLIAMENT

KENYA NATIONAL ASSEMBLY

(FIRST SESSION)

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RESPONSE TO STATEMENTS REQUESTED BY THE MEMBER FOR SUBA HON. JOHN MBADI AND MEMBER FOR KIRINYAGA CENTRAL HON. JOSEPH GITARI FROM THE CHAIRPERSON OF THE DEPARTMENTAL COMMITTEE ON LANDS

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30TH OCTOBER, 2013.

**RESPONSE TO STATEMENTS REQUESTED BY THE MEMBERS FOR SUBA HON. JOHN MBADI AND MEMBER FOR KIRINYAGA CENTRAL HON. JOSEPH GITARI FROM THE CHAIRPERSON OF THE DEPARTMENTAL COMMITTEE ON LANDS**

**Mr. Speaker Sir,**

On 26<sup>th</sup> September and 17<sup>th</sup> October 2013, the Member for Suba Hon. John Mbadi and the Member for Kirinyaga Central Hon. Joseph Gitari, respectively, requested Ministerial statements from the Chairperson of the Departmental Committee on Lands. On 17<sup>th</sup> October 2013, the House directed that a joint Committee comprising the Departmental Committee on Lands and the Committee on Delegated Legislation look into the two issues and report its findings to the House.

**Mr. Speaker Sir,**

Hon. John Mbadi in his request had sought information on recent appointment of the Director and Deputy director of Survey in the Ministry of Lands, Housing and Urban Development. He further sought clarification on the following:

1. qualifications of the two officials who had been appointed
2. the legal basis for their appointment
3. the reasons why the Public Service Commission was not involved in the appointments
4. whether the appointments were done in line with the Government policy of reducing the wage bill
5. whether appointments were conducted in a fair, open, and competitive manner and based on merit

**Mr. Speaker Sir,** I beg to respond as follows:

The Committee invited the Cabinet Secretary for Lands, Housing and Urban Development who appeared before it and addressed the Member's concerns. The

Committee thereafter invited the Chairman, National Land Commission and the Chairperson of the Public Service Commission(PSC) who separately appeared before the Committee and submitted to the Committee the information sought by the Members. Mr. Tom Odede, from the Office of the Attorney General accompanied the Cabinet Secretary in the said meeting.

### **1. Qualifications of the two officials who had been appointed**

The Cabinet Secretary informed the Committee that for efficient and effective service delivery and after consultations, the Directorate of Public Service Management vide letter MDP/DPMSM.1/3/IA XLIV/(80) dated 10<sup>th</sup> September, 2013 transferred the Director of Surveys and the Deputy Director out of the Ministry and deployed Mr. Cesare Mbaria and Mr. Julius Kiplagat Rotich to replace the former Director, Mr. Ephantus Murage and Deputy Director, Mr. Boaz Owino, respectively, in acting capacity.

The Cabinet Secretary further outlined the qualifications of the two officers as follows:

#### **Mr. Cesare Mbaria- Acting Director of Survey**

The Cabinet Secretary stated that Mr. Mbaria held a Master of Science Degree in Computer Based Information Systems with a bias on GIS based Land Information Managements Systems and a Bachelor of Science Degree in Surveying and Photogrammetry. He also held Postgraduate Diplomas in Photogrammetry and Integrated Map and Geo-Information Production. He had also attended several technical and managerial programmes including Strategic Leadership Development Programme and is a registered Full Member of the Institute of Surveyors of Kenya.

#### **Mr. Julius Kiplagat Rotich**

The Cabinet Secretary stated that Mr. Rotich held a Bachelor of Philosophy Degree in Technology (Surveying Technology), a Higher Diploma and Ordinary Diploma in Land Surveying and was currently undertaking a Masters Degree in Surveying. He had attended various professional, technical and managerial programmes and is a registered Full Member of the Institute of Surveyors of Kenya and a licensed land surveyor.

The Cabinet Secretary further stated that Mr. Rotich had been honored with the award of

Moran of the Order of the Burning Spear by the President in December 2012 and was the most experienced officer in the technical area of international boundaries. He headed the technical team during the survey of Kenya-Uganda boundary in Lake Victoria and during the delimitation of the 200 National miles of Kenya's Exclusive Economic Zone that resulted on presidential proclamation for Kenya's Maritime Zone. He is currently in charge of Very Long Baseline Interferometry.

## **2.The legal basis for the appointment of the Director and the Deputy Director**

The Cabinet Secretary stated that the appointments were not substantive and were in acting capacity to ensure normal operations within the Department were not disrupted substantive appointments for posts that were not under delegated powers could only be done by the Public Service Commission. In that respect the posts of Director of Surveys and the Deputy Director were still vacant and would be filled substantively by the PSC in due course. The officers who were deployed to occupy the offices are doing so in acting capacity.

## **3.The reasons why the Public Service Commission was not involved in the appointments**

The Cabinet Secretary stated that substantive appointments had not been done and would be done by the Public Service Commission in the normal manner

## **4.Whether the appointments were done in line with the Government policy of reducing the wage bill**

The Cabinet Secretary stated that the deployment of the officers was properly done as a stop gap measure awaiting substantive filling by the PSC. The officers were still earning what they were earning before deployment and hence their deployment has not affected the wage bill.

## **5.Whether appointments were conducted in a fair, open, and competitive manner and based on merit**

The Cabinet Secretary informed the Committee that the positions were in acting capacity awaiting substantive appointments by the Public Service Commission in the normal manner and that they were made for public good to ensure continuity of service to the

public.

Mr. Speaker Sir,

Hon. Joseph Gitari on the other hand had sought information on the following:

1. why the Cabinet Secretary revoked the appointment of Zablon Mabea from signing titles
2. why the Cabinet Secretary appointed Mr. Peter Kangethe Kahuhu as the Acting Director General despite that the National Land commission faulted the move
3. why the Government seal was removed from Ardhi House and taken to Ruaraka Survey Field Office
4. the procedure of appointment of such public officers and
5. why one thousand seven hundred Leases prepared prior to the appointment of the new director General have not been signed yet

The Cabinet Secretary informed the Committee as follows:

**1. Why the Cabinet Secretary revoked the appointment of Mr. Zablon Mabea from signing titles**

That the Commissioner of Lands was appointed under the Registration of Titles Act Cap 281 of the Laws of Kenya which was repealed by the Land Registration Act (No. 3) of 2012. The new Act does not provide for the office of Commissioner of Lands. After the repeal of the Registration of Titles Act, Cap 281, the Commissioner of Lands, Mr. Mabea was administratively re-designated to Lands Secretary.

**2. Why the Cabinet Secretary appointed Mr. Peter Kangethe Kahuhu as the Acting Director General despite that the National Land Commission faulted the move**

The Ministry was being restructured into directorates in accordance with the presidential Executive Order No. 2 of 2013 which merged the former Ministries of Lands, Housing, Nairobi Metropolitan, Public works and Department of Urban Development (previously under the then Ministry of Local Government). Five Directorates were created as a result

namely, Lands, Housing, Public Works, Urban Development and Support Services Directorates. She had deployed individual officers to head the above directorates and in that respect deployed Mr. Kahuhu as the Acting Director General for Lands pending approval and formalization by the Public Service Commission. The matter was discussed with the National Land Commission and the latter did not fault the move.

Additional information on the matter relayed to the Committee vide letter dated 23<sup>rd</sup> October 2013, stated that the appointment was administrative function and the Cabinet Secretary and the Ministry should be left to execute as mandated by the Executive Order No. 2 of 2013.

### **3. Why the Government seal was removed from Ardhi House and taken to Ruaraka Survey Field Office**

She stated that no seal had been removed from Ardhi House to Ruaraka Survey field office or any other office, though the seal could always be taken to any Government Office where it was required.

### **4. The procedure of appointment of such public officers**

The Cabinet Secretary stated that following the release of the Executive Order, the Ministry of State for Devolution and Planning, Directorate of Public Service Management issued a circular letter No. MSPS/HRM/14/1/(72) of 14<sup>th</sup> June 2013 to all permanent Secretaries/Authorized Officers directing restructuring and rationalization of current government ministries and departments in line with the Order. Consequently the Directorate of Public Service Management appointed a team of consultant to come up with a report on restructuring and staffing of the ministry. The team came up with a draft report recommending 4 technical directorates each headed by a Director General. Guided by the draft report while awaiting finalization of the report, and in order for work to flow in the Ministry, she appointed officers to head the Directorates in acting capacity. These officers included Mr. Kahuhu who was the senior most Land Administrator, to head the directorate of Lands in an acting capacity.

All the above appointments on acting capacity would be substantively filled by the PSC in the normal manner as in all cases which do not fall under delegated powers.

**5. Why one thousand seven hundred Leases prepared prior to the appointment of the new director General have not been signed yet**

The Cabinet Secretary informed the Committee that many grants and leases had been prepared and forwarded to former Commissioner of Lands for execution under transition provisions, who was unable to sign them on health grounds. The issue of signing grants and leases was under discussion between her office and the National Land Commission and the Attorney- General.

Mr. Speaker Sir,

The Chairman of the National Land Commission Prof Muhammad Swazuri appeared before the Committee and responded to queries raised by the Members as follows:

1. That the appointment of Mr. Peter Kahuho as the Director-General Lands was discussed with the Cabinet Secretary in an informal meeting called in her office at 5.30 pm on 10<sup>th</sup> October 2013. At the meeting he advised that the status quo be upheld as signing of titles according to him was one of the functions of the National Land Commission(NLC). He also advised that the matter could be put on hold pending finalization of regulations for the land Acts and their approval by Parliament.
2. Despite his reservations the Cabinet Secretary directed the legal officer, Mrs. Margaret Cheboiwo, the Chief Executive NLC, Mr. Tom Chavangi and another person in her office at the time to work on the gazette notice and that when he inquired later from the Chief Executive at 8.30 pm, the notice had already been drafted and sent to the Government Printer.
3. That the delay in the constitution of the National Land Commission was responsible for buildup of unsigned leasing, coupled by the moratorium placed on processing of titles by the government while awaiting the Commission to embark on the exercise. The build up later eased following the legal advice from the

Attorney General to the effect that Mr. Zablou Mabea could continue signing titles as per transitional clauses in the Land Registration Act.

4. That the Commission was finalizing with the Regulations on the land Acts with a view to having a stakeholders retreat on the same before Parliament went on recess in December 2013.

Mr. Speaker Sir,

The Chairperson of the Public Service Commission also appeared before the Committee, accompanied by the Chief Executive and other staff and explained the procedures followed in the public service on transfers, appointment/acting appointment/promotion and establishment of offices/posts. From the meeting, it was clear that the appointments of Director-General, Acting Director and Acting Deputy Director as well as transfer of officers from the Ministry was the preserve of the PSC, as it did not fall under delegated powers, being offices above Job Group 'Q'.

Mr. Speaker Sir,

Mr. Tom Odede from the Office of the Attorney General further advised on the procedure used in processing legal notices and also informed Members that the Office of the Attorney General had to clear them before they were signed. A circular to all Ministries and Government Departments dated 15<sup>th</sup> February, 2002 communicated these procedures which are clearly outlined in Paragraphs 19 to 24 and which every government department was bound to adhere to. However, he informed the Committee that the Legal Notice No.13766 was forwarded directly to the Government Printer.

He also informed the Committee that the matter of gazette had been informally discussed between the Ministry and the Office of the Attorney-General and that gazette was made before the Attorney-General's opinion on the matter was given.

He further informed the Committee that it was an oversight on the part of the Ministry to have a gazette notice printed without quoting specific provisions of the law.

## OBSERVATIONS OF THE COMMITTEE

The Committee noted that the Public Service Commission has appointed Principal Secretaries as authorized officers in the Ministries and equipped them with guidelines/regulations that ought to be followed in all matters of human resource management. It is worth noting that communication relating to the appointments/establishment/transfers to the Public Service Commission emanated from the Cabinet Secretary and **NOT** the Authorized officer appointed by the Commission.

### Establishment of offices

The Committee noted that Article 234 of the Constitution vests to the Public Service Commission the power to establish offices/posts in the Public Service unless where there is express provision in the Constitution or by legislation to the contrary. The Cabinet Secretary therefore acted **in breach of the constitution** by unilaterally establishing an office and going ahead to gazette and give such functions as she deemed fit, in blatant disregard for the Constitution.

Furthermore in her report to the Committee she indicated that a draft report prepared by the Directorate of the Public Service established the office of Director General while the draft later sent to the Committee only recommended that the Directorate of Lands be headed by a Secretary, Job Group 'U' with three divisions each, headed by a director (Lands, Surveys and Mapping and Physical Planning). The Housing, and Public Works Directorates were however to be headed by a Director – General each (**Annexure to this statement**).

The Committee was concerned that the Cabinet Secretary would establish an office unilaterally and proceed to vest powers that were otherwise provided for clearly in the Transitional Clauses in the Sixth Schedule of the Constitution which preserved the mandate to the Commissioner of Lands. Furthermore, The Land Registration Act Section 107 (1) states that *any rights, interest, title, power or obligation...shall continue to be*

*governed by the law applicable to it immediate prior to the commencement of this Act.*

### **Appointment/Acting Appointment/Promotion**

The Committee noted that Article 234 (2) (a) (ii) of the constitution further gave the Public Service Commission the power to appoint persons to hold or act in public offices and confirm appointments. However, the Commission has delegated powers to authorized officers of appointment, promotion and transfer in respect of officers in Job Groups A - P though these requests ought to be submitted first to PSC in respect to appointments, acting appointments and promotions for positions graded at Job Group Q and above. The re-designation of public officers at Job Group J and above ought to be submitted to the Commission. The appointments made by the Cabinet Secretary for officers to hold or act in appointment were therefore irregular and unconstitutional as the posts attracted officers of Job Group 'Q' and above.

### **Transfers**

The Committee noted that procedures in place for transfer of public officers in **Job Group Q** or above from the present post to a post of different designation in the same or another Ministry were not adhered to. Recommendations from the authorized officer in the Ministry were not forwarded to the Commission for determination as is required. Furthermore, the Commission had to approve change of designation before the Central Human Resource management postings Committee could effect any changes.

### **Legal Notices**

The Committee noted that an advisory from the Office of the Attorney General, governing publication of legal instruments by the Government Ministries and Departments was released on 15<sup>th</sup> February, 2002. The procedure for processing of legal notices is outlined in Paragraphs 19 to 24 and states as follows:

- that all matters to appear as a Legal Notice in the Gazette must be cleared by the Legislative Drafting Department before submission to the Minister or appropriate

authority concerned, for signature and cannot be cleared after the signature

- a request for clearance must be made in writing with the reasons for the subsidiary legislation stated fully. A request should be accompanied by a lay draft of the requisite notice
- In case of great urgency, the Chief Parliamentary Counsel would personally consider clearance upon verbal request

The Committee noted that the Gazette Notice No. 13766 was generally worded and did not quote specific provisions from the Constitution of Kenya, The Lands Act and the Land Registration Act. It was therefore apparent that the said notice had not been cleared by the Attorney-General's office which would have rectified the anomaly and also provide the legal expertise required.

**The Committee observed that the gazette notice was unconstitutional and therefore null and void. It is the Committee's view that the Cabinet Secretary ultimately revoked the notice on realization of its unconstitutionality.**

In view of the foregoing the Committee noted that recent transfers/promotions/gazettement at the Ministry of Lands, Housing and Urban Development were irregular, a nullity and devoid of merit and were not backed by law. Furthermore, procedures laid down by the Public Service Commission for smooth management of human resource in the public service were grossly abused by the Cabinet Secretary, who usurped the powers vested on the Principal Secretary as the Authorized officer of the Commission. The Cabinet Secretary purported to appoint officers to positions, and went ahead to gazette an appointment, in blatant disregard of the Constitution and the Lands Act and the Land Registration Act, which provide for the continuity of the Acts in force until formalization of the current ones was in place.

The Cabinet Secretary was also not forthright before the Committee as she purported to draw her powers to appoint Mr. Kahuho as the Director-General Lands from the Draft prepared by the Directorate of Public Service Management. The Draft presented to the

Committee however states that *'The Directorate of Lands will be headed by a Secretary, Job Group 'U' and will be organized into three Divisions each headed by a Director, Job Group 'T'.*

She also informed the Committee that the issue of signing grants and leases was under discussion between her office and the National Land Commission and the Attorney-General while she had unilaterally gazetted an officer to sign titles against the advice of the Chairperson, National Land Commission who advised that the status quo be upheld until regulations were finalized and brought to Parliament, under the savings clause 108 to the Land Registration Act and Section 162 (1) (2) of the Lands Act.

The Cabinet Secretary further explained to the Committee that she had to take steps to replace Mr. Zablon Mabea who was unable to sign grants and leases on health grounds. The Committee observed with concern that accumulation of leases was caused by the seven month delay in coming into force of the Commission and the moratorium placed on signing any leases until the Commission was on board and not Mr. Mabea's ill health as alleged.

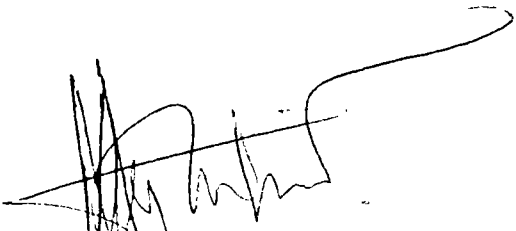
The Committee noted that legal advice sought established that Mr. Mabea would continue signing the leases under the transitional clauses. Furthermore, the Committee noted, a gazette notice could not override a written law.

### **COMMITTEE'S RECOMMENDATIONS**

In the absence of constitutional, legal, administrative and procedural backing for the transfers, promotions/appointments and establishment/gazettement of posts at the Ministry, the Committee recommends as follows:

- 1) The officers who had been irregularly/un-procedurally removed from office be reinstated and the purported transfers be revoked with immediate effect.
- 2) All irregular promotions/appointments in acting capacity be reversed and that due process, as laid out by the Public Service Commission, be followed in all appointments, promotions, transfers and establishment of offices at the Ministry.

3) The Cabinet Secretary should as a matter of urgency submit the Regulations to the land Acts for consideration by the Committee and subsequent approval by Parliament.



**The Hon. Alex Mwiru, M.P.**

**Joint Chairperson,**

**Departmental Committee (K) on Lands**



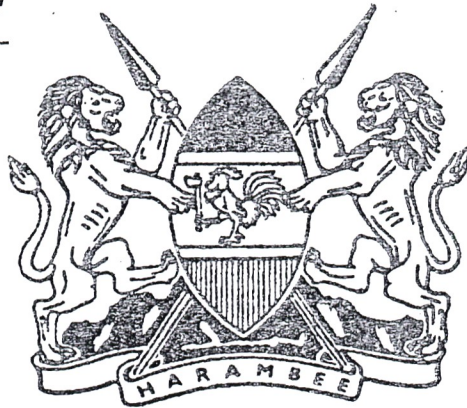
**The Hon. William Cheptumo, M.P.**

**Joint Chairperson**

**Committee on Delegated Legislation**

**SPECIAL ISSUE**

Annex 2



# THE KENYA GAZETTE

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GAZETTE NOTICE NO. 14101

## THE CONSTITUENCY DEVELOPMENT FUND ACT

(No 30 of 2013)

### APPOINTMENT

IN EXERCISE of the powers conferred by section 24 (4) of the Constituencies Development Fund Act, 2013, the Cabinet Secretary, Ministry of Devolution and Planning gazettes the following to be members of the Constituency Development Fund Committee for Mwea Constituency as outlined below, for a period of three (3) years, with effect from 21st October, 2013.

Jesinta Wanjiku Gichiru	Chairman
Fund Account Manager, Mwea	Ex-officio Member
Deputy County Commissioner	National Government Official (Member)
Moses Mwaniki Munene	Member
John Kugeria Kungu	Member
Richard Chomba Njeru	Member
Jacinta Karimi Muthie	Member
Priscilla Wanja Muthike	Member
Patrick Maina Kamau	Member
Peter Nganga Njomo	Member

Dated the 18th October, 2013.

ANNE WAIGURU,  
*Cabinet Secretary, Ministry of Devolution And Planning.*

GAZETTE NOTICE NO. 14102

## THE CONSTITUTION OF OF KENYA

### THE LAND REGISTRATION ACT

(No. 3 of 2012)

### REVOCATION OF APPOINTMENT

IN EXERCISE of the powers conferred by section 153 (1) and (2) of the Constitution of Kenya as read together with section 108 of the Land Registration Act, the Cabinet Secretary for Land, Housing and Urban Development revokes the appointment\* of—

PETER KANG'ETHE KAHUHO

as pertains to signing of land titles.

Dated the 24th October, 2013.

