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2/10/18

REPUBLIC OF KENYA



PAPER LAID BY THE
COMMITTEE CHAIRMAN
DAVID PROKOPIC, ~~EBF~~, MP
ON TUESDAY,
2ND OCTOBER 2018
18m

THE NATIONAL ASSEMBLY



TWELFTH PARLIAMENT- SECOND SESSION

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

**ON THE CONSIDERATION OF THE URBAN AREAS AND CITIES
(AMENDMENT) BILL, 2017 (SENATE BILL NO. 4 OF 2017)**



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FOREWORD

The Bill was Read a First time on 19th April 2018 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1); it is on the basis of this that the Committee makes this Report. The Committee met with stakeholders where submissions were received and considered before the adoption of this report.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations of the submissions by different stakeholders on the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017). The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise.

Pursuant to provisions of Standing Order 199 (6), and on behalf of the Departmental Committee on Transport, Public Works and Housing, it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) for consideration and adoption.



SIGNED

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

1.0 PREFACE

1.1 Mandate of the Committee

The Departmental Committee on Transport, Public Works and Housing is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. study and review all legislation referred to it;
- d. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

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

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

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

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

1.2 Members of the Committee

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

1.3 Committee Secretariat

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

2.0 BACKGROUND

The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) was read for the first time on 19th April 2018 and subsequently committed to the Departmental Committee on Transport, Public Works and Housing for consideration pursuant to the provisions of Standing Order 127 (1), and report to the House. The principal object of this Bill is to amend the Urban Areas and Cities Act, 2011 to reclassify the criteria of establishing urban areas such as cities, municipalities and towns, and to provide for their governance and management in line with Article 184 of the Constitution.

3.0 SITTINGS

The Committee considered the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) in its sittings held on 14th August 2018 and 5th September, 2018 and adopted its report on Tuesday, 25th September 2018.

3.1 SUMMARY OF THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017 (SENATE BILL NO. 4 OF 2017)

The principal object of this Bill is to amend the Urban Areas and Cities Act, 2011 to reclassify the criteria of establishing urban areas such as cities, municipalities and towns, and to provide for their governance and management in line with Article 184 of the Constitution. In this regard, the Bill seeks to amend S.2, S.3, S.4, S.5, S.10, S.12, S.13, S.14, S.20, S.21, S.22, S.27, S.29, S.30, S.31 and the First Schedule to the Act.

4.0 CONSIDERATION OF THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017 (SENATE BILL NO. 4 OF 2017)

The Committee considered the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) in its sitting held on Friday, 14th August 2018 and 5th September 2018. Pursuant to Standing Order 127(3) (a), the Committee invited the public through the Daily Nation and Standard newspapers on Friday, 13th July, 2018 to make representations on the Bill. The Committee received memoranda from Central Organization of Hawkers Association Kenya, Kenya Herbal Research Integration Association, The Institute for Social Accountability, the Council of Governor and the Ministry who were all in support of the Bill.

COMMITTEE AMENDMENTS

Having considered all the clauses, and having given due consideration to views as submitted by different stakeholders, the Committee therefore proposed the following amendments as agreed in its meeting held on 5th September 2018:

CLAUSE 10

THAT the Bill be amended in Clause 10 in the proposed new clause 13A by inserting the words “within two years from the date of commencement of this section” immediately before the words “through a competitive process” appearing in sub-clause (1).

CLAUSE 18

THAT the Bill be amended in Clause 18 in the proposed new clause 31B by inserting the words “within two years from the date of commencement of this section” immediately before the words “be appointed” appearing in sub-clause (1).

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 18-

Amendment of section 49 of the principal Act.

18A. Section 49 of the principal Act is amended by inserting the following new sections immediately after section 49-

Establishment of the Fund.

49A (1) There is established a Fund to be known as the National Urban Development Fund.

(2) The Fund shall be applied for the purposes of improving the enabling environment for sustainable and inclusive urban development and to enhance infrastructural service delivery in urban areas including-

- i. urban and metropolitan infrastructure, upgrading informal settlements, urban regeneration and other human settlements ;

- ii. high priority capital expenditure projects in urban areas including storm water, solid waste landfills, and urban planning and development;
- iii. development and maintenance of a national urban observatory;
- iv. providing county governments with capacity development support in urban planning, management, and development of urban areas;
- v. urban disaster risk mitigation and human settlement safety including urban resilience to climate change and urban integrated flood protection;
- vi. research, documentation and dissemination of information on the state of urbanization in Kenya;
- vii. management and administration of towns and municipalities that cut across two counties; and
- viii. any other purpose that would enhance the development and promotion of urban development programmes that may be determined by the Directorate of Urban Development and Management.

(2) The Fund shall complement donor funding for urban development programmes.

(3) The Fund shall be used to provide conditional grants to the county governments.

Sources of the Fund.

49B. The sources of the Fund shall be—

- (a) such monies as may be appropriated by the National Assembly for the purposes of urban development;
- (b) any funds provided by bilateral or multilateral donors, for the purposes of the Fund;
- (c) gifts, grants, donations or endowments as may be given to the Fund; and
- (d) monies borrowed by the National Treasury

for the purposes of the Fund.

Administration
of the Fund.

49C. The Fund shall be administered in accordance with the provisions relating to public funds under the Public Finance Management Act, 2012.

No.18 of 2012.

Amendment of
section 60 of the
principal Act.

18B.Section 60 of the principal Act is amended by inserting the following new section immediately after section 60-

Designated
towns and
county
headquarters.

61 (1) All towns which are designated and gazetted as county headquarters shall be conferred the status of municipalities by the county governor.

(2) All towns which have a population of between fifty thousand and two hundred and forty-nine thousand, nine hundred and ninety-nine residents according to the final *gazetted* results of the latest population census carried out by an institution authorized under any written law shall be conferred the status of municipalities by the county governor.

(3) All towns with a population of ten thousand to forty nine thousand, nine hundred and ninety-nine according to the final *gazetted* results of the latest population census carried out by an institution authorized under any written law shall be conferred the status of a town by a town committee.

(4) Notwithstanding the provisions of subsections (1), (2) and (3), the national government in consultation with the Council of Governors shall appoint a multi-disciplinary committee to manage of all urban areas and cities which do not meet the set criteria.

COMMITTEE'S GENERAL OBSERVATIONS

- (1) The Bill mainly provides for the reclassification criteria of establishing urban areas such as cities, municipalities and towns, and to provide for their governance and management in line with Article 184 of the Constitution.
- (2) The Bill is well thought out and responds to the current needs and realities of our urban centres.
- (3) The Committee noted that the Ministry's views on the Bill were fully incorporated in the Bill as passed by the Senate. The same was the case for Council of Governors who urged the National Assembly to enact the Bill into Law. The Committee further noted that vide their different memoranda, the Central Organization of Hawkers Association Kenya, the Kenya Herbal Research Integration Association and The Institute for Social Accountability were also all in support of the Bill in its form.
- (4) The Committee will propose relevant amendments to the Bill to actualize its observations.

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017), will be proposing amendments in **clause 10** and **clause 18** of the Bill during the Committee of the Whole House.

SIGNED 

CHAIRPERSON

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

DATE..... 1/10/2018

Annexure 1

Memoranda by Central Organization of Hawkers Association Kenya



CENTRAL ORGANIZATION OF HAWKERS ASSOCIATION KENYA

Head Office
Eldoret
P.O. Box 939-30100, Eldoret.
E-mail: cohakenya@yahoo.com
KOMOO HSE RM NO.9

Tel: 0723 213 708

*Caters for hawkers, Street Vendors, Jamii Mobile phones, Barbers, Juakali Mechanics,
Car Washers, Boda Boda Riders, Shoe Shiners and Curior shop operators.*

Our ref: (KOHAK) K HQS/ELD/P/10/2018

20th JULY, 2018

TO:
THE NATIONAL ASSEMBLY CLERK
FIRST FLOOR MAIN PARLIAMENT BUILDING
P.O BOX 41842 -00100 NAIROBI (K)
EMAIL: clerk@parliament.go.ke;
ATT: MICHAEL R. SIALAI, EBS

(1) D/... 23/7

Dear Sir,

**RE: URBAN AREAS AND CITIES (AMENDMENT) BILL 2017 (SENATE BILL NO. 4
OF 2017**

We refer to the advertisement in the daily nation regarding the above captioned matters.

We hereby bring to your attention that the above named organization is legally registered society, under the Societies Act Cap 108 laws of Kenya, to facilitate dialogue for members in formulation of a policy both at local and national levels, to assert them in the management through legislation frame work.

To fulfill our objectives, we played outstanding role by initiating a process through the defunct Ministry of Local Authorities and Task force on Devolution for inclusion of informal sector management, in devolved system in accordance with part VIII of transitional provisions and part III of the urban governance, in the urban areas and cities Act 2011, to protect the gains of recognition informal sector operators had made with defunct Local Authorities and to ensure that we are inclusive in devolved system.

The failure by County Governments to devolve/decentralize management is violation of the Kenya constitution chapter 11 and in particular articles 184 and needs political intervention.

We therefore support the action taken by parliament both senate and National assembly as timely, given that there is emergency of urban conflict and governors are usurping the role of Cities, Municipalities and Town Board Managers due to absence of the said governance institutions.

In view of the foregoing we would want to make the following contribution to the amendment of urban areas and cities Act.

1. The committee while re classifying to assess the criteria used for creation of cities, municipalities and towns under the defunct local Authorities and use the same criteria of establishing the anticipated urban boards.
2. The current role under the urban areas and cities to remain

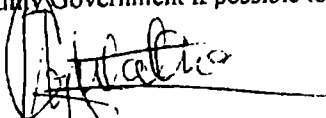


3. The composition of the stakeholder forming the management under the current law to remain the same but the committee should at a clause that sanction unscrupulous representative who were not recognized by the defunct Ministry of Local Authorities and local Authorities respectively.
4. The chairman or manager should be a lawyer and official from the Ministry with similar skill of the town clerk of defunct Local Authorities who can be transferred or question by the National government through the County Commissioner or the minister.
5. The law once amended should transfer the management of urban from County Government so that the intimidation of traders and the violation of by-laws transferred to County Government which has not been adopted or amended shall not be again witnessed.
6. To have inclusive strategy of Management County Governments officials in particular County Secretaries, sub-county Administrators should be automatic member of the Board so that they represent the interest of the County Governments in urban management.

SUMMARY

For the past six year of inception of county governments the Institutions have proved to Institutions/or instrumental of social oppression, lack of progress in policy development which cannot promote enabling environment for development of informal sector into main stream urban enterprises, where governors are imposing as presidents of their counties. corruption discrimination and political interference has increased in allocation of business space, those close to Governors, County Governments officials has been regarded as correct traders in towns, initiative left by defunct local authorities has been taken as properties of Governor who gives out market space to their close relative example of major conflict can be learned in Uasin-Gishu and Nairobi Counties.