C. K. NGILU,  
*Cabinet Secretary for Land,  
Housing and Urban Development.*

\*G.N. 13766/2013.

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Annex 1



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## MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

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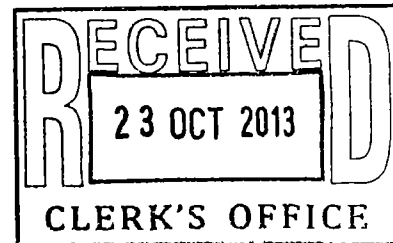
23<sup>rd</sup> October 2013

**Hon. Alex Mwiru, MP**  
Chairman,  
Departmental Committee on Lands,

And

**Hon. William Cheptumo, MP**  
Committee of Delegated Legislation,

Dear *Hon. Mwiru,*



**RE: DEPARTMENTAL COMMITTEE ON LANDS-  
MINISTERIAL STATEMENTS REQUESTED BY  
MEMBERS**

As directed by both the Lands and Delegated Legislation Committees during the hearing held on October 22<sup>nd</sup> 2013 please find enclosed the following documents for your deliberations.

- 1. Executive Order No 2 of 2013 "Organization of Government"**
- 2. Letter from the Directorate of Personnel Management of 14<sup>th</sup> June 2013 on the Organization of the Government of the Republic of Kenya.**
- 3. Report on the Organization and Staffing of the Ministry of Land, Housing and Urban Development.**

I further take this early opportunity to clarify some of the additional issues raised during the hearing that I feel would be pertinent to your deliberations.

### **1. Gazetting of Officer (Ag. Director General) to Sign Titles**

The Cabinet Secretary is within her lawful obligation to gazette an officer to sign titles in the interim as the Ministry and the National Lands Commission work on the rules and regulations.

The Constitution and the laws related to land matters (**Land Act 2012, Land Registration Act 2012, National Lands Commission Act 2012**) did not assign the role of signing of titles to any particular officer. This was left to be part of the decisions that the Cabinet Secretary could make that would ensure efficient management of land issues. To avoid potential conflicts and legal exposure arising out of the titles signed by the Lands Secretary, who was neither gazetted nor designated by law, the Ministry has taken an administrative decision to gazette a designated officer to sign titles. This position is mainly an administrative function that the Cabinet Secretary and the Ministry should be left to execute as mandated by the **Executive Order No 2 of 2013**.

### **2. Creation of a Director General Position**

This is a purely administrative exercise that all Ministries been directed to undertake. Our proposals have been arrived at with the participation of the Directorate of Personnel Management under the direction of the Public Service Commission. The inference by anybody that this was done unilaterally is misleading.

These positions will be filled substantively through the normal procedures of filling public service vacancies. The need for coordination of the new Departments cannot be held back to await for the substantive recruitment process and that is why the officer (s) are performing such duties in Acting capacity.

### **3. The need to expedite issuance of titles**

Currently the Ministry has a back log of approximately **20000 titles** that need to be issued out. These are **17000 leases under Cap 300 (Repealed)** and **3000 as new grants under Cap 281 (Repealed)**. These titles are under various stages of processing and all must be signed by one person.

By not facilitating people to access their documents with ease due to the current back log of unsigned titles people have resorted to using brokers, corrupt methods including making forgeries to their titles from the Ministry. The Ministry in gazetting this new officer seeks to cure this problem. The newly gazetted officer has already advised the Cabinet Secretary that more officers are required to sign titles to clear the backlog.

### **4. Consultation with National Lands Commission**

The decision to gazette the Acting Director General to sign titles in the interim period was arrived at in consultation with the National Lands Commission after a meeting held at my office on 10<sup>th</sup> October 2013. Indeed the Chairperson of the Commission directed his Chief Executive Officer-Mr Tom Aziz Chavangi and the Director of Legal Affairs-Mrs Margaret Cheboiywo to assist in drafting the Gazette notice and ensuring that it was gazetted immediately. The insinuation that this was done in a unilateral manner by the Cabinet Secretary is therefore unfortunate and misleading.

Yours

*Sincerely*



**Hon. Charity Kaluki Ngilu, EGH**  
**Cabinet Secretary**

*encl.*

- Sitzung 2 / 11.10.2019

Annex 3



**REPUBLIC OF KENYA**

**MINISTRY OF DEVOLUTION AND PLANNING**

**DIRECTORATE OF PUBLIC SERVICE MANAGEMENT**

**REPORT ON THE  
ORGANIZATION AND STAFFING OF THE  
MINISTRY OF LAND, HOUSING AND URBAN  
DEVELOPMENT**

**By**

**Management Consultancy Services Department**

**AUGUST 2013**

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background

- 1.1.1 Government Ministries constitute the executive arm of the government whose role is the formulation and implementation of government policies and programmes. They reflect strategic priority areas and objectives as well as the national agenda of the Government for efficient and effective service delivery to the citizen.
- 1.1.2 Since independence, the number of the Government Ministries/Departments has varied from twenty two (22) in 1964, grew to twenty five (25) in 1980 and reduced to twenty three (23) in 1986. The number increased to thirty one (31) in 1989 and grew to forty four (44) in 2008.
- 1.1.3 It is noted that under the old Constitution, the number of Government Ministries/Department was not clearly stipulated and therefore successive Presidents determined the structures and size of the Government without any explicit guidelines from the Constitution. This has however, changed under the new Constitutional dispensation.
- 1.1.4 The Constitution of Kenya, 2010 under Section 130 Article (1) states that "the national executive of the Republic comprises the President, the Deputy President and the rest of the Cabinet". It is further provided under Section 152, Article (1) that:- The Cabinet consists of-
- (i) the President;
  - (ii) the Deputy President;
  - (iii) the Attorney-General; and
  - (iv) not fewer than fourteen and not more than twenty-two Cabinet Secretaries.
- 1.1.5 The general elections held in March 2013 ushered in a new Government whose structure and size is guided by the Constitution and the Jubilee Coalition Government Manifesto. The Manifesto has three central pillars which illustrate the Coalition's shared Agenda for Kenya. These are Unity (Umoja); Economy (Uchumi); and Openness (Uwazi).
- 1.1.6 The manifesto identifies thematic areas under each pillar, which form the basis for the organization and functions of the new Government. The Pillars and their respective thematic areas are as follows:
- (i) The First Pillar: Unity (Umoja)
    - National Cohesion;
    - Security;

- Trade and Foreign Affairs;
- Sports & Culture;
- Healthcare;
- Education;
- Youth Empowerment;
- Women's Empowerment; and
- Social Protection.

(ii) The Second Pillar: Economy (Uchumi)

- Growth and Development;
- Manufacturing;
- Information & Communication Technologies (ICT);
- Tourism;
- Land Reform;
- Energy;
- Agriculture & Food Security;
- Water;
- The Environment;
- Transport; and
- Housing.

(iii) The Third Pillar: Openness (Uwazi)

- Corruption;
- Good Governance; and
- Devolution.

1.1.7 The current organization of the government is informed by the above pillars and their respective thematic areas. Land Reforms and Housing which are outlined in the second pillar constitute the mandate of the Ministry of Land, Housing and Urban Development. Further, the function of the Ministry is provided for in the fourth schedule of the Constitution under the functions of the National Government as:- 'National Public Works', 'Housing Policy' and 'General Principles of Land Planning and coordination of Planning by the Counties'.

## 1.2 Rationale for the Study

1.2.1 On 20<sup>th</sup> May, 2013 His Excellency the President issued the Executive Order No. 2/2013 on the organization of the Government of Kenya. The Order contains portfolio responsibilities and changes made in the structure of Government and supersedes the Presidential Circular Number 1 of February 2008.

1.2.2 The Order has reduced the number of ministries/departments from forty four (44) to eighteen. It has further, merged the functions of the former Ministries of Lands, Housing, Public Works, Nairobi Metropolitan Development and the Department of Urban Development under the former Ministry of Local

Government to constitute the Ministry of Land, Housing and Urban Development.

- 1.2.3 Following the release of the Executive Order, the Ministry of State for Devolution and Planning, Directorate of Public Service Management issued circular letter No. MSPS/HRM/14/1/(72) of 14<sup>th</sup> June 2013 to all Permanent Secretaries/Authorised Officers directing restructuring and rationalization of the current government Ministries, Departments in line with the Order.

### **1.3 Terms of Reference (TOR)**

- 1.3.1 The Terms of Reference outlined in circular letter No. MSPS/HRM/14/1/(72) of 14<sup>th</sup> June 2013 were to:-

- (i) Develop appropriate organization and functional structures for the Ministry of Land, Housing and Urban Development;
- (ii) Provide the overall staffing levels for technical, administrative and support services;
- (iii) Determine the manner in which the common shared services (administrative and support services) should be managed to ensure smooth running of the ministries; and
- (iv) Identify any overlaps and duplications in order to make recommendations that will facilitate functional and operational harmony; and
- (v) Any other matter related thereof.

#### **Interpretation of the Terms of Reference**

- 1.3.2 The team interpreted the terms of reference as follows:-

- (i) That there is need to amalgamate the structures and functions of the former ministries of Lands, Housing, Public Works, Nairobi Metropolitan and Department of Urban Development in line with the provisions of the Executive Order No. 2 of 2013;
- (ii) That the staffing of the merged Ministries/Departments requires to be consolidated and rationalized to ensure optimal staff utilization;
- (iii) That there is need to rationalize and determine the best way of managing common shared services in the merged Ministries/Departments; and
- (iv) That there is need to examine and identify overlaps and duplication of functions within and outside the merged Ministries/Departments in order to make appropriate recommendations.

#### **Expected Outputs/Outcomes**

- 1.3.3 The following are the expected output for the assignment.

- (i) An appropriate organizational structure developed that is aligned with the mandate and functions of the Ministry;
- (ii) Recommendations on staffing levels;
- (iii) Recommendations on management and utilization of common shared services;
- (iv) Clearly defined functions within the Ministry; and
- (v) Other relevant recommendations.

## 1.4 Methodology

1.4.1 In undertaking this assignment, the team held discussions with respective heads of departments in the former Ministries and Departments that constitute the Ministry of Land, Housing and Urban Development. The Ministries also provided written submissions in relation to the Terms of Reference.

1.4.2 The team made reference to various Policy and Legislative documents including:-

- the Constitution of Kenya 2010;
- Jubilee Coalition Manifesto;
- Executive Orders No 2 of 2013 on Organization of the Government of the Republic of Kenya;
- past Presidential Circulars on Organization of the Government of the Republic of Kenya;
- the Transition to Devolved Government Act 2012;
- Kenya Vision 2030; and
- Circular letter No. MSPS/HRM/14/1/(72) of 14<sup>th</sup> June 2013.

1.4.3 In addition, the team studied and analyzed previous reports on organization structure and staffing of the merged Ministries/Departments; and Public Service Commission Human Resource Audit Reports.

## 1.5 Members of the Study Team

Mr. H. N. Ogega	-	Director, Management Consultancy Services (MCS)
	-	Coordinator
Mr. Wambua Musee	-	Senior Assistant Director, MCS – Team Leader
Mr. Cosmas Muema	-	Principal Management Consultant - Member
Mr. Otom Ogola	-	Principal Management Consultant – Member
Mrs. Jackline Meso	-	Assistant Director, MCS
Mr. John W. Gitu	-	Senior Assistant Director, HRM (Lands) - Member
Mr. Gicheru Dominic	-	Assistant Director, HRM (Works) - Member
Mrs. Rosemary Kamau	-	Assistant Director, HRM (Housing) - Member
Ms. Electine M. Nanzala	-	Principal Economist - Member

## **1.6 Organization of the Report**

1.6.1 The report is organized into five chapters. Chapter one covers, the background and rationale; chapter two is on the current organizational structure and staffing levels; chapter three presents the findings, observations and recommendations; chapter four provides proposed organization structure and staffing and chapter five is the conclusion and summary of recommendations.

## **CHAPTER TWO**

### **ORGANISATIONAL STRUCTURE AND STAFFING OF THE FORMER MINISTRIES OF LANDS, HOUSING, PUBLIC WORKS,**

#### **2.0 Preamble**

2.1 The Ministry is a merger of the former ministries of Lands, Housing, Public Works, Nairobi Metropolitan Development and the department of Urban Development in the former Ministry of Local Government.

#### **2.1 MINISTRY OF LANDS**

2.1.1 The Ministry of Lands was the main Government Institution charged with ensuring proper land administration, utilization and prudent land management.

##### **Vision**

2.1.2 The Vision of the Ministry of Lands was: "Excellence in Land Management for Sustainable Development of Kenya".

##### **Mission**

2.1.3 Its Mission was "To facilitate improvement of the livelihood of Kenyans through efficient administration, equitable access, secure tenure and sustainable management of the land use.

##### **Mandate**

2.1.4 The Ministry's mandate as spelt out in the Presidential Circular No. 1/2008 issued in May 2008 on organization of the Government of Kenya was:

- (i) Land Policy and Physical Planning;
- (ii) Land Transactions;
- (iii) Survey and Mapping;
- (iv) Land Adjudication and Settlement Matters;
- (v) Land Registration and Valuation;
- (vi) Administration of State and Trust Land; and
- (vii) Land Information System.

2.1.5 The Ministry comprised of four (4) Technical Departments and a support service Department, namely:

- (i) Lands;

- (ii) Survey; ( including Kenya Institute of Surveying and Mapping- KISM)
- (iii) Physical Planning;
- (iv) Land Adjudication & Settlement
- (v) Administration

2.1.6 The following was the staff establishment for the Ministry:

Designation	J/G	Auth. Estab	In Post
<b>HQRS Administration</b>			
Cabinet Secretary	Y	0	1
Assistant Minister	Y	0	2
Permanent Secretary	U	1	1
Director Of Administration	T	1	1
Senior Chief Finance Officer	S	0	1
Senior Deputy Secretary	R	1	1
Chief Finance Officer	R	1	0
Deputy Accountant General	R	1	0
Deputy Director HRM	R	1	1
Deputy Director Of Information Technology	R	0	1
Deputy Director Of Public Communication	R	1	0
Deputy Director Of Human Resource Development	R	1	0
Deputy Director ,Supply Chain Management	R	1	0
Senior Deputy State Counsel	R	1	0
Snr Asst. Director/ HRM	Q	1	1
Deputy Chief Finance Officer	Q	1	0
Deputy Chief Economist	Q	0	1
Deputy Secretary	Q	2	0
Deputy Chief State Counsel	Q	1	0
Senior Assistant Director Of Records Management	Q	1	0
Principal Accountant General	P	1	0
Senior Principal Finance Officer	P	1	0
Assistant Director Of Public Communication	P	1	0
Assistant Director Of Information Technology	P	0	0
Assistant Director HRD	P	1	1
Assistant Director HRM	P	1	0
Under Secretary	P	3	2
Principal Executive Secretary	P	1	0
Senior Principal State Counsel	P	1	0
Assistant Director Of Records Management	P	1	0
Assistant Director - Supply Chain Mgt Officer	P	0	1
Principal. Finance Officer	N	1	1
Principal HRD. Officer	N	1	0
Principal H.R.M Officer	N	1	0
Principal Accountant II	N	1	1
Senior Assistant Secretary	N	3	0
Senior Executive Secretary	N	3	0
Principal Records Management Officer	N	2	0
Principal Supply Chain Mgt Officer	N	1	0

Executive Secretary	M	3	3
Economist II/I/Senior Economist I/Senior Economist II	K/L/M/N	14	6
State Counsel II/I/Senior/Principal	K/L/M/N	16	0
Librarian /Senior/Chief	K/L/M	4	1
Finance Officer III/II/I/Senior	J/K/L/M	4	2
Accountant II/I/Senior/Chief	J/K/L/M	20	29
Public Communication Officer II/I/Senior/Chief	J/K/L/M/N	1	0
HRM Officer II/I/Senior/Chief	J/K/L/M	11	5
Supply Chain Management Officer II/I/Senior/Chief	J/K/L/M	6	1
Assistant Secretary Cadet/Assistant Secretary III/II/I	J/K/L/M	6	3
Principal Driver	J	35	1
Chief Clerical Officer	J	34	0
Technical Officer/Cameraman/Photographer III/II/I	H/J/K	1	0
Technical Officer Electrical/Electronic III/II/I	H/J/K	1	0
Supply Chain Management Assistants II/I/Senior/Chief	H/J/K/L	25	9
Personal Secretary III/II/I/Senior	H/J/K/L	25	19
Record Management Officer III/II/I /Senior/Chief	H/J/ K/L/M	62	16
Assistant Security Officer/Security Officer II/I/Senior	H/J/K/L	6	3
Librarian Assistant III/II/I/Senior/Chief	G/H/J/K/L	3	1
Information Comm. Tech. Officer III/II/I/Senior/Chief	H/J/K/L/M	3	14
Supply Chain Mgt Asst.III	H	1	3
Supply Chain Mgt Assistant IV	G	7	7
HRM Assistant III/II/I/Senior	H/J/K/L	10	7
Co II/Co I/SNR	F/G/H	41	44
Trainer	H/J/K/L	3	0
Secretarial Assistants II/I/Snr	G/H/J	15	9
Receptionist Assistant III/II/I	E/F/G/H	20	8
Mechanic III/II/I	D/E/F	9	0
Artisans III/II/I/Chargehand	E/F/G/H	25	2
Tel Operator II/I/Senior/Supervisor III	E/F/G/H	10	9
Driver III/II/I/Snr./Chief	D - H	10	28
Security Warden III/II/I/Senior	D/E/F/G	70	17
Support Staff III/II/I/Snr./Cleaning Superv. IIB/IIA/I	A-G	76	33
<b>Sub Total</b>		<b>617</b>	<b>297</b>
<b>Physical Planning Department</b>			
Director-Physical Planning	T	1	1
Senior Deputy Director-Physical Planning	S	1	0
Deputy Director-Physical Planning	R	3	3
Snr. Assistant Director-Physical Planning	Q	5	1
Assistant Director Of Physical Planning	P	8	7
Principal Draughtsman	N	1	0
Chief Draughtsman	M	1	1

Physical Planner /Senior/Chief/Principal	K/L/M/N	107	104
Accountant II/I/Senior/Chief	J/K/L/M	1	1
Personal Secretary III/II/I/SENIOR	H/J/K/L	25	14
Draughtman III/II/I/SENIOR	H/J/K/L	65	61
Secretarial Assistants II/I/SNR	G/H/J	50	20
CO II/CO I/SNR	F/G/H	100	32
Assistant Draughtman II/I	F/G	11	3
Printing Assistant III/II/I/PRINTER	E/F/G/H	25	11
Driver III/II/I/SNR/CHIEF	D - H	40	11
Support Staff III/II/I/SNR/Cleaning Superv.IIB/IIA/I	A-G	270	43
<b>Sub Total</b>		<b>714</b>	<b>313</b>
<b>Kenya Institute of Surveying and Mapping</b>			
Principal	R	1	1
Deputy Principal	Q	1	1
Senior Principal Lecturer	P	4	0
Principal Lecturer	N	1	1
Senior Land Survey Assistant	L	0	2
Cartography Assistant I/Senior/Chief	K/L/M	0	9
Photogrammetry Assistant I/Senior/Chief	K/L/M	0	5
Land Surveyor II/I/Senior	K/L/M	0	4
Photolithographic Assistant I/Senior/Chief	K/L/M	0	9
Photolithographer I	L	0	1
Assistant Lecturer/Lecturer III/II/I/SENIOR	H/J/K/L/M	19	7
Accountant II/I/Senior/Chief	J/K/L/M	2	1
Personal Secretary III/II/I/Senior	H/J/K/L	5	1
Security Officer	J	0	1
Land Survey Assistant III	H	0	1
House Keeper/Cateress III	H	1	0
Enrolled Nurse III/II	H/J	1	0
Supply Chain Mgt Assistant II	J	0	1
Supply Chain Mgt Assistant IV	H	0	1
Secretarial Assistants II/I/SNR	G/H/J	15	0
CO II/CO I/SNR	F/G/H	40	3
Asst Hse Keeper/Cateress	G	2	1
Security Warden II/I/Senior/Asst. Security Officer	E/F/G/H	12	7
Cook III/II/I/Snr.	D-G	6	2
Driver III/II/I/Snr/Chief	D - H	15	3
Support Staff III/II/I/Snr./Cleaning Superv.IIB/IIA/I	A-G	80	12
<b>Sub Total</b>		<b>205</b>	<b>74</b>
<b>Department of Surveys</b>			
Director Of Surveys	T	1	1
Deputy Director Of Surveys	R	1	1
Senior Assistant Director Of Surveys	Q	5	4
Asst Dir Of Surveys	P	8	0
Principal Survey Assistant	N	2	2
Principal Survey Records Officer	N	1	0
Principal Photolithographic Assistant	N	1	1
Principal Photogrammetric Asst/Senior	N	1	1