Its on this background that, the central organization of hawkers association Kenya (COHA) K is supporting the amendment of the urban areas and Cities Act to transfer the management from County Government if possible to the National Government through all means necessary.



Gerald Mutakha

(COHA) K

National Secretary General/Chief Executive Officer.

Annexure 2

**Memoranda by Kenya Herbal Research
Integration Association**

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KENYA HERBAL RESEARCH INTEGRATION ASSOCIATION
P.O BOX 7043
ELDORET.

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RECEIVED
23 JUL 2018
CLERK'S OFFICE

Our Ref:.....
Your Ref:.....

FA
29/8/18

① D. Lewis
23/8

TO,
THE NATIONAL ASSEMBLY PARLIAMENT BUILDING
P.O BOX 41842-00100 NAIROBI
Email: clerk@parliament.go.ke

Dear Sir

RE: URBAN AREAS AND CITIES (AMENDMENT) BILL 2017 (SENATE BILL NO 40F 2017)

We refer to the above captioned matters as advertised in daily Nation of 15th July 2018.

We hereby notify you that, the Kenya Herbal Research Integration Association (Kheria) is legally registered society under the societies ACT Cap 108 laws of Kenya to conduct Research through public Institution such as Hospitals, Universities and Ministry OF Health that is responsible for medical services in Kenya.

Before the inception of devolved system, we had signed Memorandum of understanding with University of Nairobi, Dean of School of Pharmacy to promote our participation in medical services in the herbal medicine fraternity.

We have been working with Ministry of culture and defunct local Authorities which has been licensing our business in urban centres until the inception of County Government Administration

The succession of local Authorities by 47 counties Governments has undermined our relationship where bogus herbalist close to Governors has been regarded as genuine herbalists.

Training programmes by culture officers who has been transferred to county Governments have discriminated our members and working with groups connected to Governors, with demand that the County Governments are meant for particular community which has hampered our operation.

The absence of urban management's board anticipated in the urban areas and cities act has contributed to challenges of operation of herbalist in urban centres and we therefore make the following contribution to the proposed amendments.

1. We would appreciate to see the committee amending the urban areas and cities Act to place under the Ministry, for the Ministry to come up with formation of Cities, Municipalities and Towns Management Boards.
2. The anticipated boards to be created by County secretary in liaison with the ministries
3. The urban management to review all licenses issued to herbalist through forum of the stakeholders

SUMMARY

Within county Governments administration Herbalist has come across very many challenges as foresaid that include

Governors and culture officer working with specific groups that support Governors political agenda in the county

Support programme that enhances the skills of herbalist has been channeled to self help groups officials of Herbalist in total disregard to our registration who are masquerading as registered society,

It is in our interest that the Act be amended to provide urban leadership through formation of urban boards. We attached here with our guidance letter from the office of the president Ref. No OPPAI dated 5th June, 2013 directing that politics not be involved in the affairs of Herbalist and also our certificate of Registration for your information Ref. No 34878.

Daniel Murigi Wainaina


Secretary
Kheria.

Annexure 3

Memoranda by the Institute for Social Accountability

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24/7/18



Memoranda on the Urban Areas and Cities Amendment Bill, 2017 (Senate Bill No. 4 of 2017)

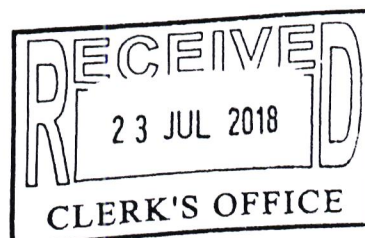
To: **Michael R. Sialai, EBS**
Clerk of the National Assembly,
First Floor, Main Parliament Buildings,
P. O. Box 41842 – 00100,
Nairobi.

① DL and 23/7

Chairperson,
Departmental Committee on Transport, Public Works and Housing,
First Floor, Main Parliament Buildings,
P. O. Box 41842 – 00100,
Nairobi.

1. Introduction

Urban areas and cities play a significant role in economic and social development. Most of economic transactions such as trade, manufacturing, skilled employment, banking and financial services take place in the urban areas. Urban areas are therefore the key drivers of the economy. Article 184 of the constitution provides that legislation on urban areas should provide for principles of governance and management of urban areas. Besides legislating on the principles and standards, governments managing urban areas ought to integrate them into the management and service delivery systems. The Constitution of Kenya provides principles of governance and management, which would apply to urban areas and include – Subsidiarity, Equality, Efficiency, Transparency, Accountability, Public participation, Security. **This review takes a practical perspective based on our experience in county level engagement in budget implementation in Nairobi City County and accompanying policy reviews.** TISA submits this memoranda in response to the notice for submission of memoranda made by the clerk of the National Assembly pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3) that Parliament shall facilitate public participation and involvement in its legislative and other business of Parliament and its committees.