Superintending Photogrammetrist			
Principal Cartographic Assistant	N	1	1
Chief Photolithographic Assistant	M	2	2
Chief Surveys Assistant	M	3	3
Chief Photogrammetric Assistant	M	2	2
Chief Cartographic Assistant	M	3	3
Land Surveyor II/I/Superintending Land Surveyor/Senior Superintending Land Surveyor	K/L/M/N	200	190
Survey Asst III/II/I/Senior	H/J/K/L	450	437
Sur. Rec. Officer III/II/I/Senior	H/J/K/L	15	6
Photolithographic Assistant III/II/I/Senior	H/J/K/L	84	72
Photogrammetric Assistant III/II/I/Senior	H/J	70	58
Cartographic Assistant III/II/I/Senior	H/J/K/L	270	257
Engineer II/I/Superintending/Senior Superintending (Mechanical)	K/L/M/N	4	0
Engineer II/I/Superintending/Senior Superintending (Optical)	K/L	2	0
Engineer II/I/Superintending/Senior Superintending (Electrical)	K/L	2	2
Photographer II/I/Senior/Chief	J/K/L/M	4	0
Accountant II/I/Senior/Chief	J/K/L/M	2	3
Personal Secretary III/II/I/Senior	H/J/K/L	25	13
Secretarial Assistants II/I/SNR	G/H/J	65	20
CO II/CO I/SNR	F/G/H	150	72
Geospatial Data Management Assistant III/II/I	H/J/K/L	25	22
Driver III/II/I/SNR/CHIEF	D - H	55	51
Support Staff III/II/I/SNR/Cleaning Superv. IIB/IIA/I	A-G	350	147
<b>Sub Total</b>		<b>1804</b>	<b>137</b>
<b>Department of Land Adjudication and Settlement</b>			
Director Of Land Adj. & Settlement	T	1	1
Senior Deputy Director-Land Adjudication & Settlement	S	0	0
Dep Director of Land Adjud. & Settlement	R	1	1
Snr Asst Director Of Land Adjud. & Sett.	Q	4	1
Asst Director Of Land Adjud. & Entitlement	P	6	6
Land Adjudication Officer/Senior/Chief/Principal	K/L/M/N	126	86
Settle Officer/Senior/Chief/Principal	K/L/M/N	72	50
Agricultural Officer /Senior/Chief/Principal	K/L/M/N	3	1
Engineer II/I/Superintending/Senior Superintending (Water)	K/L/M/N	1	1
Snr Land Adjudication And Settlement Assistant	K	11	3
Accountant II/I/Senior/Chief	J/K/L/M	68	5
Personal Secretary III/II/I/Senior	H/J/K/L	25	30
Agricultural Assistant II/I/Senior/Chief	G/H/J/K	11	16
Secretarial Assistants II/I/SNR	G/H/J	65	24
Land Adjudication Asst. (Trainee)/Land Adjudication And Settlement Assistant III/II/I	F/G/H/J	891	428
CO II/CO I/SNR	F/G/H	180	82

Plant Operator III/II/I/SNR	D-G	11	2
Tractor Driver	E/F/G	1	0
Coxwain	C/D	1	0
Driver III/II/I/Snr./Chief	D - H	65	44
Support Staff III/II/I/Snr./Cleaning Superv.IIB/IIA/I	A-G	450	143
<b>Sub Total</b>		<b>1993</b>	<b>924</b>
<b>Departments of Lands</b>			
Secretary - Lands	T	1	1
Senior Dep Commissioner Of Lands(Land Administration)	S	1	1
Senior Dep Commissioner of Lands(Land Registration)	S	1	1
Senior Deputy Commissioner of Lands(Valuation)	S	1	1
Deputy Commissioner of Lands(Land Administration)	R	0	0
Deputy Commissioner of Lands(Land Registration)	R	0	0
Deputy Commissioner of Lands(Valuation)	R	0	0
SNR. ASST. Communication of Lands(Land Administration)	Q	2	2
Snr. Asst. Communication of Lands(Land Registration)	Q	2	1
Snr. Asst. Communication. Of Lands( Land Valuation)	Q	2	2
Assistant Communication. Of Lands (Land Registration)	P	4	3
Assistant Communication Of Lands (Valuation)	P	4	4
Assistant Communication Of Lands (Land Administration)	P	8	8
Plan Records Officer II/I/Senior /Chief	L	4	0
Land Registration Officers/Senior/Chief/Principal	K/L/M/N	109	58
Land Administration Officer /Senior / Chief/Principal	K/L/M/N	92	75
Valuer/Senior/Chief/Principal	K/L/M/N	94	49
Accountant II/I/Senior/Chief	J/K/L/M	11	4
Personal Secretary III/II/I/Senior	H/J/K/L	21	37
Assistant Plan Records Officer II/I	G/H	28	0
Secretarial Assistants II/I/SNR	G/H/J	90	85
Valuation Assistant III/II/I/Senior	H/J/K/L	27	8
Assistant Land Registration Officer III/II/I/Senior	F/G/H/J	149	140
Land Assistant III/II/I/Senior	G/H/J/K	26	19
CO II/CO I/SNR	F/G/H	230	208
Driver III/II/I/SNR/Chief	D - H	80	49
Support Staff III/II/I/SNR/Cleaning Superv.IIB/IIA/I	A-G	530	130
<b>Sub Total</b>			
<b>TOTAL</b>		<b>1517</b>	<b>886</b>

## 2.2 MINISTRY OF HOUSING

2.2.1 The housing function was placed under various ministries until re-organization of the Government in December 2005, when it was established as a fully-fledged Ministry with an expanded mandate to provide leadership in the housing sector.

### **Mission**

2.2.2 The mission of the Ministry was **'To improve livelihoods of Kenyans through facilitation of access to adequate housing in sustainable human settlements'**.

### **Vision**

2.2.3 The Ministry's Vision was **'Excellent, affordable, adequate and quality housing for Kenyans'**.

### **Mandate**

2.2.4 The Ministry's Mandate and core functions were derived from Presidential Circular No. 1 of May, 2008. The functions included;

- (i) Formulation, implementation and review of housing sector policies;
- (ii) Improving the living environment in slums and informal settlements through slum and upgrading prevention;
- (iii) Promotion of low cost housing development through housing sector incentives and provision of housing infrastructure;
- (iv) Promotion of research and utilization of appropriate building materials and construction technologies;
- (v) National secretariat for coordination of housing and human settlements stakeholders;
- (vi) Management of housing for Civil Servants and Disciplined forces;
- (vii) Facilitating Civil Servants to own and access rental housing through Civil Servants Housing Scheme Fund;
- (viii) Leasing of office space and residential accommodation for constitutional office holders and Disciplined Forces;
- (ix) Formulate and implement policies and legislations guide Estates Management
- (x) Resolution of disputes between landlords and tenants in controlled residential tenancies;
- (xi) Resolution of tenancy disputes in controlled tenancies;
- (xii) Assessment of standard rent of residential tenancies to protect tenants from exploitation while ensuring fair economic returns to the landlords;
- (xiii) Development of housing through National Housing Corporation (NHC); and
- (xiv) Facilitation of housing finance.

2.2.5 The Ministry was organized into the following six (6) technical departments, one fully fledged project funded by International Development Agency and twelve (12) support departments:

- (i) Housing;
- (ii) Estates Management Department;
- (iii) Housing Infrastructure;
- (iv) Kenya Slum Upgrading;
- (v) Civil Servants Housing;
- (vi) Rent Restriction Tribunal; and
- (vii) Kenya Informal Settlements Improvement Project (KISIP).

2.2.3 The following were the twelve (12) support departments/divisions/units:

- (i) Administration Department;
- (ii) Human Resource Management Division;
- (iii) Human Resource Development Division;
- (iv) Finance Division;
- (v) Accounts Division;
- (vi) Procurement Division;
- (vii) ICT Unit;
- (viii) Internal Audit Unit;
- (ix) Central Planning and Project Monitoring Unit;
- (x) Public Communications Office;
- (xi) Legal Unit; and
- (xii) Records Management Unit.

2.2.4 The following was the staff establishment for the Ministry:

Designation	Job Group	Auth. Stab.	In-Post
<b>Headquarters Administration</b>			
Minister	4	1	1
Assistant Minister	6	1	1
Permanent Secretary	U	1	1
Director of Administration	S	0	1
Senior Deputy Secretary	R	1	1
Deputy Director / Immigrations	R	0	1
Deputy Secretary	Q	2	1
Under Secretary	P	1	0
Senior Assistant Secretary I	N	1	1
Assistant Secretary Cadet/III/II/I	J/K/L/M	5	3
<b>Total</b>		<b>13</b>	<b>11</b>
<b>HRM Unit</b>			
Senior Assistant Director/HRM	Q	1	0
Assistant Director/HRM	P	1	1

Principal HRM Officer	N	1	1
HRM Officer II/I/Senior/Chief	J/K/L/M	2	2
HRM Assistant III/II/I/Senior	H/J/K/L	2	4
<b>Total</b>		<b>7</b>	<b>8</b>
<b>Records Management Unit</b>			
Assistant Director/Records	P	1	0
Principal Records Management Officer	N	1	0
Chief Records Management Officer	M	3	0
Records Management Officer III/II/I/Senior	H/J/K/L	11	8
<b>Total</b>		<b>16</b>	<b>8</b>
<b>Accounts Unit</b>			
Senior Assistant Accountant General	Q	1	0
Assistant Accountant General	P	1	0
Principal Accountant	N	1	1
Accountant II/I/Senior/Chief	J/K/L/M	15	14
<b>Total</b>		<b>18</b>	<b>15</b>
<b>Planning Unit</b>			
Chief Economist	R	1	0
Principal Economist I	P	2	1
Economist III/II/I/Senior II/I	K/L/M/N	9	2
<b>Total</b>		<b>12</b>	<b>3</b>
<b>Supply Chain Management Unit</b>			
Senior Asst Director, Supply Chain Management	Q	1	0
Asst Director, Supply Chain Management	P	0	1
Principal Supply Chain Management Officer	N	1	0
Supply Chain Management Officer II/I/Senior/Chief	J/K/L/M	4	4
Supply Chain Management Asst III	H	2	0
Supply Chain Management Asst IV	G	3	3
<b>Total</b>		<b>11</b>	<b>8</b>
<b>Finance Unit</b>			
Chief Finance Officer/Asst Director of Budget	R	0	1
Deputy Chief Finance Officer	Q	1	0
Senior Principal Finance Officer	P	2	0
Principal Finance Officer	N	2	0
Finance Officer III/II/I/Senior	J/K/L/M	3	2
<b>Total</b>		<b>8</b>	<b>3</b>
<b>Internal Audit Unit</b>			
Internal Auditor II/I/Senior/Chief	J/K/L/M	3	0
		<b>3</b>	<b>0</b>
<b>HRD Unit</b>			
Senior Assistant Director/HRD	Q	1	0
Assistant Director/HRD	P	0	1
Principal Human Resource Development Officer	N	0	1
<b>Total</b>		<b>1</b>	<b>2</b>

<b>ICT Unit</b>			
Principal Information Communication Technology Officer	N	1	0
Chief information Communication Technology Officer	M	1	1
Information Communication Technology Officer III/II/I/Senior	H/J/K/L	6	2
<b>Total</b>		<b>8</b>	<b>3</b>
<b>Administrative Support Services Unit</b>			
Senior Executive Secretary	N	4	1
Executive Secretary	M	3	1
Personal Secretary III/II/I/ Senior	H/J/K/L	14	16
Secretarial Assistant II/I/Senior	G/H/J	15	4
Clerical Officer II/I/Senior	F/G/H	11	28
Drivers III/II/I /Senior/Chief	D/E/F/G/H	6	26
Librarian II/I/Senior/Chief	J/K/L/M	2	0
Library Assistant II/I/Senior	G/H/J	1	1
Telephone Operator II/I/ Senior	F/G/H	2	2
Receptionist	E/F/G	2	0
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	11	25
<b>Total</b>		<b>71</b>	<b>104</b>
<b>Legal Unit</b>			
Legal Officer/State Counsel II/I/Senior/Principal	K/L/M/N	4	2
<b>Total</b>		<b>4</b>	<b>2</b>
<b>Public Communication Unit</b>			
Senior Assistant Director of Public Communications	Q	1	1
Assistant Director of Public Communications	P	0	1
Chief/Principal Public Communications Officer	M/N	1	0
Public Communications Officer III/II/I	H/J/K	2	0
Technical Officer (Camera-Man/Photographer) III/II/I/Senior	H/J/K/L	1	0
Technical Officer (Electrical/Electronic) III/II/I/Senior	H/J/K/L	1	0
<b>Total</b>		<b>6</b>	<b>2</b>
<b>Housing Department</b>			
Director of Housing	S	1	0
Deputy Director of Housing	R	1	1
Senior Assistant Director of Housing	Q	2	1
Assistant Director of Housing	P	9	2
Principal Housing Officer	N	75	4
Chief Housing Officer	M	84	3
Housing Officer II/I Senior	J/K/L	244	29
Architect II/I/Superintending/Senior Superintending	K/L/M/N	4	0
Accountant II/I/Senior/Chief	J/K/L/M	1	1

Documentalist II/I/Senior/Chief	J/K/L/M	1	0
Architectural Assistant III/II/I/Senior	H/J/K/L	3	0
Personal Secretary III/II/I/Senior	H/J/K/L	14	7
Library Assistant II/I/Senior	G/H/J	1	0
Clerical Officer II/I/Senior	F/G/H	64	26
Supply Chain Management Asst IV	G	2	0
Secretarial Assistant II/I Senior	G/H/J	31	1
Telephone Operator II/I/ Senior/Supervisor	E/F/G/H	1	0
Driver III/II/I/ Senior/Chief	D/E/F/G/H	102	18
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	45	13
<b>Total</b>		<b>685</b>	<b>106</b>
<b>Estates Department</b>			
Director Estate Management	S	1	1
Deputy Director, Estate Management	R	3	3
Senior Assistant Director Estate Management	Q	5	4
Assistant Director Estates Management	P	14	8
Principal Estate Management Officer	N	36	4
Chief Estate Management Officer	M	29	16
Chief Estate Management Assistant	M	2	2
Estate Management Assistant III/II/I/ Senior	H/J/K/L	181	59
Estate Management Officer/Senior	K/L	43	41
Personal Secretary III/II/I/Senior	H/J/K/L	4	15
Accountant II/I/Senior/Chief	J/K/L/M	2	1
Estate Management Assistant III/II/I/ Senior (Gardens)	H/J/K/L	2	0
Valuation Assistant III/II/I/ Senior	H/J/K/L	15	0
Senior Technical Assistant	H	4	0
Secretarial Assistant II/I/ Senior	G/H/J	75	8
Clerical Officer II/I/ Senior	F/G/H	85	28
Artisans III/II/I/ Chargehand/Senior Chargehand (Building)	E/F/G/H/J	124	117
Supply Chain Management Asst IV	G	72	72
Drivers III/II/I /Senior/Chief	D/E/F/G/H	73	44
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	72	68
<b>Total</b>		<b>842</b>	<b>491</b>
<b>Rent Restriction Tribunal</b>			
Chairman (Rent tribunal)	S	1	1
Deputy Chairman	R	11	0
Tribunal Secretary	P	1	0
Valuation Assistant III/II/I/ Senior	H/J/K/L	20	2
Accountant II/I/Senior/Chief	J/K/L/M	11	1
Personal Secretary III/II/I/Senior	H/J/K/L	10	1
Supply Chain Management Asst IV/III/II/I	G/H/J/K	1	1
Secretarial Assistant II/I/ Senior	G/H/J	2	1
Telephone Operator II/I/ Senior	F/G/H	1	1

Clerical Officer II/I/ Senior	E/F/G/H	0	29
Rent Inspector 2b/2a/1	E/F/G	20	5
Process Server III/IIB/IIA/I	D/E/F/G/H	20	11
Drivers III/II/I /Senior/Chief	D/E/F/G/H	9	2
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	0	15
<b>Total</b>		<b>107</b>	<b>70</b>
<b>Kenya Slum Upgrading Department</b>			
Director Slum Upgrading	S	1	0
Deputy Director of Slum Upgrading	R	1	1
Senior Assistant Director of Slum Upgrading	Q	4	4
Assistant Director of Slum Upgrading	P	8	8
Principal Slum Upgrading Officer	N	16	0
Chief Slum Upgrading Officer	M	8	1
Housing Officer [2]/[1]/Senior (Slum Upgrading )	J/K/L	16	7
Public Communication Officer II/I/Senior/ Chief	J/K/L/M	1	0
Supply Chain Management Officer II/I/Senior/Chief	J/K/L/M	0	1
Accountant II/I/Senior/Chief	J/K/L/M	1	0
Personal Secretary III/II/I/Senior	H/J/K/L	2	2
Secretarial Assistant II/I/Senior	G/H/J	12	1
Artisans III/II/I/ Chargehand (Building)	E/F/G/H/J	0	4
Clerical Officers II/I/Senior	F/G/H	12	8
Drivers III/II/I /Senior/Chief	D/E/F/G/H	10	0
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	2	3
<b>Total</b>		<b>94</b>	<b>40</b>
<b>Civil Servants Housing Scheme Department</b>			
Director Civil Servant Housing Scheme Fund	S	1	0
Deputy Director of Housing-CSHS (Estates)	R	1	1
Deputy Director of Housing-CSHS (Projects)	R	1	1
Finance and Administration Manager	R	1	0
Senior Assistant Director of Housing-CSHS (Estates)	Q	2	1
Senior Assistant Director of Housing-CSHS (Projects)	Q	2	0
Deputy Finance and Administration Manager	Q	1	0
Assistant Director of Housing-CSHS (Estates)	P	3	1
Assistant Director of Housing-CSHS (Projects)	P	1	0
Principal Housing Officer-CSHS (Estates)	N	2	0
Principal Housing Officer-CSHS (Projects)	N	2	0
Supply Chain Management Officer II/I/Senior/Chief	J/K/L/M	1	0
State Counsel II/I/Senior/Principal	K/L/M/N	1	0
Public Communications Officer	J/K/L/M	1	0

II/I//Senior/Chief			
Housing Officer II/I/Senior/ Chief-CSHS (Estates)	J/K/L/M	14	2
Housing Officer II/I/Senior/Chief-CSHS (Projects)	J/K/L/M	10	0
ICT Officer III/II/I/Senior	H/J/K/L	1	0
Internal Auditor II/I/Senior/Chief	J/K/L/M	1	0
Accountant II/I/Senior/Chief	J/K/L/M	8	3
Personal Secretary III/II/I/Senior	H/J/K/L	4	2
Secretarial Assistant II/I/ Senior	G/H/J	6	0
Supply Chain Management Asst IV	G	1	0
Clerical Officer II/I/ Senior	F/G/H	4	7
Drivers III/II/I /Senior/Chief	D/E/F/G/H	3	0
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	2	4
<b>Total</b>		<b>74</b>	<b>22</b>
<b>Housing Infrastructure Department</b>			
Director of Housing Infrastructure	S	1	0
Deputy Director of Housing Infrastructure	R	1	1
Senior Assistant Director of Housing-Infrastructure	Q	3	3
Assistant Director of Housing -Infrastructure	P	6	2
Principal Housing Officer- Infrastructure	N	14	0
Chief Housing Officer- Infrastructure	M	14	0
Estates Management Officer [2]/[1]	K/L	0	1
Housing Officer-Infrastructure [2]/[1]/Senior	J/K/L	16	5
Personal Secretary III/II/I/Senior	H/J/K/L	1	1
Secretarial Assistant II/I/ Senior	G/H/J	10	0
Clerical Officer II/I/ Senior	F/G/H	12	3
Drivers III/II/I /Senior/Chief	D/E/F/G/H	10	0
Support Staff III/II/I/ Senior/Cleaning Supervisor 2b/2a/1	A/B/C/D/E/F/G	2	2
<b>Total</b>		<b>90</b>	<b>18</b>
<b>GRAND TOAL</b>		<b>2070</b>	<b>906</b>

## 2.3 MINISTRY OF PUBLIC WORKS

2.3.1 The Ministry of Public Works (MOPW) was established through Presidential Circular No.1/2008 of May 2008 following the split of the then Ministry of Roads and Public Works. The Ministry was mandated to facilitate the provisions and maintenance of quality infrastructure, mainly on buildings and other Public Works in order to promote and sustain socio-economic development in the country. In addition, it provided services to other Government Ministries/Departments and State Corporations.

### **Mission**

2.3.2 The Mission of the Ministry was **"To facilitate provision, construction and maintenance of quality government buildings for sustainable socio-economic development"**.

### **Vision**

2.3.3 The Vision of the Ministry was **"To be the leading institution in the construction and maintenance of government buildings and other Public Works"**.

### **Mandate**

2.3.4 The mandate of the Ministry was derived from Presidential Circular No. 1./2008 published in May 2008, which set out the following functions/responsibilities:

- (i) Public Works Policy;
- (ii) Public Works Planning;
- (iii) Development and maintenance of public buildings;
- (iv) Maintenance of inventory of Government property;
- (v) Provision of mechanical and electrical building services;
- (vi) Supplies Branch;
- (vii) Co-ordination of procurement of common user items by Government Ministries;
- (viii) Kenya Building Research Centre;
- (ix) Registration of Architects and Quantity Surveyors;
- (x) Registration and regulation of Contractors, consultants for buildings and civil works and materials suppliers;
- (xi) Registration and regulation of Civil, Building and Electro-mechanical contractors; and
- (xii) Other Public Works.

### **Core functions**

2.3.5 The following were the core functions of the Ministry:

- (i) Construction of government buildings;
- (ii) Maintenance and rehabilitation of government buildings;
- (iii) Provision of mechanical and electrical building services;
- (iv) Maintenance of inventory of Government property;
- (v) Construction and maintenance of other public works; and
- (vi) Construction of Seawalls, jetties and footbridges.

2.3.6 The Ministry was organized into eight (8) technical departments and twelve (12) service Departments/Divisions/Units. The following were the technical departments:-

- (i) Electrical Department;
- (ii) Mechanical Department;
- (iii) Quantities & Contracts Department;
- (iv) Structural Department;
- (v) Architectural Department;
- (vi) Design Department;
- (vii) Supplies Branch; and
- (viii) Kenya Building Research Centre (KBRC).

2.3.7 The following were the administrative and support services units:

- (i) Human resource management;
- (ii) Human resource development;
- (iii) Planning & project management;
- (iv) Accounting;
- (v) financial planning and management;
- (vi) Supply chain management;
- (vii) Records management;
- (viii) Legal;
- (ix) ICT;
- (x) public communication;
- (xi) General administrative;
- (xii) Audit and risk management;

2.3.8 The following was the staff establishment for the Ministry:

Designation	Job Group	Auth. Estab.	In-Post
Cabinet Secretary	4	1	1
Principal Secretary	U	1	1
Works Secretary	T	1	0
Director of Administration	S	1	0
Senior Deputy Secretary	R	1	1
Deputy Secretary	Q	2	1
Under Secretary	P	2	0
Senior Assistant Secretary	N	2	0
Assistant Secretary Cadet/III/II/I	J/K/L/M	11	1
<b>Total</b>		<b>23</b>	<b>6</b>
<b>Human Resource Management Department</b>			
Snr Asst. Dir. Human Resource Management	Q	1	0
Asst Director Human Resource Management	P	1	1
Principal Human Resource Management Officer	N	2	1
Human Resource Management Officer II/I/Sen./Chief	J/K/L/M	10	1
Human Resource Management Asst. III/II/I/Sen.	H/J/K/L	10	0

<b>Total</b>		<b>24</b>	<b>3</b>
<b>Human Resource Development Department</b>			
Senior Assistant Director Human Resource Devt.	Q	1	0
Assistant Director Human Resource Devt.	P	1	1
Principal Human Resource Devt. Officer	N	1	1
Human Resource Dev. Officer II/I/Sen./Chief	J/K/L/M	9	0
<b>Total</b>		<b>12</b>	<b>2</b>
<b>Central Planning And Monitoring Unit</b>			
Chief Economist	R	1	0
Deputy Chief Economist	Q	1	1
Principal Economist	P	2	1
Economist II/I Senior Economist II/I	K/L/M/N	13	3
<b>Total</b>		<b>17</b>	<b>5</b>
<b>Accounts Department</b>			
Deputy Accountant General	Q	1	0
Assitant Accountant General	P	1	1
Principal Accountant	N	2	0
Accountant II/I Senior/ Chief	H/J/L/M	23	16
<b>Total</b>		<b>27</b>	<b>17</b>
<b>Finance Department</b>			
Deputy Chief Finance Officer.	Q	1	0
Senior. Principal. Finance Officer.	P	1	0
Principal Finance Officer	N	2	1
Finance Officer III / II / I/Senior	J/K/L/M	4	2
<b>Total</b>		<b>8</b>	<b>3</b>
<b>Supply Chain Management Department</b>			
Senior Assistant Director Supply Chain Management	Q	1	0
Assistant Director Supply Chain Management	P	1	1
Principal Supply Chain Management Officer	N	2	0
Chief Supply Chain Management Officer	M	2	0
Senior Supply Chain Management Officer	L	1	1
Supply Chain Management Officer I	K	4	4
Supply Chain Management Officer II	J	7	2
Supply Chain Management Assistant III	H	20	9
Supply Chain Management Assistant IV	G	28	25
<b>Total</b>		<b>66</b>	<b>42</b>
<b>Records Management</b>			
Senior Assitant Director Records Management	Q	1	0
Assitant Director Records Management	P	1	0
Principal Records Management Officer	N	2	0
Chief Records Management Officer	M	4	0
Senior Records Management Officer	L	15	1
Records Management Officer III/II/I	H/J/K	20	13
<b>Total</b>		<b>44</b>	<b>14</b>
<b>Legal Unit</b>			
Principal State Counsel	N	1	0

State Counsel II/I/Senior	K/L/M	3	0
<b>Total</b>		<b>4</b>	<b>0</b>
<b>ICT Department</b>			
Senior. Assitant Director, Information Communications Technology	Q	1	0
Assistant Director, Information Communications Technology	P	2	1
Principal Information Communications Technology Officer	N	4	0
Chief Information Communicat ions Technology Officer	M	6	0
Senior. Information Communications Technology Officer	L	6	0
Information Communications Technology Officer I	K	2	1
Information Communications Technology Officer III/II	H /J	4	0
		<b>25</b>	<b>2</b>
<b>Public Communication Department</b>			
Deputy Director of Public Communications	R	0	1
Senior. Assistant. Director of Public Communications	Q	1	0
Chief / Principal Public Communications Officer	M/N	1	1
Public Communications Officer III/II/I	H/J/K	1	0
Technical Officer (Cameraman/Photographer) III/II/I	H/J/K	1	0
Technical Officer (Electrical/Electronic) III/II/I	H/J/K	1	0
<b>Total</b>		<b>5</b>	<b>2</b>
<b>Secretarial Services</b>			
Senior. Executive Secretary	N	10	0
Executive Secretary	M	120	1
Snr. Personal Secretary	L	175	9
Personal Secretary I	K	175	13
Personal Secretary III / II	H/J	190	18
Snr. Secretarial Asst.	J	230	10
Secretarial Asst. II / I	G/H	280	32
<b>Total</b>		<b>1180</b>	<b>83</b>
<b>Administrative Support Services</b>			
Telephone Supervisor II	J	3	0
Telephone Operators II/I/Senior.	F/G/H	6	4
Librarian	K	2	0
Library Assistant III/II	G/H	5	0
Principal Driver	J	475	1
Driver III /II / I / Snr / Chief	D/E/F/G/H	480	131
Chief Clerical Officer	J	925	0
Clerical Officer II / I / Snr.	F/G/H	950	168
Support Staff	A - G	930	186
Reception Assistant III/II/I	D/E/F	10	0
Security Officer II / I	J /K	3	0
Security Warden III / II / I / Snr.	D/E/F/G	6	1

<b>Total</b>		<b>3795</b>	<b>491</b>
<b>Electrical &amp; Mechanical Dept.</b>			
Chief Engineer Electrical and Mech(BS)	S	1	1
<b>Total</b>		<b>1</b>	<b>1</b>
<b>Engineers Electrical</b>			
Senior. Principal Suptg. Engineer (E)	R	3	3
Principal Suptg. Engineer (E)	Q	12	1
Chief Suptg. Engineer (E)	P	37	3
Snr. Suptg. Engineer (E)	N	184	2
Suptg. Engineer (E)	M	185	1
Engineer II / I	K /L	366	41
<b>Total</b>		<b>787</b>	<b>51</b>
<b>Technicians Electrical</b>			
Principal Superintendent. (E)	N	1	1
Chief Superintendent. (E)	M	12	1
Snr. Superintendent. (E)	L	193	19
Superintendent. (E)	K	193	47
Inspector / Snr. Inspector (E)	H / J	366	9
Electrical Tech. III / II / I / Chargehand / Snr Chargehand (E)	E/F/G/H/J	696	190
<b>Total</b>		<b>1461</b>	<b>267</b>
<b>Technicians Electronics</b>			
Prin. Superintendent. (Electronics)	N	1	0
Chief Superintendent. (Electronics)	M	11	2
Snr. Superintendent. (Electronics)	L	185	1
Superintendent. (Electronics)	K	185	0
Inspector / Snr. Inspector (Electronics)	H / J	183	0
Electronic Tech. III / II / I / Chargehand / Snr Charge hand (E)	E/F/G/H/J	523	0
<b>Total</b>		<b>1088</b>	<b>3</b>
<b>Engineer Mechanical</b>			
Snr. Principal Suptg. Engineer (M)	R	3	0
Principal Suptg. Engineer (M)	Q	12	1
Chief Suptg. Engineer (M)	P	37	3
Snr. Suptg. Engineer (M)	N	183	4
Suptg. Engineer (M)	M	185	1
Engineer II / Engineer I (M)	K /L	366	38
<b>Total</b>		<b>786</b>	<b>47</b>
<b>Technicians</b>			
Principal Superintendent. (M)	N	1	2
Chief Superintendent. (M)	M	12	7
Snr. Superintendent. (M)	L	193	34
Superintendent. (M)	K	193	5
Inspector / Snr. Inspector (M)	H / J	366	5
Mechanic III / II / I / Chargehand / Snr Charge hand (M)	E/F/G/H/J	696	96
<b>Total</b>		<b>1461</b>	<b>149</b>

<b>Fire Officers/Firemen</b>			
Senior Principal Superintending Fire Officer	R	1	0
Principal Superintending Fire Officer	Q	2	0
Chief Superintending Fire Officer	P	12	0
Fire Officer II/I/ Superintending/Senior Superintending	K/L/M/N	402	0
Senior Inspector (Fire Services)	J	181	6
Inspector(Fire Services)	H	181	9
Fireman III / II / I / Senior	E/F/G/H	696	18
<b>Total</b>		<b>1475</b>	<b>33</b>
<b>Quantities &amp; Contracts Department</b>			
Chief Quantity Surveyor	S	1	1
Snr Principal Superintending Quantity Surveyor	R	5	4
Principal Superintending Quantity Surveyor	Q	20	14
Chief Superintending Quantity Surveyor	P	55	13
Snr Superintending Quantity Surveyor	N	130	20
Superintending Quantity Surveyor	M	150	13
Quantity Surveyor II / I	K/L	160	23
Snr .Principal Quantity Survey Assistant	P	3	0
Principal Quantity Survey Assistant	N	10	2
Chief Quantity Survey Assistant	M	20	11
Senior Quantity Survey Assistant	L	72	14
Quantity Survey Assistant I	K	146	3
Quantity Survey Assistant III/II	H/J	146	3
<b>Total</b>		<b>918</b>	<b>121</b>
<b>Structural Department</b>			
Chief Engineer Structural	S	1	1
Snr Principal Supting Eng Structural	R	5	3
Principal Suptg Eng Structural	Q	14	5
Chief Suptg Engineer Structural	P	25	6
Snr Suptg Engineer Structural	N	40	3
Suptg Engineer Structural	M	48	4
Engineer II / I (Structural)	K/L	96	43
Snr. Principal Structural Assistant	P	1	0
Principal Structural Assistant	N	3	2
Chief Structural Assistant	M	6	7
Senior Structural Assistant	L	12	9
Structural Assistant I	K	32	0
Structural Assistant III/II	H/J	64	6
Coxwain	E	3	1
<b>Total</b>		<b>350</b>	<b>90</b>
<b>Architectural Department</b>			
Chief Architect	T	0	1
Deputy Chief Architect	S	1	1
Snr Principal Suptg Architect	R	5	3
Principal Suptg Architect	Q	18	14

Chief Suptg Architect	P	55	12
Snr Suptg Architect	N	110	32
Suptg Architect	M	110	24
Architect II / I	K/L	114	49
Snr. Principal Architectural Assistant	P	1	0
Principal Architectural Assistant	N	10	0
Chief Architectural Assistant	M	20	17
Senior Architectural Assistant	L	61	16
Architectural Assistant I	K	122	17
Architectural Assistant III/II	H/J	122	11
Snr Principal Suptg landscape Architect	R	1	0
Principal Suptg Landscape Architect	Q	2	0
Chief Suptg Landscape Architect	P	2	0
Snr Suptg Landscape Architect	N	12	0
Suptg Landscape Architect	M	16	1
Landscape Architect II / I	K/L	44	0
Snr.Principal Superintendent (Buildings)	P	1	0
Principal Superintendent (Buildings)	N	10	2
Chief Superintendent (Buildings)	M	20	2
Senior Superintendent (Building)	L	61	24
Superintendent (Buildings)	K	122	6
Inspector /Senior Inspector (Building)	H/J	122	20
Artisan III / II / I / Chargehand / Snr Charge hand (Buildings)	E/F/G/H/J	2364	268
Principal Supt. Building Surveyor	Q	1	0
Chief Supt. Building Surveyor	P	2	0
Snr. Supt. Building Surveyor	N	4	0
Supt. Building Surveyor	M	10	0
Building Surveyor II / I	K/L	57	0
Chief Supt. Land Surveyor	P	1	0
Snr. Supt. Land Surveyor	N	10	0
Supt. Land Surveyor	M	10	0
Land Surveyor II / I	K/L	57	0
<b>Total</b>		<b>3678</b>	<b>520</b>
<b>Kenya Building Research Centre</b>			
Director	S	1	0
Deputy Director Research	R	1	0
Snr. Principal Supt. Graphic Designer	R	1	0
Principal Research Officer	Q	2	0
Principal Supt. Graphic Designer	Q	1	0
Assistant Director Kenya Building Research Centre	P	1	0
Chief Research Officer	P	6	0
Chief Suptg. Graphic Designer	P	2	2
Snr. Research Officer	N	20	0
Snr. Suptg. Graphic Designer	N	4	2
Principal Structural Assistant	N	1	0

Principal Architectural Assistant	N	1	0
Principal Graphic Designer Asst.	N	1	0
Chief Graphic Designer Asst.	M	1	0
Chief Structural Assistant	M	1	0
Chief Architectural Assistant	M	1	0
Research Officer II / I	L / M	30	0
Graphic Designer II / I / Snr.	K / L / M	15	5
Engineer II / I (Mech)	K / L	2	0
Engineer II / I (Elec.)	K / L	2	0
Engineer II / I (Struc'l)	K / L	2	0
Architect II / I	K / L	3	0
Snr Structural Assistant	L	2	0
Snr. Architectural Assistant	L	2	0
Graphic Design Asst III / II / I	K / L / M	2	0
Structural Assistant I	K	2	0
Architectural Assistant I	K	2	0
Architectural Assistant III/II	H/J	5	0
Structural Assistant III/II	H/J	5	0
<b>Total</b>		<b>119</b>	<b>9</b>
<b>Supplies Branch</b>			
Deputy Secretary	Q	1	1
Assistant Secretary II/I	L/M	2	0
Supply Chain Management Officer II/I/ Senior/ Chief	J/K/L/M	39	4
Supply Chain Management Assistant I	K	0	2
Supply Chain Management Assistant II	J	0	3
Supply Chain Management Assistant III	H	16	2
Supply Chain Management Assistant IV	G	181	1
Human Resource Management Officer II/I/Senior/Chief	J/K/L/M	1	0
Human Resource Management Assistant III/II	H/J	1	0
Accountant II/I/Senior/ Chief	J/K/L/M	12	7
Personal Secretary I	K	2	0
Personal Secretary III / II	H/J	2	2
Secretarial Assistant II/I/Senior	G/H/J	10	2
Driver III /II / I / Snr / Chief	D/E/F/G/H	15	4
Clerical Officer II / I / Snr.	F/G/H	27	14
Assistant/Security Officer II	H/J	3	1
Plant Operator III / II / I / Snr. / Chief	D/E/F/G/H	9	2
Security Warden III / II / I / Snr.	D/E/F/G	9	1
Support Staff	A - G	109	4
<b>Total</b>		<b>436</b>	<b>49</b>
<b>GRAND TOTAL</b>		<b>17790</b>	<b>2033</b>

## **2.4 MINISTRY OF NAIROBI METROPOLITAN DEVELOPMENT**

2.4.1 The Ministry of Nairobi Metropolitan Development (MONMED) was established through Presidential Circular No. 1 of May 2008 and mandated among others to establish and develop the Nairobi Metropolitan Region.

### **Vision**

2.4.2 The Vision of the Ministry was **"To be a globally competitive region for investment and sustainable development"**.

### **Mission**

2.4.3 Its Mission was **"To facilitate development of sustainable infrastructure and policies for effective and efficient service delivery in the Metropolitan Region"**.

### **Mandate**

2.4.4 The Mandate of the Ministry as contained in the Presidential Circular No. 1/2008 on organization of the Government Kenya was development of integrated Nairobi Metropolitan Areas growth and Development Strategy covering:-

- (i) Integrated roads, bus and rail infrastructure for Metropolitan Area;
- (ii) Efficient mass transport system for Nairobi Metropolitan Area;
- (iii) Replacement of slums with affordable low cost/rental housing and provision of adequate housing;
- (iv) Development and enforcement of spatial planning for metropolitan area;
- (v) Efficient water supply and waste management infrastructure;
- (vi) Promotion, development and investment in public utilities;
- (vii) Identification and implementation of strategic projects and programmes requiring support by Government;
- (viii) Promotion of Nairobi Metropolitan Area as a Regional and Global Services Centre for Financial, Information Communication Technology, Health, Education, Business, Tourism and other services; and
- (ix) Development of a sustainable funding framework for identified Urban and Metropolitan Areas.

2.4.5 To achieve the above mandate, the Ministry was organised into four (4) Technical and one (1) Administrative Department as follows:-

- (i) Social Infrastructure;

- (ii) Physical Infrastructure;
- (iii) Investment;
- (iv) Metropolitan Planning; and
- (v) Administration and Support Services.