2.0 Review and proposals

Provision	Comments	Recommendations
1. Memorandum of Objects and Reasons	<p>The Memorandum of Objects and Reasons is not adequately representative of the proposed amendments. In this way the memorandum misrepresents the bill through omitting significant proposed amendments.</p> <p>The memorandum does not provide a policy overview or linkage resulting in conceptual disconnects in the bill.</p> <p>The proposed amendments do not adequately address the realities facing urban county governance and may place an additional unsustainable burden on counties.</p> <p>The memorandum does not explicitly provide a statement of intergovernmental coherence- on how the bill conforms with the constitution with respect to functional mandates and intergovernmental relations.</p>	<p>Proposal</p> <p>Where a bill proposes fundamental changes to an existing Act it should be accompanied by a legislative brief detailing;</p> <p>The policy context</p> <p>The policy problem/s</p> <p>The proposed amendments</p> <p>The memorandum of objects and reasons should be exhaustive and representative of the proposed changes</p>
2. Interpretation Definition of resident population	<p>The proposed criteria is based on the number of residents based on the household survey. In practical terms, this definition ignores trading numbers, which tends to be higher in urban areas exerting pressure on services. It also fails to address the revenue base by population of an urban area which is a critical aspect of urban areas through payment of land rates, and trading licenses, etc.</p>	<p>Proposal</p> <p>Residents of an urban area are those who are registered in the urban area and pay the relevant taxes to the urban area.</p>
3.(2) In implementing this Act county governments shall comply with the National Urban Development Policy (Amendment of section 3 of the Principal Act)	<p>Whereas Article 6(2) and 189 provides for cooperation between national and county governments, and in operational terms this would include the adherence by counties to national policy principles norms and standards, if enacted the proposed provision stands the risk of subjugating county functions to national legislation in the event such policy encroaches county mandates, and may be used to impose top-down development that is inimical with a bottom up approach inherent to devolved governance.</p>	<p>Proposals-</p> <p>Delete section 3(2)</p>

<p>4A -Boundaries of urban areas and cities</p> <p>(Amendment of section 4 of the principal act)</p>	<p>The bill seeks to fill a lacuna in the present law with respect to the delineation process.</p> <p>It proposes that either the cabinet secretary of devolution or county government may initiate the process. <i>Yet the bill proposes to remove from the purview of cites the management of relevant national functions as anticipated in the UACA and practiced in other jurisdictions.</i></p> <p>The process of delincation should be handled under the intergovernmental relations technical act.</p> <p>The CRA and IGRTC should be included in the process.</p> <p>There is no basis for IEBC holding the position of chair for an administrative process (not an electoral process).</p>	<ul style="list-style-type: none"> • Proposal- Delete Cabinet Secretary from proposed section 4A. • Delete representative of IEBC shall be the chairperson. • Include representatives from IEBC, CRA, and Intergovernmental Relations Technical Committee. • Delete 4A5 and replace with Where the boundaries of an urban area extend in more than one county, a joint committee shall be established in under IGRA 24(a). The committee will include representatives from IEBC, CRA, IGRTC and NG (urban development). The committee shall not exceed 15 persons. • Delete proposed amendments to the first schedule. Retain the first schedule as provided in the UACA
<p>5 (c) and other existing laws</p> <p>(Amendment of section 5 of the Principal Act)</p>	<p>Introduces ambiguity. The third schedule provides robust criteria for the integrated plan, which would build on provisions of the physical planning act. There is no contradiction in operational terms and this section should be retained as it is.</p>	<p>Delete amendment and retain the section in UACA as it is.</p>
<p>6. Criteria for classifying a municipality section 9</p>	<p>The taskforce on devolved governance gave a recommendation that a municipal area should have a minimum population of seventy- five thousand residents. The bill lowers this to 50,000- whereas this may be in line with present urban settlement patterns, it does not respond to revenue sustainability question of urban areas. Consideration should be given to ensure that clause 6 (3) aligns to the recommendations of the taskforce. The bill removes the criteria provided in sub section 3</p>	<p>Proposal –</p> <ul style="list-style-type: none"> • Amend clause 6 (3) to align to the recommendations of the taskforce of 75,000. •

	<p>particularly the demonstration of revenue collection potential. As indicated earlier this points towards a conceptual inconsistency in the act, namely what is the purpose of urban areas? This is discussed in detail below.</p> <p>6(4) conferring status on all eligible areas – the bill should provide incentives for counties to improve municipal services</p>	<ul style="list-style-type: none"> • The bill to retain section 9 (3) as presently provided in the act. • Proposal- include wording to proposed amendment 6(4) <i>but are not eligible to establish Boards of Municipalities until the criteria provided in the act are met.</i> • Senate to hold a consultative process to urgently undertake a comprehensive review of the UACA and its application in the Kenyan context.
7. Criteria for classifying a town area	As above	See above
10 A Eligibility for grant of the state of market center <i>(Insertion of a new section after section 10 of the Principal Act)</i>	Section 10 proposes to designate market centers. These would be designated in the county governments physical planning and zoning process. As such this proposal encroaches the planning function of county governments and should be deleted.	Proposal – Delete proposal 10 A and 10 C and attendant.
14. Public Participation <i>(Amendment of Section 21(1) of the Principal Act)</i>	The proposed amendment 'and any other national legislation on public participation' introduces ambiguity. It also provides an avenue for mischief (e.g. county boards previously proposed by senate). This wording should be deleted until such a time the National Government enacts the appropriate Public Participation legislation.	Delete '...and any other national legislation on public participation'
16. Management of city county <i>(Amendment of section 27 of the principal Act)</i>	In the case of Nairobi city county, the city is the same geographical location as the county. Consequently, there is no legal or administrative distinction between the city of Nairobi and Nairobi City County. In this regard, by vesting administrative, policymaking and service delivery powers	Proposal: Delete amendment