2.4.6 The following was the staff establishment for the Ministry:

Designation	Job Group	Approved Posts	In-Post
<b>Administrative Support Services</b>			
Director of Administration	S	1	0
Senior Deputy Secretary	R	1	1
Under Secretary	P	0	1
Senior Assistant Secretary	N	1	1
Assistant Secretary III/II/I	K/L/M	2	1
Deputy Chief Finance Officer	Q	1	1
Senior/Chief/Principal Finance Officer	L/M/N	0	1
Assistant Director, Records Management Officer	P	1	0
Principal Records Management Officer	N	1	0
Chief Records Management Officer	M	1	1
Senior Records Management Officer	L	2	2
Records Management Officer III/II/I	H/J/K	4	2
Drivers III/II/I/Senior/Principal	D/E/F/G/H	15	10
Support Staff	D/E/F/G	8	10
Senior Assistant Director, Human Resource Management	Q	1	1
Principal Human Resource Management	N	1	1
Chief Human Resource Management	M	0	1
Senior Human Resource Management	L	1	0
Human Resource Management Officer II/I	J/K	1	2
Human Resource Management Assistant III/II/I	H/J/K	2	2
Clerical Officer II/Senior/Principal	F/G/H/J	14	12
Senior Accountant General	Q	1	0
Principal Accountant General	N	1	0
Chief Accountant	M	0	1
Senior Accountant	L	1	1
Accountant II/I	J/K	5	8
Senior Executive Secretary	N	2	1
Executive Secretary	M	1	0
Personal Secretary III/II/I/Senior	H/J/K/L	8	14
Secretarial Assistant II/I/Senior	G/H/J	7	6
Telephone Supervisor I	K	0	1
Telephone Supervisor II	J	1	3
Telephone Operator II/I/Senior	E/F/G/H	2	0
<b>Total</b>		<b>84</b>	<b>86</b>
<b>Central Planning and Project Monitoring</b>			
Chief Economist	R	0	1
Principal Economist	P	1	0
Economist /Statisticians II/I/Senior	K/L/M/N	2	3

Economist/Statisticians II/I			
<b>Total</b>		<b>3</b>	<b>4</b>
<b>Supply Chain Management</b>			
Senior Assistant Director, Supply Chain Management Officer	Q	1	0
Assistant Director, Supply Chain Management Officer	P	1	1
Supply Chain Management Officer I	K	0	2
Supply Chain Management Officer II	J	1	0
Supply Chain Management Assistant	H	2	1
<b>Total</b>		<b>5</b>	<b>4</b>
<b>Corporate Affairs</b>			
Senior Assistant Director, Corporate Affairs	Q	1	0
Assistant Director, Corporate Affairs	P	0	1
Chief Corporate Affairs	M/N	1	0
Corporate Communication Officer III/II/I	H/J/K	1	0
Technical Officer/ Cameraman/Photographer III/II/I	H/J/K	1	0
Technical Officer Electrical/Electronic III/II/I	H/J/K	1	0
<b>Total</b>		<b>5</b>	<b>1</b>
<b>Information, Communication Technology</b>			
Principal ICTO	N	1	0
Chief ICTO	M	0	1
Senior ICTO	L	1	0
Information Technology Communication Officer II/I	J/K	2	2
Senior Librarian/Document list	L	0	1
Librarian/Document list	J/K	1	0
<b>Total</b>		<b>5</b>	<b>4</b>
<b>Legal Services</b>			
Senior State Counsel	SL 3	1	0
State Counsel	SL 1	1	1
<b>Total</b>		<b>2</b>	<b>1</b>
<b>Metropolitan Planning and Development</b>			
Permanent Secretary	U	1	1
Secretary, Metropolitan Planning and Development	T	1	1
Director, Metropolitan Planning and Development	S	1	1
Deputy Director, Metropolitan Planning and Development	R	1	1
Senior Assistant Director, Metropolitan Planning and Development	Q	3	2
Assistant Director, Metropolitan Planning and Development	P	5	5
Chief Draughtsman	M	1	0
Senior Cartographic Assistant	L	0	1
<b>Total</b>		<b>13</b>	<b>12</b>
<b>Metropolitan Physical Infrastructure and Utilities</b>			
Senior Principal Superintending Engineer	R	2	2
Principal Superintending Engineer	Q	3	3

<b>Total</b>		<b>5</b>	<b>5</b>
<b>Metropolitan Social Infrastructure</b>			
Deputy Director, Metropolitan Infrastructure	Social R	1	1
Senior Assistant Director, Metropolitan Infrastructure	Social Q	2	0
Assistant Director, Metropolitan Infrastructure	Social P	3	2
<b>Total</b>		<b>6</b>	<b>3</b>

## 2.5 DEPARTMENT OF URBAN DEVELOPMENT

2.5.1 The Department of Urban Development was created in 1989 to replace a small technical unit in the then Ministry of Local Government. It was formed to coordinate, manage and guide the urbanization phenomenon in Kenya and to provide technical support to the Ministry and local authorities.

2.5.1 The establishment of the department by the government was an institutional response to the urban development challenge which was increasingly becoming evident globally and locally.

2.5.2 The following were the core functions of the Department:

- (i) Initiation, formulation and implementation of urban and regional development policies;
- (ii) Urban growth strategies, in liaison with Local Authorities and other relevant agencies;
- (iii) Physical and social infrastructure development/improvement programmes;
- (iv) Support of planning and implementation of slum upgrading and informal settlement;
- (v) Guidance and provision of technical assistance to Local Authorities in infrastructure development, project planning, implementation and management;
- (vi) Strengthening the capacity of local authorities to raise land based revenue, especially rates;
- (vii) Promotion of social and environment development planning in Local Authorities;
- (viii) Guidance and promotion of land management information systems in Local Authorities;
- (ix) Strengthening urban and regional planning and development control capability of Local Authorities;
- (x) Guidance and promotion of disaster management programmes in Local Authorities;

- (xi) Liaison with other agencies on housing development and human settlement policies and programmes;
- (xii) Solid waste management; and
- (xiii) Donor development support services

2.5.3 The following was the staff establishment for the Urban Development:

DESIGNATION	JOB GROUP	AUTH. ESTAB.	IN POST
Director Urban Development	S	1	1
Deputy Director Urban Development	R	2	1
Senior Assistant Director Urban Development	Q	2	0
Assistant Director Urban Development	P	3	2
Chief Urban Development Officer	N	5	0
Deputy Principal Fire Officer	N	-	1
Chief Superintending Engineer	P	1	1
Asst. Engineer Orads II/Engineer Roads/Superintending./Senior Superintending Engineer	K/L/M/N	5	4
Engineer	K/L/M/N	15	0
Engineer Structural/Superintendent Engineer Structural/Superintending Engineer Structural/Snr.Superintending Engineer Structural	K/L/M/N	1	1
Snr Inspector Roads/Superintendent Roads/Snr. Superintendent Roads/Chief Superintendent Roads	J/K/L/M	6	0
Engineer Water/Superintending Engineer Water/Snr. Superintending Engineer Water/Chief Superintending Engineer Water	K/L/M/N	1	2
Snr.Inspector Water/Superintendent/Snr. Superintendent Water/Chief Superintendent Water	J/K/L/M	6	3
Physical Planner/Snr. Physical Planner/Chief Physical Planner	K/L/M/N	6	5
Physical Planning Officer	H	14	0
Architect I/Ii/Superintending/Snr. Supt.	K/L/M/N	4	4
Architectural Assistant/III/II/I/Senior	H/J/K/L	7	0
Chief Superintending Quantity Surveyor	P	1	0
Quantity Surveyor II/1/Supt.Quantity Surveyor/Snr.Supt.Quantity Surveyor	K/L/M/N	3	2
Land Surveyor/Supt. Land Surveyor/Chief Land Surveyor	K/L/M/N	4	2
Asst. Dir. Gender & Social Dev. Service	P	1	1
Principal Gender & Social Dev. Service	N	1	0
Gender & Social Dev. Service II/I/Snr/Chief	J/K/L/M	4	3
Social Welfare II/I/ Senior/Chief	J/K/L/M	2	0
Senior Inspector Building/Suprt./Senior Chief	H/J/K/L	4	0
Structural Assistant III/II/I/Senior	H/J/K/L	2	0

Housing Officer II/I/Senior	J/K/L/M	0	1
Library Assistant III/II/I/Senior	G/H/J/K	1	2
Account II/I/Senior/Chief	J/K/L/M	1	0
Records Management Officer III/II/I/Snr/Chief	H/J/K/L/M	1	0
Clerical Officer II/I/Senior	F/G/H	19	9
Executive Secretary	M	0	1
Personal Secretary III/II/I/Senior	H/J/K/L	7	7
Secretarial Asst. II/I/Senior	G/H/J	9	2
Driver III/II/I/Chief	D/E/F/G/H	4	2
Support Staff III/II/I/Senior Cleaning Supervisor (2a)	A-G	3	2
<b>Total</b>		<b>146</b>	<b>59</b>

## CHAPTER THREE

### 3.0 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

#### 3.1 Overview

- 3.1.1 This chapter presents findings and observations from the structure, staffing and operations of the merged functions. Other findings emanate from the review of relevant documents providing insights on these functions as set out in the Executive Order No. 2 of 2013. The chapter also contains recommendations on how to streamline and harmonize the operations of the Ministry of Lands, Housing and Urban Development.
- 3.1.2 The following are the findings, observations and recommendations made by the study team.

#### 3.2 Duplication of Functions

- 3.2.1 It is noted that the prior to the issuance of the Executive Order No. 2/2013, the physical planning function was performed by different ministries namely: Local Government (Urban Development Department), Development of Northern Kenya and other Arid Lands, Nairobi Metropolitan Development and Ministry of Regional Development.
- 3.2.2 This resulted to duplication and thin spread of resources among many actors resulting in low impact of the physical planning function.
- 3.2.3 The Constitution of Kenya, 2010 assigns Physical Planning function to the National Government, County Governments and the National Land Commission (NLC). **In order to eliminate duplication, it is recommended that the national government physical planning function be amalgamated and domiciled in the Ministry of Land, Housing and Urban Development.**
- 3.2.4 The team noted that the former Ministry of Housing undertakes building research under the Appropriate Building Technology. This is a duplication of the building research function with the Kenya Building Research Centre. **The team recommends that the building research function domiciled at Kenya Building Research Centre.**
- 3.2.5 It was noted that Slum Upgrading and prevention function was performed under the former Ministry of Housing as well as in the former Ministry of

Nairobi Metropolitan Development. It is recommended that the replacement of slums with affordable low cost/rental housing and provision of adequate housing under the former Ministry of Nairobi Metropolitan Development be transferred to the existing programme of the Division of Slum upgrading within the proposed Directorate of Housing and Works.

- 3.2.6 The team observed that the function of housing surveys has been assigned to the Ministry of Devolution and Planning in the Executive Order No. 2/2013. The function also appears under the Ministry of Land, Housing and Urban Development. **The Team recommends that the Function be retained under the Ministry of Land, Housing and Urban Development to avoid overlap.**

### **3.3 Functions not reflected in the Executive Order**

- 3.3.1 The Team noted that although Urban Development is captured in the name of the Ministry, functions relating to Urban Development are not provided in the Executive Order. In order to address this matter, the Team has incorporated the Urban Development Function within the proposed structure of the Ministry. **The team further recommends that the Urban Development Department in the former Ministry of Local Government be transferred to the Ministry of Land, Housing and Urban Development together with the concomitant staff and budget.**

- 3.3.2 It is observed that the following functions are not reflected in the Executive Order No. 2/2013:
- (i) Slum Upgrading and Prevention Function (currently performed by the former Ministry of Housing);
  - (ii) Rent Restrict Function (currently carried out by the Rent Restriction Tribunal in the former Ministry of Housing); and
  - (iii) Surveying and Mapping Training Function (currently performed by the Kenya Institute of Surveying and Mapping under the Department of Surveys).

- 3.3.3 The team recommends that the above functions which are not reflected in the Order be incorporated **under the Ministry of Land, Housing and Urban Development.**

### **3.4 Functions Proposed for Conversion into SAGA Status**

#### **(a) Kenya Building Research Centre (KBRC)**

- 3.4.1 The Kenya Building Research Centre (KBRC) is one of the departments in the former Ministry of Public Works. The Executive Order No. 2/2013 has

however, listed the Centre as one of the semi autonomous government agencies in the new Ministry. **In view of this and in conformity with the Order, the team recommends that the process of delinking the Center from the Ministry be initiated.**

**(b) Surveys of Kenya**

3.4.2 The team carried out a desktop comparative analysis of the status and placement of the surveys function in identified countries and noted the following:

- (i) That the United Kingdom and the USA have two (2) organizations dealing with surveying and mapping. One organization takes care of civilian mapping while the other is a military survey agency that produces military maps for use by their Departments of Defence. Other countries like India have one national mapping organization that is wholly military.
- (ii) That the Department of Defence (DoD) in Kenya does not have a military survey agency and depends on Survey of Kenya for the supply of topographical maps to support their defence operations, planning and training.
- (iii) That the world trend has been to rationalize National Mapping Agencies (NMAs) and change them from producers to becoming geographic information agencies. Most Governments have made their NMAs like Department of Surveys Executive Agencies or Semi-Autonomous Government Agencies (SAGA).
- (iv) That other governments have consolidated the institutions dealing with land administration into one Executive Agency resulting in the amalgamation of the Departments of Survey and Land and creating a Semi-Autonomous Government Agency (SAGA). The table below indicates the status of the organization responsible for the Survey function in selected countries.

	<b>Country</b>	<b>Status of the organization responsible for the Survey function</b>
1	Sweden	National Mapping Agency
2	Norway	National Mapping Authority
3	Philippines	National Mapping Authority
4	France	National Mapping Agency

5	United Kingdom	National Mapping Agency
6	Australia	National Mapping Agency
7	Canada	National Mapping Agency
8	USA	National Mapping Agency
9	Germany	National Mapping Agency
10	South Africa	National Mapping Agency
11	Nigeria	National Mapping Agency

3.4.3 The Surveys Department is expected to carry out the following activities whose outputs are very critical to the country.

**(i) Global Geodetic Reference**

3.4.4 This entails improving and maintaining the Kenya National Geodetic Reference (KNREF) which is part of Africa Reference Frame (AFREF) tied to International Terrestrial Reference Frame (ITRF). It is essential for:

- monitoring of earth crustal movement for early disaster warning;
- development of National, Regional and International Marine Spatial Data Infrastructure (MSDI); and
- inspection, maintenance and ratification of International boundaries.

**(ii) National Geospatial Intelligence**

3.4.5 The department will provide exclusive classified up to date (real time) geo-referenced data and transformation parameters to correct intentionally international skewed geospatial data for National and International Security.

**(iii) National Security and Defence**

3.4.6 This function entails provision of secure and geo-referenced County, National and International boundaries data to facilitate monitoring, maintenance and solving boundary disputes.

**(iv) Revenue collection**

3.4.7 This will entail mapping in three dimensions (Digital Terrain Modeling) the locations of all properties and developments under, on and above the earth's surface for taxation and acquisition purposes.

**(v) Rescue and Hazard mitigation**

3.4.8 The department will provide accurate location of every activity on or under the earth's surface to avoid haphazard rescue operations especially in collapsed buildings and mines;

**(vi) Parcel cadastre information**

3.4.9 This entails provision of parcel cadastre information for land registration, identification and ownership eliminating overlap allocation and guaranteeing Land tenure;

3.4.10 The Surveys Department also provides other essential information for the following purpose:

- Safe navigation on roads, rail, air and sea transport by providing proper geo-referenced maps and charts;
- Land resources information for forestry, agriculture, water resources, petroleum and minerals, social economic information for tourism, census, health, education among others by creating, maintaining, and disseminating the relevant thematic information.
- Reduction and ultimate elimination of duplication of efforts by elimination of multiple uncoordinated geospatial projects leading to savings in revenue.
- An overall tool to facilitates informed decision making for managing the environment, land reforms, drainage and flood control, disasters and others.
- Provision of free geospatial data to the county administration, academia, government organizations and general citizenry by dissemination of value added geospatial data generated through public funding.
- Joining the international community by promoting an effective and efficient use of spatial data as a necessary requirement in support of sustainable development of every nation as guided by the World Summit on Sustainable Development (WSSD) and the United Nations Economic Commission for Africa (UNECA).
- Adapting the ten year vision proposed by the United Nations Global Geospatial Information Management (UNGGIM) on:-
  - Developing a shared vision for the future in management of geospatial information nationally and globally;
  - Evolving an inclusive platform for improving, sharing and disseminating national and global geospatial data;
  - Evolving a global 'Statement of Ethics' and supporting code of conduct to enhance public trust;
  - Evolving a mutually beneficial relationship between the Government and the non-Government entities;

- National repository by establishment of KNSDI Center to cater for Geospatial data holdings and providing the mechanism to facilitate its access, sharing and dissemination for the National good.
- A functional KNSDI will avail the Nation a suitable opportunity for dynamic use of spatial data by combining repository historical and recently collected current data to develop concepts, criteria and trend analysis which will enable the country achieve Kenya Vision 2030 and beyond.

3.4.11 The National and International responsibility of Survey Department is very important for security, peace and territorial integrity. The large size and the big number of scientific disciplines including instruments and activities expected to be handled by the department change tremendously within a short period and therefore the need to establish a section of research and development.

3.4.12 The most important factor to reduce disputes and insecurity is accurate determination of property, national and international boundaries. This can only be done authoritatively by Department of Surveys. Failure to recognize this, would mean failure of all activities including infrastructure, quick rescue response among others due to failure of not knowing where you are coming from, where you are going, and when. The Surveys Department is the answer to when, what and where the activities are taking place.

3.4.13 The Report on Restructuring and Staffing of the Ministry Lands by Ministry of State for Public Service of June, 2009 recommended that the Survey Department be transformed into a semi Autonomous Government Agency to be known as National Surveying and Mapping Authority (NSMA).

3.4.14 Consequently, the then Permanent Secretary, Secretary to the Cabinet and Head of Public Service, Ambassador Mr. Francis K. Muthaura, EGH in his letter no. OP.CAB.1/16A to the Permanent Secretary, Ministry of Lands highlighted the need to restructure Department of Surveys with an aim of creating divisions with specific functions to address the implementation of the Constitution, and transformation of the Department of Surveys into a Semi Autonomous Government Mapping Agency.

3.4.15 In view of the issues discussed above, team recommends that the Department of Surveys be transformed into a Semi Autonomous Government Agency to be known as National Surveying and Mapping Agency as a non-profit making Authority. This recommendation is informed by a number of factors including the status of similar organizations in other countries; the critical role (National and International) of the Office of the Director of

Surveys; increasing demand for the services of the Department of Surveys; the security nature of the survey function; and the size and huge budgetary provision for the department.

3.4.16 The team further recommends that in the meantime and while the Ministry of Land, Housing and Urban Development is putting in place modalities for the transformation of the Department of Surveys to National Surveying and Mapping Agency, the department be made a Directorate of Surveys and be headed by a Surveyor General, Job Group 'T'.

### **Kenya Institute of Surveying and Mapping**

3.4.17 The Ministry of Lands and Settlement Rationalization Report of 1998 recommended that the Kenya Institute of Surveying and Mapping (KISM) be made semi-autonomous government Agency. This was to allow the Institute to work out attractive remuneration structure to enable it hire and retain qualified staff and also enable it to decide on the charges for consultancy services or any other products it may wish to provide to reduce dependence on the Exchequer for financing.

3.4.18 A Report on Re-structuring and staffing of the Ministry of Lands by the Management Consultancy Services, Ministry of State for Public Service dated August 2009 recommended, inter alia, that KISM be de-linked from the Department of Survey and be given its own staff establishment with adequate numbers to effectively carry out its mandate.

3.4.19 The most of training institutions in Kenya are semi-autonomous and are run by management boards or boards of governors to ensure efficiency, improved service delivery as well as improved performance.

3.4.20 Following the above, a Cabinet Memorandum was prepared by the Minister for Lands to appraise the Cabinet on the current state of KISM and to seek approval to convert the institute into a semi-autonomous Government Agency (SAGA). The Cabinet approved the Memorandum on 2nd June, 2011 paving way for the transformation of the Institute to a Semi Autonomous Government Agency.

3.4.21 Consequently, a Draft Presidential Order has been prepared and is awaiting the signing by His Excellency the President.

### **3.5 Management of Administrative and Support Services**

3.5.1 It is noted that each of the former ministries had its own administrative and support services unit to facilitate the technical departments in undertaking their functions. Following the merger of the ministries, there is need to centralize and rationalize the common shared services for efficient and effective service delivery. In this regard, the team recommends that the previous Administrative and Support Services units be merged to form one central Division to coordinate the provision of common shared services in the Ministry.

3.5.2 The following units will fall under this division:

- (i) General administration;
- (ii) Human resource management;
- (iii) Human resource development;
- (iv) Planning & project management;
- (v) Accounting;
- (vi) financial planning and management;
- (vii) Supply chain management;
- (viii) Records management;
- (ix) Legal;
- (x) ICT;
- (xi) Public Communication;
- (xii) Audit and risk management;

3.5.3 In view of their advisory role in the exercise of delegated authority, the heads of the following units will, however, report directly to the Principal Secretary due to:

- (i) Human resource management;
- (ii) Planning & project management;
- (iii) Accounting;
- (iv) financial planning and management;
- (v) Legal;
- (vi) Public Communication; and
- (vii) Audit and risk management.

## **CHAPTER FOUR**

### **PROPOSED ORGANISATION STRUCTURE - MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT**

The team considered the following in developing the organizational structure for the Ministry of Land, Housing and Urban Development

- The Constitution of Kenya;
- Vision 2030;
- The Jubilee Coalition Government Manifesto;
- The Executive Order No. 2 of 2013;
- Acts of Parliament;
- Public Service Regulations;
- Government Circulars;

In addition to the above, the also took into account the following key elements when designing the organizational structure for the Ministry:

- mandate and core functions of the Ministry;
- Inter-relationship between functions;
- grouping of functions;
- chain of command;
- unity of command; and
- span of control.

In view of the above, the team recommends that the Ministry be organized into the following four (4) Directorates supported common shared services:

- (i) Lands Directorate;
- (ii) Housing Directorate;
- (iii) Works Directorate; and
- (iv) Urban Development Directorate.

#### **Lands Directorate**

The following functions outlined in the Executive Order No 2/2013 fall under the Directorate:

- Land Policy Management;

- Land Transactions;
- Surveying and Mapping;
- Land Adjudication;
- Rural Settlement Planning;
- Land Reclamation;
- Settlement Matters;
- National Spatial Data Infrastructure;
- Land Registration;
- Land and Property Valuation Services;
- Public Land Administration;
- Land Information System;
- Valuers Registration Board; and
- Physical Planners Registration;

The Directorate of Lands will be headed by a Secretary, Job Group 'U' and will be organized into three (3) Divisions each headed by a Director, Job Group 'T'.