	to a City Board, the Act fails to address itself to the fact that the City is fundamentally to be governed as a county. The proposed amendment is circular and unclear in how it addresses this contradiction.	
Functions of town committee <i>(Repeal and replacement of section 31)</i>	31A- town committee shall perform the same functions as a city or municipality is functionally inconsistent with their lower establishment criteria and the risk for fragmenting county services to beyond unsustainable levels.	Proposal: Delete proposed amendment 31 A
First Schedule <i>(Repeal and replacement of First Schedule)</i>	The bill proposes to amend the first schedule by removing relevant national sub-functions from the purview of cities as anticipated in the UACA and practiced in other jurisdictions. This creates a functional disconnect. For instance, cities need a say in national security and education functions through the appropriate intergovernmental mechanisms, and a transfer of identified sub-functions such as maintenance and upkeep of primary schools.	Proposal: Retain the first schedule as provided in the UACA. Senate to hold a consultative process to urgently undertake a comprehensive review of the UACA and its application in the Kenyan context.
Omission - Sustainability/IGR	Most counties are struggling to support service delivery due to inadequate revenue capacity, low revenue potentials in some areas and high recurrent costs. It is noteworthy that the division of revenue process has been punitive in this regard. To redress this gap, the National Government must support the implementation of UACA through a robust policy, a specific allocation under the division of revenue, and total percentage increase for county governments. The bill should explicitly address itself to Article 190 to ensure national government provides the required support for county governments.	Proposed New Clause INTERGOVERNMENTAL RELATIONS to give effect to Article 6(2), 189 and 190 of the Constitution. 1. The National Government in accordance with this Act will develop mechanisms to support county governments. 2. The Commission of Revenue Allocation will monitor the progress by county governments in the implementation of urban areas and the quality and effectiveness of revenue generation, service delivery, equity and public participation.

<p>Omission - Service delivery boards</p>	<p>Practical experience demonstrates that urban boards are more applicable on a functional basis such as solid waste management, roads and infrastructure (NAMATA). The UACA should address the establishment of urban service delivery board comprehensively to ensure such structures adhere to Arts 189, 190 of the constitution.</p>	<p>County governments may establish urban service delivery agencies to;</p> <ul style="list-style-type: none"> a) Increase of efficiency and effectiveness in public service delivery b) Enhancing managerial autonomy in public service delivery c) Separation of service delivery with policy making and oversight d) Minimization of political interference with policy implementation and public service delivery e) Enhance public participation through involvement of persons outside government in the governance of the agencies and corporations f) Enhance performance in public service delivery <p>These may be established as</p> <ul style="list-style-type: none"> a) Service agencies (non- commercial focus) b) Corporations (commercialized but with social focus) c) Adjudicative bodies (Quasi-judicial and Adjudicative Boards)
<p>National Functions</p>	<p>It is noteworthy that most cities are charged with the management of all basic services within their geographical area. In this case that would include national functions. There is also need to consider how security can be enhanced through the urban governance structure by including the city administrator and chair of the city board on the county policing authority and county education boards.</p>	<p>Needs to review IGR provisions in national functions such as education and security to include the city manager and board chair.</p>

For further information, please contact us at
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Tel: +254 20 4443676
www.tisa.or.ke

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Annexure 4

Memoranda by the Council of Governors

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10/9/18

COUNCIL OF GOVERNORS

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Ref COG/6/ 12 Vol. 7 (5)

6th September, 2018

Mr. Michael Sialai, EBS
The Clerk of the National Assembly
Parliament Buildings
NAIROBI

① DLC/D/Ints
to note.
CFA
10/9/18

Dear Mr. Sialai,

INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING TO CONSIDER THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017 (SENATE BILL NO. 4 OF 2017)

The above subject matter refers.

The Council of Governors acknowledges receipt of your letter dated 30th August, 2018 Referenced NA/DCS/TPWH/CORR/2018/074 whose contents is duly noted.

The Council of Governors reviewed the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) and presented a legislative memorandum on the same before the Senate Standing Committee on Devolution and Intergovernmental Relations. We wish therefore to inform you that the Senate thereafter considered and adopted our proposals to the Bill before subsequently passing it.

In view of the above, the Council wishes to inform you that we support the Bill and urge the National Assembly to enact the Bill into law. We have also attached a copy of the memorandum shared with the Senate for your reference.

Please be assured of our highest esteem and consideration.

Yours Sincerely,

Caroline Odandi
For: Chief Executive Officer

RECEIVED
07 SEP 2018
CLERK'S OFFICE

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COUNCIL OF GOVERNORS

**MEMORANDUM TO THE SENATE ON THE URBAN AREAS AND CITIES (AMENDMENT) BILL
2017**

FROM

THE COUNCIL OF GOVERNORS

8th FEBRUARY 2018

Introduction

This memorandum is mainly designed to propose specific amendments to the Urban Areas and Cities (amendment) Bill, 2017.

The Bill concerns County governments in terms of Article 110(1) (a) of the Constitution as the classification of the various designated areas will affect the functions and powers of County Governments set out in the Fourth Schedule, especially in terms of service delivery.

The table below sets out the order over which issues arise, a concern or comment by COG and a justification for our thoughts.

Principal Act	Bill Clause	Provision	CoG Proposal	Rationale for Amendment & Recommendation
	Section 4A (1)	Delineation of the Boundaries of urban areas or cities may be initiated by the Cabinet Secretary or by the relevant County Government making a written request to the Cabinet Secretary to appoint the ad hoc committee in the manner provided under subsection (2)	Amend section 4A (1) to read <i>Delineation of the Boundaries of urban areas (Markets, Towns and Municipalities) shall be initiated by the county department responsible for urban management by making a written request to the County Governor to appoint the ad hoc committee in the manner provided under subsection 4A (2), in the case of a city the Cabinet Secretary will appoint the ad hoc committee in the manner provided under subsection 4A (2b).</i>	Land Survey and mapping is a devolved function and subsequently, the Fourth Schedule Part II (8) of the Constitution provides the guiding framework for this matter. All processes and decision-making for urban area (Markets, Towns and Municipalities) must emanate from the relevant County Government.

Section 4	Section 4A (2)	The Cabinet Secretary shall, on receipt of the request under subsection (1) or on considering it necessary, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of an urban area or a city.	<p>Amend the section to read</p> <p><i>4A (2a) The Governor shall, on receipt of the request for delineation of the boundaries of urban areas (Markets, Towns and Municipalities) under subsection 4A (1) or upon considering it necessary, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of an urban area.</i></p> <p><i>Add 4A (2 b) For delineation of the boundaries of a city the cabinet secretary shall, upon receipt of the request under subsection 4A (1) or upon considering it necessary in consultation with the county government, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of a city.</i></p>	<p>Land Survey and mapping is a devolved function and subsequently, the provision of the Fourth Schedule Part II (8) of the Constitution provide the guiding framework for this matter. All processes and decision-making must be seen to emanate and be made by the relevant County Government,</p> <p>The process of conferment of city status as well as determination of the boundaries of cities is co-shared between the National Government and County Governments.</p>
Section 4	Section 4A (3)	(3) The ad hoc committee appointed by the Cabinet Secretary under	<p>Amend and add a section to read</p> <p><i>4A (3 a) The ad hoc committee appointed by</i></p>	<p>Land Survey and mapping is a devolved function and subsequently,</p>

	<p>subsection (2) shall comprise</p> <p>(a) a representative of the Independent Electoral and Boundaries Commission, who shall be the chairperson;</p> <p>(b) three representatives from the national government drawn from</p> <p>(i) the Ministry for the time being responsible for urban development;</p> <p>(ii) the Ministry for the time being responsible for Environment;</p> <p>(iii) the Ministry for the time being responsible for Agriculture;</p>	<p><i>the governor under subsection 4A (2 a) shall comprise</i></p> <p><i>a) Representative of the Independent Electoral and Boundaries Commission who shall be the chairperson;</i></p> <p><i>b) A representative of the county department for the time being responsible for urban development who shall be the secretary</i></p> <p><i>c) A representative of the county department for the time being responsible for Environment;</i></p> <p><i>d) A representative of the county department for the time being responsible for Agriculture;</i></p> <p><i>e) A representative of the Institution of Surveyors of Kenya based at the County;</i></p>	<p>the provision of the Fourth Schedule Part II (8) of the Constitution provide the guiding framework for this matter. All processes and decision-making must be seen to emanate and be made by the relevant County Government. However the National Government Administration at the County Level plays a critical role in solving boundary disputes and therefore should be part of the Ad hoc committee.</p> <p>Professional bodies have been allocated a role in the process of conferment of urban areas status and thus should also be part of the ad hoc committee</p>
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			<ul style="list-style-type: none"> f) A representative of the Kenya Institute of Planners based at the County; g) A representative of the Law Society of Kenya based at the County; h) A representative of the National Government County Administration. 	delineating urban boundaries.
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Jacqueline Mogeni
Chief Executive Officer

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Annexure 5

Submission by the Ministry

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LEGISLATIVE MEMORANDUM ON THE URBAN AREAS AND CITIES ACT, 2011

TO

THE NATIONAL ASSEMBLY

FROM

**THE MINISTRY OF TRANSPORT, INFRASTRUCTURE HOUSING AND URBAN
DEVELOPMENT**

STATE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

August 2018

A handwritten signature in black ink, appearing to be 'M. P.', located at the bottom right of the page.

1.0 PREAMBLE

The State Department of Housing and Urban Development is under the Ministry of Transport, Housing, Infrastructure and Urban Development (hereafter referred to as “the Ministry”), which expression shall where the context admits so include its successors and assigns) on the other part;

In recognition of the fact that the Constitution sets out the functions of the National Government under Part I of the Fourth Schedule to include national public works, housing policy and general principles of land planning and the coordination of planning by the counties; and

Aware of the need to align the Urban Areas and Cities Act 2011 to the devolved system of government, with lessons learnt in the implementation of the Constitution, to ensure consultation and cooperation and effective governance and management of urban areas and cities in Kenya.

The Ministry therefore upon consultation with stakeholders proposes amendments to the Urban Areas and Cities Act 2011: -

2.0 JUSTIFICATION FOR THE PROPOSED AMENDMENTS

1. Constitutional Provisions.

The proposed amendments are anchored in the constitutional provisions, especially Articles 184. On the Urban areas. The Article among other things stipulates that (1) National legislation shall provide for the governance and management of urban areas and cities and shall, in particular-

- (a) establish criteria for classifying areas as urban areas and cities,
- (b) establish the principles of governance and management of urban areas and cities; and
- (c) provide for participation by residents in the governance of urban areas and cities.



(2) National legislation contemplated in clause (1) may include mechanisms for identifying different categories of urban areas and cities, and for their governance.

In addition, Article 200 provides that (1) Parliament shall enact legislation providing for all matters necessary or convenient to give effect to this Chapter.

(2) In particular, provision may be made with respect to—

(a) the governance of the capital city, other cities and urban areas

2. County Support

Article 190. provides that (1) Parliament shall by legislation ensure that county governments have adequate support to enable them to perform their functions.