- (i) Lands (Land Registration, Valuation and Land Adjudication & Settlements);
- (ii) Surveys and Mapping (including KISM); and
- (iii) Physical Planning.

### **1. Lands Division (Land Registration and Valuation)**

The Division will be headed by a Director, Lands, Job Group 'T'. The specific functions of the Division will entail:

- (i) Formulation and review of policies, regulations and guidelines on land administration, adjudication and settlement;
- (ii) Administration, interpretation and enforcement of the Land Adjudication Act (Cap 284), Land Consolidation Act (Cap 283), Land Act, 2012 and Group representatives Act (Cap 287);
- (iii)
- (iv) Administration of Public Land and Community Land ;
- (v) Undertaking valuations under the Stamp Duty Act, Land Acquisition Act, Rating Act and Government Lands Act;
- (vi) Provision of advisory services on issues pertaining to sales and purchase of property, asset valuation and letting of premises to Government and quasi-government organization; and
- (vii) Registration of land transactions and issuance of titles.

The Division will be divided into two (2) Sections as follows:

- (a) Land Registration; and

(b) Valuation.

### **Land Registration Section**

The Section will be headed by a Senior Deputy Director, Land Registration, Job Group 'S'. The functions of the Section will entail;

- Registration of land transactions;
- Resolution of boundary disputes;
- Issuance of Searches;
- Assessment and collection of stamp duty;
- Issuance of Titles emanating from Land Adjudication, Settlement and other resources;
- Conversion of existing Titles to the Land Registration Act, 2012;
- Assessment and collection of stamp duty and management of franking machines from private firms; and
- Advise to members of public and other stakeholders on land matters.

### **Valuation Section**

The Section will be headed by a Senior Deputy Director, Land Valuation, Job Group 'S'. The functions of the Section will entail;

- Undertaking Valuation for rating, stamp duty, Government leasing of both residential and office space, ground rent apportionment upon subdivision and sub-division, and Administration of estate by Public Trustee;
- Valuation of property for purchase by Government e.g. Purchase of premises abroad;
- Market valuations of assets for interested bodies either for exchange, book purpose or insurance Valuation on request by courts, police, CID or tribunals;
- Management of technical/professional boards (VRB & EARB); and
- General advice to the courts, government, etc on issues touching on valuation.

### **Land Adjudication & Settlements Section**

The Section will be headed by a Senior Deputy Director, Land Adjudication & Settlements, Job Group 'S' and will be charged with:

- Development of guidelines for establishment of settlement schemes of national nature for displaced persons;
- Administration of the Agriculture Settlement Fund;
- Preparation of discharge of charge and transfer documents

- Collaboration with public agencies, development partners and other stakeholders to secure technical and financial support;
- Capacity building and advice to County Government on matters of land adjudication and settlement;
- Research on matters related to adjudication of land and settlement; and
- Development and maintenance of standards on land adjudication and settlement.

Designation	Job Group	Auth. Estab.	In Post	Recommended Establishment
Director, Lands	T	1	1	1
Senior Deputy Director, Land Registration	S	1	1	1
Senior Deputy Director, Land Valuation	S	1	1	1
Senior Deputy Director, Land Adjudication and Settlement	S	0	0	1
Deputy Director, Land Registration	R	2	2	2
Deputy Director, Land Valuation	R	1	2	2
Deputy Director, Land Adjudication and Settlement	R	1	1	2
Senior Assistant Deputy Director, Land Registration	Q	4	4	4
Senior Assistant Director, Valuation	Q	4	4	4
Senior Assistant Director, Land Adjudication and Settlement	Q	4	1	4
Senior Assistant Director, Records Management	Q	5	0	5
Assistant Director, Land Registration	P	15	0	8
Assistant Director, Valuation	P	11	0	8
Assistant Director, Land Adjudication and Settlement	P	6	6	6
Assistant Director, Records Management	P	5	2	2
Land Registration Officer I/SNR/Chief/Principal	K/L/M/N	108	58	58
Valuer I/Senior/Chief/Principal	K/L/M/N	94	49	49
Land Adjudication and Settlement Officer II/I/Senior/Chief/Principal	J/K/L/M/N	126	90	30
Records Management Officer I/SNR/Chief/Principal	K/L/M/N	30	9	9
Land Registrar Assistant III/II/I/SNR	H/J/K/L	149	140	40
Valuation Assistants II/II/I/SNR	H/J/K/L	42	18	18
Land Adjudication and Settlement Assistants	H/J/K/L/M/N	902	430	37
Records Management Assistant III/II/I/SNR	H/J/K/L	90	23	23
<b>Total</b>		<b>1602</b>	<b>825</b>	<b>315</b>

## **2. Surveys and Mapping Division (including KISM)**

The Division will be headed by a Director of Survey, Job Group 'T' and will be divided into the following six (6) sections and the Kenya Institute of Survey and Mapping.

### **(a) Land Survey**

The Section will be headed by a Senior Deputy Director, Survey and will be charged with:

- (i) Provision of geographical information in accordance with the Constitution of Kenya, Sessional Paper No. 3 on National Land Policy of 2009, Kenya National Spatial Data Infrastructure (KNSDI) Policy, Survey Act Cap 299, Registered Lands Acts (RLA) Cap 300 and other related statutes;
- (ii) Provision of modern geoinformation including land surveying, cartography, photogrammetry, photolithography, hydrography and geospatial data management;
- (iii) processing, analysis and dissemination of geospatial data;
- (iv) establishment of Very Long Baseline Interferometry (VLBI);
- (v) establishment and re-establishment of trigonometrical points;
- (vi) establishment and re-establishment of control points; and
- (vii) national and international boundaries surveys.

### **(b) Cartography**

The Section will be headed by a Senior Deputy Director, Survey and will be charged with:

- (i) planning, designing, compiling, drawing, customizing, producing, publishing and revising maps, plans and charts;
- (ii) geospatial data collection, modeling and verification;
- (iii) control of map dissemination;
- (iv) acquisition, compilation and publication of National Gazetteer on Geographical Names;
- (v) planning, designing, compilation, drawing, production and publication of the Kenya National Atlas; and
- (vi) repairing, maintaining and updating land survey and mapping records.

### **(c) Photogrammetry**

The Section will be headed by a Senior Deputy Director, Survey and will be charged with:

- (i) carrying out flight planning, aerial photography and satellite imagery acquisition;
- (ii) checking of imagery in conformity with specifications;
- (iii) compilation of flight index and imagery overlap diagrams;
- (iv) ortho-photo and photo-mosaics processing and imagery rectification;
- (v) aerial triangulation and adjustment;
- (vi) topographical, engineering and cadastral stereo feature extraction;

- (vii) map revision;
- (viii) acquisition, processing, digitization and maintenance of adjudication boundary records;
- (ix) maintenance and upgrades of photogrammetric instruments; and
- (x) establishment and revision of photogrammetric production standards in line with other existing geographic information standards.

#### **(d) Photolithography**

The Section will be headed by a Senior Deputy Director, Survey and will be charged with:

- (i) enlargement and reduction of imageries, maps, plans and charts;
- (ii) preparation of processing solution;
- (iii) image capture;
- (iv) processing of films;
- (v) print origination, planning and designing manuscript;
- (vi) text generation;
- (vii) colour separation and proofing;
- (viii) preparing reversals and plate-making;
- (ix) printing of imageries, maps, plans charts and other materials;
- (x) research and development on emerging printing, survey and mapping techniques;
- (xi) setting standards for printing, survey and mapping equipments and materials; and
- (xii) testing, calibrating, servicing, upgrading and maintaining printing, survey and mapping equipments.

#### **(e) Hydrography**

The Section will be headed by a Senior Deputy Director, Survey and will be charged with:

- (i) Conducting hydrographic survey, Planning and pre-cruise logistics;
- (ii) Carrying out echo sounding for water bodies;
- (iii) Measuring tides, water temperatures, pressure, tidal currents and salinity,
- (iv) Marine crustal and deformation monitoring surveys;
- (v) Sub-bottom profiling,
- (vi) Undertaking coast line surveys and mapping of aids for navigation;
- (vii) Modelling, verifying and controlling hydrographic charts and notices; and
- (viii) Maintaining hydrographic equipment.

#### **(f) Geo-Spatial data management**

The Section will be headed by a Senior Deputy Director, Survey and will be charged with:

- (i) Design of a geospatial data management system;
- (ii) Design and management of geospatial information access;

- (iii) Securing, standardization, verification, sharing, dissemination, estimation, costing and implementation of geospatial data management projects;
- (iv) Capturing, processing, preservation, maintenance, cataloguing, storage, archival, retrieval, publication and updating of geospatial data, cards and registers, geospatial databases, metadata, web maps; and
- (v) Developing geospatial information policies, standards, procedures and user needs assessment.

### **Physical Planning Division**

The Division will be headed by a Director, Physical Planning and Urban Development, Job Group 'T'. The Function of the Division will entail:

- Formulation of general principles of land planning and coordination of planning by the counties to ensure uniformity and quality in delivery of planning services in all parts of the country;
- formulation and interpretation of urban development policies and growth strategies
- Capacity building and technical assistance to counties to ensure adequate and appropriate competence for delivery of physical planning services.
- Preparation of Regional plans;
- Formulation of National Spatial Plan and Land Use Policy;
- Formulation of general Physical Planning Policies, standards and guidelines;
- Monitor implementation and compliance of the Physical planning policies, standards, Regional Plans and the National Spatial Plan;
- Research and dissemination of information on physical planning matters;
- Development Control and regulation of land use at National level;
- Administration and implementation of the Physical Planning Act (Cap. 286), Physical Planners Registration Act, Urban Areas and Cities Act No.13, 2011, and any other law(s) that may be enacted to guide the Physical Planning function
- implementation of the National Land Policy
- formulation and review of policies on land use, regional and urban development.
- regulating the use of land
- formulation of national physical development policies, guidelines and strategies
- preparation, implementation, monitoring, evaluating, steering and reviewing the National Spatial Plan
- Designate and plan metropolitan areas
- Guiding the designation and siting of new towns and theme cities e.g resort cities, industrial cities and guide the preparation of integrated plans for these cities.

- Guide the preparation and implementation of regional spatial development Plans
- Oversee preparation of spatial frameworks for adjudication of unregistered land.
- Oversee the preparation of spatial plans for the management of reserved public land.
- Provide a spatial framework for development of public infrastructure
- Providing advice on matters concerning alienation and appropriate use of land such as change of user, extension of user, extension of lease, subdivision of land and amalgamation of land.
- initiating and undertaking research on urbanization strategies and policies and any other matter related to physical planning
- management and maintenance of physical planning records and data bank

The following is the recommended staff establishment for the Physical Planning Division:-

Designation	Job Group	Auth. Estab.	In Post	Proposed Establishment
Director-Physical Planning	T	1	1	1
Senior Deputy Director-Physical Planning	S	1	0	3
Deputy Director-Physical Planning	R	3	3	8
Snr. Assistant Director-Physical Planning	Q	5	1	10
Assistant Director Of Physical Planning	P	8	7	12
Physical Planner I/Senior/Chief/Principal	K/L/M/N	107	104	42
Principal Physical Planning Assistant	N	1	0	5
Chief Physical Planning Assistant	M	1	1	9
Physical Planning Assistant III/III/Senior	H/J/K/L	65	61	25
Total				115

## **Housing Directorate**

The Directorate of Housing will be organized into four (4) Technical Divisions each headed by a Director General, Job Group 'U'. The functions of the Directorate as outlined in the Executive Order No. 2/2013 are:-

- (i) Housing Policy Management
- (ii) Development and Promotion of affordable Housing
- (iii) National Secretariat for Human Settlement
- (iv) Management of Housing for Civil Servants and Disciplined Forces
- (v) Management of Civil Servants Housing Scheme
- (vi) Development and management of Government Housing
- (vii) Public Office Accommodation Lease Management

The Slum Upgrading and Prevention Function is missing in the Executive Order No. 2/2013 and is included in the proposed structure.

The four (4) Divisions of the Directorate are:-

- (i) Housing;
- (ii) Estates Management;
- (iii) Slum Upgrading and Prevention; and
- (iv) Civil Servants Housing Scheme.

## **Housing Division**

The Housing Division will be headed by Director of Housing, Job Group 'T' who will be answerable to the Director General responsible for housing. The functions of the Housing Division will be as follows:

- (i) Formulation and review of policies and legislation on housing development;
- (ii) Development and enforcement of housing sector guidelines and standards;
- (iii) Development of strategies for housing financing;
- (iv) Identification, documentation and dissemination of Best Practices in Housing and Human Settlements Sector;
- (v) Conducting housing census and surveys;
- (vi) Development and maintenance of a National Housing Data Base;
- (vii) Development of Public Private Partnerships framework for housing development;
- (viii) Promotion of research and development on appropriate building materials and construction technologies;
- (ix) Mobilization of resources for housing development;
- (x) Review of Environmental Impact Assessment/Audit (EIA/A) for Housing Development Projects;

- (xi) Oversight of County Housing projects implementation financed by National Government; and
- (xii) Provision of secretariat services to the National Secretariat on Human Settlements (World Habitat Day, World Urban Forum /National Urban Forum/Regional Urban Forum, and African Ministers Conference on Housing and Urban Development (AMCHUD) and Shelter Afrique);
- (xiii) Reporting on international conventions and protocols in housing and human settlements.

The division will be organized into the following three (3) Sections:-

**(i) Appropriate Building Technologies**

The Section will be headed by a Senior Deputy Director, Housing Job Group 'S' who will report to the Director, Housing. The section will be responsible for the following functions:-

- Promotion of development of low cost housing through Public-Private Partnerships;
- Documentation and dissemination of best practices and low cost building materials for improved human settlements;
- Training on Appropriate Building Technologies;
- Mobilization of resources for Appropriate Building Technologies; and
- Development and enforcement of guidelines and standards on appropriate building technology.

**(ii) Human Settlements Secretariat**

The Section will be headed by a Senior Deputy Director, Housing who will report to the Director, Housing Job Group 'S'. The section is charged with the following functions:-

- Coordination of Human Settlement issues among various actors/stakeholders at the local, national, regional and international levels;
- Preparation of technical papers and participation in UN-HABITAT meetings and any other on human settlements and reporting on the same;
- Identification, documentation and dissemination of best practices for improving Human Settlements; and
- Evaluation of Environmental Impact Assessment Reports from NEMA on Housing Development Projects; and
- Development and enforcement of guidelines and standards on human settlements.

**(iii) Housing Financing and Infrastructure Development Section**

The Section will be headed by a Senior Deputy Director, Housing Job Group 'S' who will report to the Director, Housing. The Section will be responsible for:-

- Development of strategies for housing financing;
- Conducting housing census and surveys;
- Development and maintenance of a national housing data base;
- Mobilization of resources for housing development;
- Providing oversight of county housing projects implementation financed by national government
- formulation of framework for supporting Housing Infrastructure Development;
- implementation of policies on housing infrastructure development and PPP;
- analyzing and recommending realignment of housing infrastructure development policies;
- coordination and facilitation of stakeholders' housing development activities;
- encouraging the development of housing infrastructure at low-cost through Public-Private Partnerships;
- coordinating resource mobilization for housing programmes/projects; and
- coordination of installation and development of housing infrastructure.

The following staff establishment is recommended for the Housing Division:-

Designation	Job Group	No.
Director of Housing	T	1
Executive Secretary	N	1
Personal Secretary III/II/I/Senior	H/J/K/L	3
Secretarial Assistant II/I/Senior	G/H/J	3
Clerical Officer II/I/Senior	F/G/H	3
Driver III/II/I/Senior/Chief	D/E/F/G/H	2
Support Staff III/II/I/Cleaning Supervisor 2a/2b	D/E/F/G	3
Appropriate Building Technologies Section		
Senior Deputy Director of Housing	S	1
Deputy Director of Housing	R	2
Senior Assistant Director of Housing	Q	2
Assistant Director of Housing	P	2
Housing Planning Officer/1/Senior/Chief/ Director	K/L/M/N	4
Senior Chargehand	J	1
Artisan III/II/I/Chargehand	E/F/G/H	5
Human Settlements Secretariat		
Senior Deputy Director of Housing	S	1
Deputy Director of Housing	R	2
Senior Assistant Director of Housing	Q	2
Assistant Director of Housing	P	3
Housing Planning Officer/1/Senior/Chief/ Director	K/L/M/N	4
Housing Financing and Infrastructure Section		

Senior Deputy Director of Housing	S	1
Deputy Director of Housing	R	2
Senior Assistant Director of Housing	Q	2
Assistant Director of Housing	P	3
Housing Planning Officer/1/Senior/Chief/ Director	K/L/M/N	6
Total		59

## **Estates Management Division**

The Estates Division will be headed by a Director, Estates Management , Job Group 'T' who will report to the Director General in the Directorate responsible for housing. The functions of Estates Management Division will entail:-

- (i) Formulation, implementation and review of Estates Management Policies and Legislation;
- (ii) Lease administration and management;
- (iii) Maintenance of inventory of government houses and plots;
- (iv) Re-development of government estates;
- (v) Securing of government houses and plots;
- (vi) Valuation of government estates;
- (vii) Planning and inspectorate;
- (viii) Monitoring and evaluation of the real estate sector; and
- (ix) Development and implementation of valuation policies.

The division will be organized into the following three (3) Sections:-

- Estates Management;
- Lease Administration and Management; and
- Agency and Valuation.

### **(i) Estates Management Sections**

The Division will be headed by a Senior Deputy Director, Estates Management and will be responsible for:-

- Maintenance of inventory of government houses and plots;
- Planning and Inspectorate
- Monitoring and evaluation of the real estate sector
- Re-development of government estates;
- Security of government estates.

## **(ii) Lease Administration and Management Section**

This Section will be in charge of administering and managing leases for residential & office accommodation. It will be headed by a Senior Deputy Director, Estates Management and will be responsible for:-

- Leasing of offices and residential houses for constitutional office bearers and government divisions including disciplined forces;
- Negotiation and payment of rents and rates for leased residential and office accommodation;
- Computerization and maintenance of registers for leased premises, new leases and renewal of leases;
- Liaison with the relevant government agencies on any dispute on lease administration;
- Oversight of lease agreements; and
- Provision of Technical advice on leasing matters.

## **(iii) Agency and Valuation Section**

The Section will be headed by a Senior Deputy Director, Estates Management and will be responsible for:-

- Development, implementation, review and monitoring of valuation policies
- Valuation of property for the public sector and in liaison with the relevant agencies;
- Development, maintenance and review of Property indices;
- Development and maintenance of real estate data bank and provision of advisory services; and
- Market research in real estate to inform investments.

The following staff establishment is recommended for the Estates Management Division:-

Table 4.2: Proposed Staffing- Estates Management

<b>Designation</b>	<b>Job Group</b>	<b>No.</b>
Estate Management Division		
Director, Estates Management	T	1
Executive Secretary	N	1
Personal Secretary III/II/I/Senior	H/J/K/L	4
Secretarial Assistant II/I/Senior	G/H/J	4
Clerical Officer II/I/Senior	F/G/H	4
Driver III/II/I/Senior/Chief	D/E/F/G/H	2

Support Staff III/II/I/Cleaning Supervisor 2a/2b	D/E/F/G	4
<b>Estates Management Section</b>		
Senior Deputy Director, Estates Management	S	1
Deputy Director, Estates Management	R	2
Senior Assistant Director, Estates Management	Q	2
Assistant Director, Estates Management	P	2
Estates Management Officer/Senior/Chief/Director	K/L/M/N	4
Director Estates Management Assistant	N	1
Chief Estates Management Assistant	M	2
Estates Management Assistant III/II/I/Senior	H/J/K/L	4
Senior Chargehand	J	1
Artisan III/II/I/Chargehand	E/F/G/H	5
<b>Lease Administration and Management Section</b>		
Senior Deputy Director, Estates Management	S	1
Deputy Director, Estates Management	R	2
Senior Assistant Director, Estates Management	Q	2
Assistant Director, Estates Management	P	2
Estates Management Officer/Senior/Chief/Director	K/L/M/N	4
<b>Agency Valuation Section</b>		
Senior Deputy Director, Estates Management	S	1
Deputy Director, Estates Management	R	2
Senior Assistant Director, Estates Management	Q	2
Assistant Director, Estates Management	P	2
Estates Management Officer/Senior/Chief/Director	K/L/M/N	4
<b>Total</b>		<b>66</b>

### **Slum Upgrading and Prevention Division**

The Division will be headed by a Director, Slum Upgrading And Prevention, Job Group 'T' who will report to the Director General in the Directorate responsible for Housing. The functions of the Slum Upgrading and Prevention Division will entail:-

- Formulation, implementation and review of slum upgrading and prevention policies, guidelines and legislations;
- Development of guidelines and standards for social and physical infrastructure in slums and informal settlements;
- Coordinating implementation and management of slum upgrading and prevention programmes and projects;
- Mapping and regularization of land tenure in slums and informal settlements;
- Community mobilization and empowerment;
- Research and development;
- Monitoring and Evaluation; and
- Resource mobilization for slum upgrading and prevention initiatives, and management of Kenya Slum Upgrading Programme (KENSUP).

The division will be organized into the following four (4) Sections each headed by a Senior Deputy Director, Slum Upgrading and management of Kenya Informal Settlements Improvement Project (KISIP):-

**(i) Infrastructure and Construction Management Section**

The Section will be charged with the execution of the following functions:-

- Coordination of construction and management of social and physical facilities;
- Management of upgraded social and physical facilities/services;
- Planning, designing, construction and supervision of slum upgrading projects;
- Preparation of type plans and construction manuals; and
- Preparation of tender documents.

**(ii) Planning, Land Tenure and Resettlement Section**

This Section will be responsible for:

- Regularization of land tenure in slums and informal settlements in liaison with relevant government agencies;
- Socio-economic and physical mapping of slums and informal settlements;
- feasibility studies on low cost shelter and related community facilities;
- Collection of Information on land tenure;
- Advising communities on effective land use;
- Acquisition of land for development of physical and Social infrastructure; and
- Settlement and resettlement of slum communities.

**(iii) Social Development and Community Participation Section**

The Section will be charged with the following functions:-

- Facilitation of community networks/groups for housing cooperatives formation;
- Promotion of community participation in decision-making and support to vulnerable and disadvantaged groups.
- Organizing slum communities into co-operatives for slum upgrading;
- Sensitization of slum communities on purchase/rent matters in upgraded housing units;
- Undertaking needs assessment of slum communities

- Identification of project intervention needs and develop strategies for grassroots mobilization;
- Liaison between communities and micro finance and credit institutions.
- Promotion of employment and income generating activities in the slum upgrading process;
- Slum community mobilization and organization;
- Engagement of stakeholders in slum upgrading and prevention initiatives
- Formation and training of Settlement Executive Committees (SEC)
- Capacity building to communities
- Conflict management
- Facilitation and promotion of slum communities' participation in decision-making and project implementation process;
- Promotion of employment and income generating activities in slum upgrading and prevention process; and
- Integration of cross cutting issues, including environmental conservation and HIV & AIDS management in planning, design and implementation of projects/programmes.

#### **(iv) Policy Research and Development Section**

The Section will be charged with the following functions:-

- Promotion of alternative technologies (building, waste management and energy) for slum upgrading;
- Identification, documentation and dissemination of best practices in slum upgrading and prevention;
- Research and Development of social housing for slums dwellers and low income earners;
- Promoting use of low cost building technologies for slum upgrading;
- Maintenance and up-dating of slums data base;
- Collection of social, economic and physical data on existing slums, informal land and housing markets; and
- Collection, analysis and dissemination of slum upgrading best practices; informal settlements surveys relevant to slums and informal settlements for policy and decision making.

**(v) Kenya Informal Settlement Improvement Project (KISIP)**

KISIP secretariat will be coordinated by a Project Coordinator and will be answerable to the Director. The Project will be headed at the level of a Senior Deputy Director, Job Group 'S' and will be responsible for:

- Initiation of KISIP activities;
- Coordination of projects and activities;
- Mobilization of funds for the projects;
- Stakeholder consultations and sensitization;
- Reporting on progress of projects on a quarterly basis; and
- Monitoring and evaluation.

The following staff establishment is recommended for the Slum Upgrading and Prevention Division:

Table 4.3: Proposed Staffing – Slum Upgrading and Prevention Division

<b>Designation</b>	<b>Job Group</b>	<b>No.</b>
Director, Housing – Slum Upgrading	T	1
Executive Secretary	N	1
Personal Secretary III/II/I/Senior	H/J/K/L	4
Secretarial Assistant II/I/Senior	G/H/J	4
Clerical Officer II/I/Senior	F/G/H	4
Driver III/II/I/Senior/Chief	D/E/F/G/H	8
Support Staff III/II/I/Cleaning Supervisor 2a/2b	D/E/F/G	4
<b>Infrastructure and Construction Management Section</b>		
Senior Deputy Director, Slum Upgrading	S	1
Deputy Director Slum Upgrading	R	2
Senior Assistant Director, Slum Upgrading	Q	3
Assistant Director, Slum Upgrading	P	4
Housing Officer I/Senior/Chief/Director	K/L/M/N	6
Senior Chargehand	J	1
Artisan III/II/I/Chargehand	E/F/G/H	5
<b>Planning, Land Tenure and Resettlement Section</b>		
Senior Deputy Director, Slum Upgrading	S	1
Deputy Director Housing, Slum Upgrading	R	2
Senior Assistant Director Housing, Slum Upgrading	Q	2
Assistant Director Housing, Slum Upgrading	P	2
Housing Officer I/Senior/Chief/Director	K/L/M/N	4
<b>Research and Development Section</b>		
Senior Deputy Director, Slum Upgrading	S	1
Deputy Director, Slum Upgrading	R	2
Senior Assistant Director, Slum Upgrading	Q	2
Assistant Director, Slum Upgrading	P	2
Housing Officer I/Senior/Chief/Director	K/L/M/N	4
<b>Social Development and Community Participation Section</b>		

Senior Deputy Director, Slum Upgrading	S	1
Deputy Director, Slum Upgrading	R	2
Senior Assistant Director, Slum Upgrading	Q	2
Assistant Director, Slum Upgrading	P	2
Clerk of Works	H/J/K/L	4
Artisan III/II/I/Chargehand	E/F/G/H	20
<b>Sub Total</b>		<b>43</b>

## **PUBLIC WORKS DIRECTORATE**

The Public Works Directorate will be headed by a Director General, Works reporting to the Principal Secretary. The functions of the Directorate as provided in the Executive Order No. 2 of 2013 entail:

- (i) Public Works Policy and Planning;
- (ii) Management of Building and Construction Standards and Codes;
- (iii) Development and Management of Public Building;
- (iv) Public works Planning;
- (v) Maintenance of Inventory for Government Property;
- (vi) Overseeing Provision of Mechanical and Electrical (Building);
- (vii) Services to Public Building;
- (viii) Registration of Civil, Building and Electro -Mechanical Contracts
- (ix) Other Public Works; and
- (x) Supplies Branch and coordination of common-user items by Government Ministries.

The Directorate will be organized into three (3) technical divisions each headed at the level of Director, Job Group 'T'.

### **Electrical and Mechanical Division**

The division will be headed by a Director, Electrical/Mechanical Engineering, Job Group 'T' and will be charged with the following functions:

- (i) design, development and maintenance of electrical /mechanical engineering building services in public buildings and institutions;
- (ii) Design, supervision and maintenance of electrical/mechanical installations in Government and Public buildings;
- (iii) Maintenance and inspections of existing electrical/mechanical installations and equipment/ plant in Government buildings;
- (iv) Provision of professional and technical advice to other Government ministries/ Divisions and institutions;

- (v) Provision of Fire Prevention Services in Public Buildings and Institutions to Safeguard Persons and Property;
- (vi) Maintenance and inspections of existing electro-mechanical installations and equipment/ plant in Government buildings;

### **(i) Quantities & Contracts Division**

The Division will be headed by a Director, Quantity and Contracts, Job Group, 'T' and will be responsible for the following functions:-

- (i) tendering and procurement of works in accordance with the Public Procurement and Disposal Act, 2005 and the Governing Regulations of 2006;
- (ii) contractual and financial management of all public construction and maintenance projects;
- (iii) preparation of tender documents comprising of Bills of Quantities, Specifications, Terms and Conditions of Contract in accordance with the Public Procurement and Disposal Act, 2005 and best professional practices;
- (iv) advising on the best procurement method for construction and maintenance works in line with the Public Procurement and Disposal Act, 2005;
- (v) tender analysis and evaluation in liaison with other relevant Ministries/Divisions;
- (vi) preparation of contract agreements for both the contractor and the Client Ministries/Divisions;
- (vii) advising on contract administration through the post contract stages of Valuation of works, preparation of payment certificates, financial appraisals, re measurements, variation orders & final accounts;
- (viii) assessing and advising government Ministries/Divisions on construction contractual claims;
- (ix) advising and representing the government in litigation, arbitration and other alternative dispute resolutions mechanisms (ADRs) in public construction and maintenance projects in liaison with the Attorney General;
- (x) cost analysis, cost planning and cost information services of public construction and maintenance projects;
- (xi) enhancing professionalism and capacity building in the field of Quantity Surveying through training in liaison with approved Technical Institutions, Local and Overseas Universities, professional bodies and the Board of Registration for Architects and Quantity Surveyors; and
- (xii) offering industrial attachment to Quantity Surveying students from approved technical institutions and universities.

The following is the proposed staff establishment for the Quantities & Contracts Division:

Designation	Job Group	Proposed Establishment
Director, Quantity and Contracts	T	0
Chief Quantity Surveyor	S	1
Snr Principal Suptg. Quantity Surveyor	R	4
Principal Suptg. Quantity Surveyor	Q	14
Chief Suptg. Quantity Surveyor	P	13
Snr Suptg. Quantity Surveyor	N	20
Superintending Quantity Surveyor	M	13
Quantity Surveyor II / I	K/L	24
Snr .Principal Quantity Survey Assistant	P	0
Principal Quantity Survey Assistant	N	2
Chief Quantity Survey Assistant	M	11
Senior Quantity Survey Assistant	L	14
Quantity Survey Assistant I	K	3
Quantity Survey Assistant III/II	H/J	3
<b>TOTAL</b>		<b>122</b>

### **Structural, Architectural and Design Division**

The Division will be headed by a Director, Structural, Architectural and Design, Job Group 'T' and will be responsible with the following functions:-

- policy formulation, research, training, design, supervision and regulation of standards on construction and maintenance of buildings;
- formulation of policies to regulate design in the building industry;
- preparation of structural designs/drawings and supervision of construction of Government buildings;
- design, documentation and supervision of construction of Civil Works for Government buildings i.e. sewerage disposal systems, surface water drainage, access roads and paved areas;
- design, documentation and supervision of construction of other public works i.e. Jetties, seawalls and footbridges;
- conducting structural integrity surveys on building structures;
- providing advisory service on matters related to building materials on specifications, quality control and utilization;
- coordination of geotechnical site investigations prior to construction of Government works related to building and civil works;
- coordination of quality control tests on materials during construction to ensure specifications are achieved; and
- design and preparation of drawings for transmission masts, towers and water retaining structures.

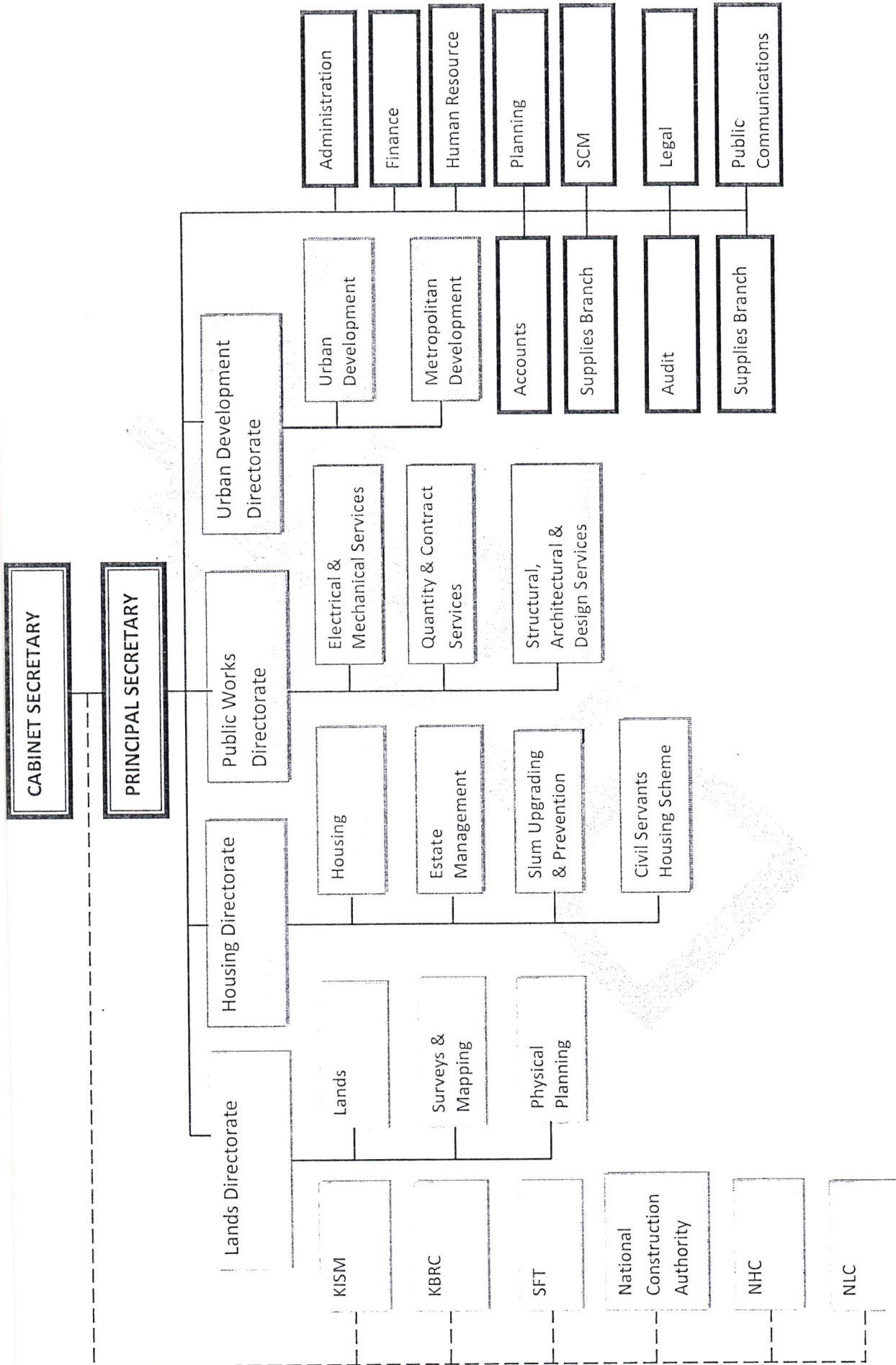
- development and maintenance of residential and non-residential accommodation for the government through policy design, construction supervision and regulation of standards;
- advising on standards of government accommodation;
- Design, documentation and supervision construction projects;
- refurbishment, rehabilitation and maintenance of existing Government Buildings to acceptable standards and provide suitable accommodation to other Ministries and Divisions;
- development and implementation programmes for completing all stalled projects;
- publication of a register of Building Consultants every year; and
- Capacity building through training and attachments.
- provision of design services required in the built environment that include Interior design, material product design, corporate branding and signage at the national and county level of government;
- exhibitions on locally available building/construction materials and technologies at national and county level;
- coordination of design for local and international trade fairs;
- provision of technical advice and setting of standards on colour schemes and specification of building materials affecting interior and exterior of government buildings; and

The following is the proposed staff establishment for the Structural, Architectural and Design Division:-

<b>Designation</b>	<b>Job Group</b>	<b>Proposed Establishment</b>
<b>Structural Services</b>		
Chief Engineer Structural	S	1
Senior Principal Supting Eng Structural	R	3
Principal Suptg Eng Structural	Q	5
Chief Suptg Engineer Structural	P	6
Senior Suptg Engineer Structural	N	6
Suptg Engineer Structural	M	2
Engineer II / I (Structural)	K/L	43
Senior. Principal Structural Assistant	P	0
Principal Structural Assistant	N	2
Chief Structural Assistant	M	7
Senior Structural Assistant	L	9
Structural Assistant I	K	0
Structural Assistant III/II	H/J	6
Coxwain	E	1
<b>TOTAL</b>		<b>91</b>
<b>Architectural Services</b>		
Chief Architect	T	1

Deputy Chief Architect	S	1
Snr Principal Suptg Architect	R	3
Principal Suptg Architect	Q	14
Chief Suptg Architect	P	12
Snr Suptg Architect	N	31
Suptg Architect	M	25
Architect II / I	K/L	49
Snr. Principal Architectural Assistant	P	0
Principal Architectural Assistant	N	0
Chief Architectural Assistant	M	17
Senior Architectural Assistant	L	16
Architectural Assistant I	K	17
Architectural Assistant III/II	H/J	11
Snr Principal Suptg landscape Architect	R	0
Principal Suptg Landscape Architect	Q	0
Chief Suptg Landscape Architect	P	0
Snr Suptg Landscape Architect	N	0
Suptg Landscape Architect	M	1
Landscape Architect II / I	K/L	0
Snr.Principal Superintendent (Buildings)	P	0
Principal Superintendent (Buildings)	N	2
Chief Superintendent (Buildings)	M	2
Senior Superintendent (Building)	L	24
Superintendent (Buildings)	K	6
Inspector /Senior Inspector (Building)	H/J	20
Artisan III / II / I / Chargehand / Snr Charge hand (Buildings)	E/F/G/H/ J	268
Principal Supt. Building Surveyor	Q	0
Chief Supt. Building Surveyor	P	0
Snr. Supt. Building Surveyor	N	0
Supt. Building Surveyor	M	0
Building Surveyor II / I	K/L	0
Chief Supt. Land Surveyor	P	0
Snr. Supt. Land Surveyor	N	0
Supt. Land Surveyor	M	0
Land Surveyor II / I	K/L	0
<b>TOTAL</b>		<b>520</b>
<b>Design Services</b>		

# PROPOSED ORGANIZATION STRUCTURE – MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT



ANNEX - 4

## PUBLIC SERVICE COMMISSION

### BRIEF ON POLICY GUIDELINES ON ESTABLISHMENT OF OFFICES/POSTS IN THE PUBLIC SERVICE, APPOINTMENTS INCLUDING ACTING APPOINTMENTS, PROMOTION AND TRANSFERS

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#### A Establishment of offices/posts

1. Article 234 (2) (a) (i) of the Constitution of Kenya 2010 vests in the Commission the power to establish offices/posts in the Public Service unless where there is express provision in the Constitution or by legislation to the contrary.
2. Following the promulgation of the Constitution, the Commission on 3.11.2010 issued policy guidelines to Authorized Officers pending the formulation of regulations to operationalize the function of establishment of offices/posts as follows:-
  - 2.1 That all requests for establishment/abolition of posts shall be referred by Authorized officers to the Commission for determination.
  - 2.2 That in submitting such requests the following criteria shall apply:
    - 2.2.1 Justification for establishment of the offices/posts
    - 2.2.2 Evidence of funding of the posts including concurrence of National Treasury on accommodation of the resultant expenditure within approved budgetary provisions
    - 2.2.3 Proposed office(s) post(s) should be confined to the core functions of the Ministry or Department as they case may be

2.2.4 Specification of the current authorized establishment (staffing levels) level of grading, designation title, extra posts required and evidence of optimum utilization of existing posts

2.2.5 Where establishment of posts is on trade-in basis, the reasons, number, levels and value (in monetary terms) of the earmarked posts should be clearly defined.

3. On receipt and examination of requests for establishment of offices/posts, the Commission may depending on the aforementioned criteria grant approval or disapproval or defer decision pending organizational studies or reviews and workload analysis as a solid basis for decision-making.
4. The establishment of offices/posts is intertwined with the function of organization of the Public Service under Article 234 (2) (d) of the Constitution.

Note: This function has not been delegated to Authorized officers or any other persons, body or authority.

#### **B. Appointment/Acting Appointment/Promotion**

1. Article 234 (2) (a) (ii) of the Constitution confers on the Commission the power to appoint persons to hold or act in public offices and confirm appointments unless otherwise expressly provided or except where powers are delegated.
2. Positions in the public service are filled in line with the regulations and the provisions of Article 232 (i) (g) (h) and (i) of the Constitution.