Counties do require support and will need a fallback position on technical assistance, capacity building and limited intervention on programs, projects and issues of cross county or county urban development. There is need therefore for a living legislation to respond to these matters.

3. Policy Provisions (National Urban Development Policy NUDP Sess. Paper No. 6 of 2016)

Parliament in 2017 passed the National Urban Development Policy which will guide Kenya's Urbanization Vision, Strategy Norms and Standards. The NUDP seeks to create a framework for sustainable urban development in the country and addresses the following thematic areas: urban economy; urban finance; urban governance and management; national and county urban planning; land, environment and climate change; social infrastructure and services; physical infrastructure and services; urban housing; urban safety and disaster risk management; and marginalized and vulnerable groups.



4. Kenya Vision 2030

The Kenya Vision 2030 also recognizes that urbanization has growth opportunities for the country, which if properly harnessed has the potential to enhance economic competitiveness, create the much-needed employment for our youth and improve delivery of basic services. Indeed, there is a clear correlation between a country's level of development and the rate of urbanization.

5. International Conventions

Best practice examples in the world show that any country that has achieved middle income status has done so on the Basis of effective urbanization. Singapore for example has the urban redevelopment authority and the housing development board guiding the national urbanization and human settlement docket.

The Habitat III conference of 2016, noted that Urban areas around the world are facing greater challenges than they did 20 years ago. Issues include the growing number of urban residents living in informal settlements and the challenge of providing urban services, climate change; exclusion and rising inequality and upsurge in migration.

Kenya has subscribed to the New Urban Agenda 2016 and Agenda 2030 for Sustainable Development. An appropriate legal mechanism is required to advocate, and provide for the execution of Kenya's commitment to the agenda.

6. Public Participation

The Ministry in collaboration with the UN-Habitat, University of Nairobi, State Law Office, and Kenya Law Reform Commission among other stakeholders had several consultative meetings and even prepared a report on assessment and classification of urban areas and cities based on the criteria as set out in the Urban Areas and Cities Act, 2011 and made recommendations. The same team has worked on the amendments to the above-referred Act of Parliament.



Various forums to share the amendments with various stakeholders have been held. The Ministry also had organized a special forum with all the County Executive Committee Members in charge of Urban Development from all the 47 Counties through the Council of Governors' Technical Committee on Urban Development, Planning and Lands.

3.0 HIGHLIGHTS OF THE PROPOSED AMENDMENTS

During the implementation of the Act it was observed that except for Nairobi, Mombasa and Kisumu which were declared cities by the Act all other urban areas have to be classified in accordance with the criteria laid down in the Act. In this parameter, none of the urban areas (previously known as such before the promulgation of the new Constitution) would be classified as a city, municipality and town.

A decision based on the population threshold alone will result in a **drastic reduction in the number of urban areas** in Kenya. For instance, 38 former municipal councils would be downgraded to townships, nine former town councils will be downgraded to unclassified urban areas and 36 formerly unclassified urban areas would qualify for classification as townships. One former municipal council (Karatina) and nine-town council (Wote, Masimba, Nyamache, Nyamarambe, Funyula, Chepareria, Kandara, Kangema and Sirisia) would be declassified.

The Bill proposes to amend the Urban Areas and Cities Act, CAP 275, in order to *inter alia* review the criteria provided under the Act for classifying an area as a city, municipality, town or market center. The proposed amendments shall enable county governments to also efficiently and effectively deliver services in the areas designated as urban areas and cities.

The proposed amendments also provide for the manner in which boundaries of urban areas and cities are to be determined. The existence of an integrated urban area development plan is also made a requirement for classifying an area as urban. The Bill has also clarified on the formation, functions and qualification for the Board of cities and municipalities and those of the town committees.

No	Category	UACA	Amendment
1.	City	At least 500,000 or more	At least 250,000 or more
2.	Municipality	At least 250,000 – 449,999	At least 50,000 – 249,999
3.	Town	At least 10,000 – 249,999	10,000 – 49,999
4.	Market Centre		At least 2,000 – 9,999

Effect of the proposed changes with regard to the number of cities, municipalities and towns.

CATEGORY	CURRENT ACT	AFTER AMENDMENTS
Cities	3	5
Municipalities	2	64
Towns	130	66
Market Centres	-	80
Total	135	215

4.0 Conclusion

There is need to consider the role and contribution of urban areas and cities in the development of the national and county economies.

This will help to define the key services that an urban area or city will offer to the economy as a whole. To this end, a progressive urban legislation such as the one here proposed is necessary.



5.0 Matrix of specific amendments

CLAUSE	CURRENT PROVISION	PROPOSED AMENDMENT	JUSTIFICATION
Section 3 of the principal Act is amended by —	renumbering section 3 as 3(1); and	inserting a new subsection immediately after subsection (1) as follows— (2) In implementing this Act, county governments shall comply with the National Urban Development Policy.	
Section 4	amended by inserting the following new sections immediately after section 4 —	Delineation of the boundaries of urban areas or cities may be initiated by the Cabinet Secretary or by the relevant county government making a written request to the Cabinet Secretary to appoint the ad hoc committee in the manner provided under subsection (2).	