3. Ideally vacancies are filled competitively through open advertisement for entry level and promotional positions falling outside the scope of posts that form a common establishment.
4. A vacancy need not be advertised where the Commission is satisfied that the vacancy should be filled by the appointment or reappointment or re-designation of a public officer held against the establishment of the Ministry or Department in which the vacancy exists (Appointment based on recommendation of Authorized Officer).
5. To qualify for substantive appointment, promotion and acting appointment one must fully satisfy the requirements prescribed in the schemes of service.
6. PSC has delegated powers to Authorized officers the powers of appointment, including acting appointment, promotion and transfer in respect of officers assigned Job Groups 'A' – 'P' but excluding initial appointment (recruitment) at Job Group J/K/L and Technical officers Job Groups G/H. Authorized officers are expected to process cases of appointments, promotions and transfers through Ministerial or Departmental Human Resource Management & Advisory Committees.
7. Delegated powers do not include the power to re-designate officers in Job Group 'J' and above.
8. For promotion to levels within the posts that form a common establishment, the provisions of the schemes of service must be adhered to.
9. The power of confirmation in appointment of public officers appointed on probation is delegated in full to Authorized officers.

10. PSC has issued elaborate criteria concerning appointments and promotions. These include merit, performance, seniority, experience, official qualifications, suitability for the vacancy and general efficiency of the public service taking into account the provisions of Article 232 (1) (g) (h) and (i) of the Constitution.
11. Authorized officers are expected to submit to PSC all requests for:-
  - 11.1 initial appointment at Job Groups J/K/L for graduate entrants and Job Group G/H for technical personnel
  - 11.2 Appointments, acting appointments and promotion for positions graded at Job Group 'Q' and above.
  - 11.3 Re-designation of public officers at Job Group 'J' and above.

## C Transfers

1. Transfer is a personnel practice which is essential for proper administration of the public service. Management of the public service involves multiple players with inherent powers vested in the PSC.
2. The Head of Public Service is responsible to the President for the general administration or management of the public service with the Directorate responsible for public service as advisor on human resource policies.
3. Principal Secretaries appointed by the PSC as Authorized officers are responsible for day to day management of the human resource under the overall supervision, direction and general control of the Cabinet Secretary.

4. Where it is desired to transfer a public officer in Job Group 'Q' or above from one Ministry or Department to another without change of designation or grading, the recommendations and comments of the Authorized officers concerned should be sent to the PSC which will approve or disapprove the intended transfer.
5. Where it is intended to transfer a public officer in Job Group 'Q' or above from his or her present office/post to another office/post of different designation but of similar grading in the same or another Ministry or department, the relevant Authorized officers are expected to forward their recommendations and comments to the PSC for determination.
6. Transfers of public officers within levels falling with the scope of delegated powers is handled by Authorized officers.
7. The power of posting public officers from one station to another in their substantive capacities within Ministries or departments lies with Authorized officers.
8. The transfer of public officers in the middle level common cadres between Ministries and Departments rests with the concerned Authorized officers in consultation with the relevant Administrators of the Schemes of Service.
9. However, for administrative ease and given the role of Head of Public Service in the administration of the Service, transfers of staff in the Senior Management levels is centrally processed at regular intervals by the Central Human Resource management postings Committee and effected after PSC approval of change of designation.

CONFIDENTIAL



**THE STATE LAW OFFICE  
OFFICE OF THE ATTORNEY-GENERAL**

ANNEX-5

22nd October 2013

Your Ref: \_\_\_\_\_

Date: \_\_\_\_\_

Our Ref: AG/CONF/6/E/ 265 VOL. I

The Chairperson  
Joint Committee on Lands and Delegated Legislation  
National Assembly  
Parliament Building  
NAIROBI

Attn: Wasike Makokha

RE: JOINT COMMITTEE ON LANDS AND DELEGATED LEGISLATION

I make reference to the proceedings of the joint committee held yesterday at 3.00pm at the Continental House.

Please find enclosed herewith a copy of the advisory prepared by our office governing publication of legal instruments by the Government Ministries and Departments for your information.

It may interest you to note that the latter advisory prepared for the hand of the present Attorney General is a revised document. The same has been sent to the Government printer for publication.

Tom Odede  
State Counsel  
FOR: ATTORNEY GENERAL

CONFIDENTIAL



Attorney-General's Chambers,  
P. O. Box 40112,  
NAIROBI.

Ref: CPC/C/2002

15<sup>th</sup> February, 2002

To: All Ministers,  
The Permanent Secretary, Secretary to the  
Cabinet and Head of the Public Service,  
All Permanent Secretaries,  
The Controller and Auditor-General,  
The Secretary, Public Service Commission,  
The Clerk of the National Assembly,  
The Registrar, High Court of Kenya,  
The Chairman, Electoral Commission of Kenya.

### PROPOSED LEGISLATION

#### **A. GENERAL**

1. The instructions contained herein supersede all previous instructions relating to the submission of requests for the drafting of Bills or subsidiary legislation.

2. A request for the drafting of Bills or subsidiary legislation which does not comply fully with the relevant portions of these instructions will not be accepted by my officers in the Legislative Drafting Department and will accordingly be returned to the Ministry concerned.

#### **B. BILLS**

3. Cabinet has directed that where any proposal presented to it will require an Act of Parliament to implement it, the memorandum to Cabinet shall have annexed thereto a draft of the necessary Bill.

4. When a Bill is required, the Ministry concerned will forward to these Chambers a formal request for the legislation signed by the Permanent Secretary. The request must contain a clear statement that the Minister has approved the matter in principle and shall be accompanied by-

(a) full drafting instructions setting out the requirements in plain language. The drafting instructions should give as fully as possible the principle objects, purpose and background of the Bill and must state what existing legislation affects the subject. The drafting instructions may take the form of a layman's draft Bill but in such a case a full explanation of the reasons for the changes proposed must accompany the draft. Where a proposal is based on an existing piece of legislation, whether of Kenya or any other country, this fact should be stated and a copy of that legislation must be attached to the drafting instructions;

(b) two copies of the draft memorandum to Cabinet.

5. In the case of a Bill to amend an existing Act, the draft memorandum must contain a statement that "The whole of the Act to be amended has been examined, and no other amendments beyond those for which approval is now being sought can be usefully included in this Bill". Unless the circumstances are exceptional, Cabinet will not consider more than one Bill to amend a particular Act in any one year and a second amending Bill in a year will

require, in its covering Cabinet memorandum, a full explanation by the Ministry concerned as to why it has become necessary.

6. Upon receipt of a request under paragraph 4, the Chief Parliamentary Counsel has full authority to reject the request if in his opinion the instructions are insufficient for drafting to proceed and where this is done no further action will be taken in the matter by the Drafting Department until a new request is made in conformity with paragraph 4.

7. It is not necessary for Members of these chambers to attend meetings concerned with what ministries may or may not require in legislation unless purely legal problems are expected to arise. Members of these chambers therefore will not normally attend such meetings. Advice on policy or administrative requirements is not a function of members of my staff. However, Ministries are advised to carry out thorough consultations within Government on any proposed legislation. Ministries are further advised, where appropriate, to consult widely with other persons likely to be affected by proposed legislation and to take into consideration the views of such persons before finalising the draft proposals.

8. Where a member of these Chambers does attend a meeting, or hold a discussion with officers of a Ministry, on legislative proposals, it is the responsibility of the officer of the Ministry to note any decision arrived at and to embody these in a letter to this office in expansion of any drafting instructions already given. Unless and until such letter is received, no action will be taken by the Legislative Drafting Department on any such decision.

9. Except in most exceptional circumstances, all meetings with any officer in the Legislative Drafting Department will be held in that officer's office.

10. When drafting is completed, the officer in the Legislative Drafting Department responsible for the drafting of the Bill will return to the Ministry one copy of the draft Cabinet memorandum, with any legal advice or comment considered necessary, together with copies of the draft Bill.

11. The Ministry concerned is responsible for discussing with the Treasury the financial implications of any Bill and for agreeing with the Treasury on the wording of the final paragraph of the Memorandum of Objects and Reasons in which such implications are set out.

12. When Cabinet has reached a decision on proposed legislation, it is the responsibility of the Ministry concerned to inform the officer in the Legislative Drafting Department responsible for the drafting of the Bill. If Cabinet has agreed to the proposal, with or without amendment, the responsible Ministry shall forward to the officer in the Legislative Drafting Department, the Bill as approved by Cabinet together with the Memorandum of Objects and Reasons therefor referred to in paragraph 11, duly signed by the responsible Minister, whereupon publication shall be arranged accordingly.

13. If a Bill is required so urgently that the Ministry concerned feels that all work on other legislation previously requested should be postponed, the Permanent Secretary, personally, should write to the Attorney-General giving full reasons for requesting priority. Unless there is such urgency, requests for legislation will normally be dealt with in rotation according to the date of request. This paragraph does not apply to Finance or Taxation Bills which will, if necessary, automatically be granted priority by the Chief Parliamentary Counsel.

14. In order that there should be no unnecessary delay in the drafting of Bills, it is essential that the above requirements be strictly adhered to, and I have given instructions to the Chief Parliamentary Counsel that, unless he sees fit to relax any of such requirements in any particular case, no drafting is to proceed in any case of non-adherence.

15. Although the Statute Law (Miscellaneous Amendments) Bills are from time to time introduced into Parliament by the Attorney-General these are, as the normal long title implies, intended only "to make minor amendments to the statute law". Accordingly nothing will be included which -

- (a) has previously been rejected in any manner by Parliament; or
- (b) changes the previous policy of an Act; or
- (c) materially increases any penalty attached to a contravention of an Act.

16. Once a Bill has been published in the Gazette, it cannot be altered except -

- (a) by complete re-publication; or
- (b) by amendment at Committee Stage in the National Assembly.

17. Where a Minister intends to move an amendment at the Committee Stage this should be drafted by the officer in the Legislative Drafting Department responsible for the drafting of that particular Bill. Normally, the Clerk of the National Assembly will require to be informed by the Chief Parliamentary Counsel that the amendment is in order.

18. Ministers should be advised that, especially in the case of complicated Bills, it may be dangerous to accept any amendment by a Member of Parliament unless it is obviously not complicated in itself and cannot lead to complications elsewhere in the Bill. Standing Order 106(6) of the National Assembly provides for the postponement of any part of a Bill and Standing Order 107 provides for the Committee to report progress and ask leave to sit again. Ministers can take advantage of these provisions to persuade the National Assembly that amendments proposed should be more carefully considered by Government in cases where insufficient notice has been given to allow for such consideration.

### **C. LEGAL NOTICES**

19. All matter which is to appear as a Legal Notice in the Gazette must be cleared by the Legislative Drafting Department before submission to the Minister, or other appropriate authority concerned, for signature. It cannot be cleared after signature.

20. A request for clearance under paragraph 19 must be made in writing with the reasons for the subsidiary legislation concerned stated fully. A request should be accompanied by a lay draft of the requisite notice in duplicate.

21. In cases of great urgency, the Chief Parliamentary Counsel will personally consider clearance of a Legal Notice upon verbal request, but no other officer of the Legislative Drafting Department is authorised to do so. Where such a request is made the officer making it will be required to produce the requisite lay draft in duplicate, one copy of which will be returned to him signed as approved by the Chief Parliamentary Counsel. In the case of any such request, the Chief Parliamentary Counsel has full authority to refuse to deal with it on a verbal basis.

22. The approved draft of a Legal Notice must be fair for signature by the Ministry concerned unless this has been done in the course of re-drafting. The original to be signed must be on thick paper, not on flimsy copy.

23. Upon signature the signed original plus two name-stamped copies will be forwarded to the Attorney-General for onward transmission to the Government Printer for publication in the Gazette. The letter or slip under which these are forwarded must contain the reference of the Attorney-General's clearance prior to signature. Absence of such reference will lead to the return of the documents for compliance with this requirement.

24. Matter sent for clearance or publication under this part must be typed on one side of the paper only and sheets must be stapled firmly together.

#### **D. GAZETTE NOTICES**

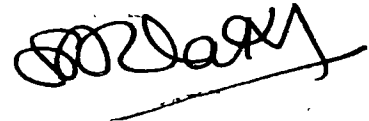
25. Where a form of notice which is to appear in the main Gazette (Gazette Notice) has once been approved by the Legislative Drafting Department, further notices in the same or substantially similar form need not be submitted for clearance and, upon signature, may be sent directly to the Government Printer for publication.

#### **E. SUBSIDIARY LEGISLATION GENERALLY**

26. Attention is drawn to the general matters contained in Section B - THE KENYA GAZETTE: STIPULATIONS OF THE GOVERNMENT OFFICE MANUAL and, in particular, the "dead-line" of 12 noon on Tuesday for publication in the Gazette of the following Friday (which incidentally is printed on Thursday of each week).

27. It is emphasized that it is not the function of the Legislative Drafting Department to arrange for publication of special issues of the Gazette and attention is drawn to paragraph 44 of the Government Office Manual in this regard.

Co-operation of all will be appreciated.



**S. AMOS WAKO,**  
**Attorney-General.**

Office of the Attorney-General  
and Department of Justice,  
Attorney-General's Chambers,  
P. O. Box 40112 -00100,  
**NAIROBI**

Ref: CPC/C/2013

20<sup>th</sup> May, 2013

To: All Cabinet Secretaries,  
The Secretary to the Cabinet,  
All Principal Secretaries,  
The Auditor-General,  
The Controller of Budget,  
The Secretary, Public Service Commission,  
The Clerk of the National Assembly,  
The Clerk of the Senate,  
The Chief Registrar of the Judiciary,  
All Chairpersons of Constitutional Commissions.

## **PROPOSED LEGISLATION**

### **A. GENERAL**

1. The instructions contained herein supersede all previous instructions relating to the submission of requests for the drafting of Bills or subsidiary legislation.

2. A request for the drafting of Bills or subsidiary legislation which does not comply fully with the relevant portions of these instructions will not be accepted by my officers in the Legislative Drafting Department and will accordingly be returned to the Ministry concerned.

### **B. BILLS**

3. Cabinet has directed that where any proposal presented to it will require an Act of Parliament to implement it, the memorandum to Cabinet shall have annexed thereto a draft of the necessary Bill.

4. When a Bill is required, the Ministry concerned will forward to these Chambers a formal request for the legislation signed by the Principal Secretary. The request must contain a clear statement that the Cabinet Secretary has approved the matter in principle and shall be accompanied by-

(a) full drafting instructions setting out the requirements in plain language. The drafting instructions should give as fully as possible the principle objects, purpose and background of the Bill and must state what existing legislation affects the subject. The drafting instructions may take the form of a layman's draft Bill but in such a case a full explanation of the reasons for the changes proposed must accompany the draft. Where a proposal is based on an existing piece of legislation, whether of Kenya or any other country, this fact should be stated and a copy of that legislation must be attached to the drafting instructions;

(b) two copies of the draft memorandum to Cabinet.

The documents submitted hereunder shall be in hard and soft copy.

5. In the case of a Bill to amend an existing Act, the draft memorandum must contain a statement that "The whole of the Act to be amended has been examined, and no other amendments beyond those for which approval is now being sought can be usefully included in this Bill". Unless the circumstances are exceptional, Cabinet will not consider more than one Bill to amend a particular Act in any one year and a second amending Bill in a year will require, in its covering Cabinet memorandum, a full explanation by the Ministry concerned as to why it has become necessary.

6. Upon receipt of a request under paragraph 4, the Legislative Drafting Department has full authority to reject the request if of the opinion that the instructions are insufficient for drafting to proceed and where this is done no further action will be taken in the matter by the Drafting Department until a new request is made in conformity with paragraph 4.

7. It is not necessary for members of these Chambers to attend meetings concerned with what Ministries may or may not require in legislation unless purely legal problems are expected to arise. Members of these Chambers therefore will not normally attend such meetings. Advice on policy or administrative requirements is not a function of members of my staff. However, Ministries are advised to carry out thorough consultations within Government on any proposed legislation. Ministries are further

advised, where appropriate, to consult widely with other persons likely to be affected by proposed legislation and to take into consideration the views of such persons before finalising the draft proposals.

8. Where a member of these Chambers does attend a meeting, or hold a discussion with officers of a Ministry, on legislative proposals, it is the responsibility of the officer of the Ministry to note any decision arrived at and to embody these in a letter to this Office in expansion of any drafting instructions already given. Unless and until such letter is received, no action will be taken by the Legislative Drafting Department on any such decision.

9. Except in most exceptional circumstances, all meetings with any officer in the Legislative Drafting Department will be held in that officers office.

10. When drafting is completed, the officer in the Legislative Drafting Department responsible for the drafting of the Bill will return to the Ministry one copy of the draft Cabinet memorandum, with any legal advice or comment considered necessary, together with hard copies of the draft Bill.

11. The Ministry concerned is responsible for discussing with the National Treasury the financial implications of any Bill and for agreeing with the National Treasury on the wording of the final paragraph of the Memorandum of Objects and Reasons in which such implications are set out.

12. When Cabinet has reached a decision on proposed legislation, it is the responsibility of the Ministry concerned to inform the officer in the Legislative Drafting Department responsible for the drafting of the Bill. If Cabinet has agreed to the proposal, with or without amendment, the responsible Ministry shall forward to the officer in the Legislative Drafting Department, the Bill as approved by Cabinet together with the Memorandum of Objects and Reasons therefor referred to in paragraph 11, whereupon the Bill shall be forwarded to Parliament by the Office of the Attorney-General.

13. If a Bill is required so urgently that the Ministry concerned feels that all work on other legislation previously requested should be postponed, the Principal Secretary, personally, should write to the Attorney-General giving full reasons for requesting priority. Unless there is such urgency, requests for legislation will normally be dealt with in rotation according to the date of request. This paragraph does not apply to Finance or Taxation Bills which will, if necessary, automatically be granted priority by the Legislative Drafting Department.

14. In order that there should be no unnecessary delay in the drafting of Bills, it is essential that the above requirements be strictly adhered to, and I have given instructions to the Chief Parliamentary Counsel that, unless it is appropriate to relax any of such requirements in any particular case, no drafting is to proceed in any case of non-adherence.

15. Although the Statute Law (Miscellaneous Amendments) Bills are, from time to time, introduced into Parliament these are, as the normal long title implies, intended only "to make minor amendments to the statute law". Accordingly nothing will be included in the draft of any such Bill which -

(a) has previously been rejected in any manner by Parliament; or

(b) changes the previous policy of an Act; or

(c) materially increases any penalty attached to a contravention of an Act.

16. Where a Cabinet Secretary intends to propose an amendment at the Committee Stage, this should be drafted by the officer in the Legislative Drafting Department responsible for the drafting of that particular Bill and forwarded to Parliament by this Office.

### C. LEGAL NOTICES

17. Attention is drawn to the provisions of the Statutory Instruments Act, 2013, (No.23 of 2013) which provides for the making, Parliamentary scrutiny, publication and operation of statutory instruments. Statutory instruments include any rule, order or regulation.

The Act prescribes the procedure for the making of subsidiary legislation, which will involve public participation and Parliamentary approval for proposed subsidiary legislation and also establishes mechanisms for its periodic review.

18. Any matter which is to appear as a Legal Notice in the Gazette must be cleared by the Legislative Drafting Department before submission to the Cabinet Secretaries, or other appropriate authority concerned, for signature. It cannot be cleared after signature.

19. A request for clearance under paragraph 18 must be made in writing with the reasons for the subsidiary legislation concerned stated fully.

A request should be accompanied by a lay draft of the requisite notice in hard and soft copy.

20. In cases of great urgency, the Chief Parliamentary Counsel will personally consider clearance of a Legal Notice upon verbal request, but no other officer of the Legislative Drafting Department is authorised to do so. Where such a request is made the officer making it will be required to produce the requisite lay draft in duplicate, one copy of which will be returned to the officer signed as approved by the Chief Parliamentary Counsel. In the case of any such request, the Chief Parliamentary Counsel has full authority to refuse to deal with it on a verbal basis.

21. The approved draft of a Legal Notice must be faired for signature by the Ministry concerned unless this has been done in the course of re-drafting. The original to be signed must be on thick paper, not on flimsy copy.

22. Upon signature, the signed original plus two name-stamped copies will be forwarded to the Attorney-General for onward transmission to the Government Printer for publication in the Gazette. The letter or slip under which these are forwarded must contain the reference of the Attorney-General's clearance prior to signature. Absence of such reference will lead to the return of the documents for compliance with this requirement.

23. Matter sent for clearance or publication under this part must be typed on one side of the paper only and sheets must be stapled firmly together.

#### **D. GAZETTE NOTICES**

24. Where a form of notice which is to appear in the main Gazette (Gazette Notice) has once been approved by the Legislative Drafting Department, further notices in the same or substantially similar form need not be submitted for clearance and, upon signature, may be sent directly to the Government Printer for publication.

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26. It is emphasized that it is not the function of the Legislative Drafting Department to arrange for publication of special issues of the Gazette and attention is drawn to paragraph 44 of the Government Office Manual in this regard.

Co-operation of all will be appreciated.

**GITHU MUIGAI,**  
**Attorney-General.**