		<p>(2) The Cabinet Secretary shall, on receipt of the request under subsection (1) or on considering it necessary, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of an urban area or a city.</p> <p>(3) The ad hoc committee appointed by the Cabinet Secretary under subsection (2) shall comprise—</p> <ul style="list-style-type: none">a representative of the Independent Electoral and Boundaries Commission, who shall be the chairperson;three representatives from the national government drawn from—the Ministry for the time being responsible for urban development;the Ministry for the time being responsible for Environment;the Ministry for the time being responsible for Agriculture;three representatives from the county government drawn from—the Department for the time being responsible for urban development;	
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the Department for the time being responsible for Environment;

the Department for the time being responsible for Agriculture; and

two representatives from the following Professional Associations—

Institute of Surveyors of Kenya; and

Kenya Institute of Planners.

(4) Where an ad hoc committee is to be appointed under sub section (2) –

the governor shall nominate the three representatives referred to under subsection (3)(c) for appointment by the Cabinet Secretary; and

each of the relevant Professional Associations shall nominate its representative referred to under subsection (3) (d) for appointment by the Cabinet Secretary.

(5) Where the boundaries of an urban area extend in more than one county, membership of the ad hoc committee shall include representatives of the relevant counties and the proposal for delineation of the boundaries shall be handled by the Council of Governor.



Section 5(1) of the principal Act	amended by deleting paragraph (a) and substituting therefor the following new paragraph (a)-	(b) (a) has a resident population of two hundred and fifty residents; in paragraph (b) by inserting immediately after the word "Act" the words "and other existing laws"; by deleting paragraph (e) and substituting therefor with the following new paragraph— (e) has the capacity to effectively and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule. by deleting paragraphs (g) and (h).	
Section 9 of the principal Act is amended by—	deleting subsection (3) and substituting therefor with the following—	(3) Subject to subsection (4), an urban area may be classified as a municipality under this Act, if the urban area satisfies the following criteria— has a resident population of a least fifty thousand residents ; has an integrated urban area development plan in accordance with this Act and other existing laws;	



		<p>has the capacity to effectively and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule;</p> <p>has demonstrable good system and records of prudent management.</p>	
	<p>inserting the following new subsection immediately after subsection (3)—</p>	<p>(4) Despite subsection (3), every the headquarters of a county government shall be conferred the status of a municipality, whether or not it meets the criteria for a classification as a municipality.</p>	
<p>Section 10 of the principal Act is amended by</p>	<p>deleting paragraph (d) appearing in subsection (2) and substituting therefor with the following new paragraph —</p>	<p>Has the capacity to effectively and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule.</p>	
<p>The principal Act is amended</p>	<p>inserting a new section immediately after section 10 as follows —</p>	<p>10A. (1) The county governor may, upon approval of the county assembly, confer the status of a market center on an area that meets the criteria set out in subsection (2).</p> <p>(2) An area shall be eligible for the grant of the status of a market center under this Act if it has —</p>	

Section 12 of the principal Act	deleting the marginal note	<p>a resident population of at least two thousand residents; and</p> <p>(b) an integrated urban area development plan in accordance with this Act and any other existing law.</p> <p>10C. A market centre shall be governed and managed by the county government.</p>	
Section 13 of the principal Act	<p>Section 13(1)</p> <p>deleting the words “six of whom shall be appointed through a competitive process by the county executive committee, with the approval of the county assembly”</p>	<p>insert a new subsection immediately after subsection (1) as follows—</p> <p>“(1A) Of the members of a Board of a city referred to in subsection (1), at least six shall be nominated by the county governor as follows—</p> <p>(a) the county executive committee member for the time being responsible for cities and urban areas or their representative;</p> <p>(b) the county executive committee member for the time being responsible for health or their representative; and</p>	<p>This amendment is meant to clarify the composition and qualification for the Board members of cities. The current provision is ambiguous on the number of members of the Board appointed and those that are nominated. The Act also contradicts itself on the number of members to be</p>



		<p>(c) four members competitively appointed by the county governor taking account of regional, ethnic and gender diversity and representation of persons with disability, with the approval of the county assembly.”</p>	<p>appointed by the county executive committee.</p> <p>This amendment is intended to ensure that the powers to appoint and nominate members of the Board is vested in the county governor.</p>
	<p>deleting subsection (2)</p>	<p>Substitute subsection (2) with the following provision</p> <p>(2) At least five of the members referred to in subsection (1), shall be appointed from each of the nominees of the following institutions:</p> <p>(a) a nominee of the Institution of Surveyors of Kenya;</p> <p>(b) a joint nominee of the Kenya Institute of Planners and the Architectural Association of Kenya;</p> <p>(c) a nominee of the Law Society of Kenya;</p>	<p>This amendment provides clarity on the representatives to be nominated. The provisions of the current Act on nominated members are equally impractical to implement especially in remote areas where umbrella organizations and</p>



		<p>(d) a joint nominee of the the Institution of Engineers of Kenya and the Association of Consulting Engineers of Kenya; and</p> <p>(e) a nominee of the Institute of Certified Public Accountants of Kenya and appointed by the county governor with the approval of the county assembly.</p>	<p>clusters organizations do not exist.</p>
	<p>deleting the words “county executive committee” appearing in subsection (3)</p>	<p>substitute the words “county executive committee” with the words “county governor”;</p>	<p>This is to ensure congruence with the amendments proposed in subsection 1 and 2 above.</p>
	<p>deleting subsection (4)</p>	<p>Substitute subsection (4) with the following new subsection—(4)</p> <p>A person shall be qualified for appointment as a member of the board if that person—</p> <p>(a) holds a bachelor’s degree from an institution recognized in Kenya;</p> <p>(b) has a distinguished career in a medium level management position in either the private or public sector;</p>	<p>This provision clearly stipulates the minimum qualifications and level of experience for members to be appointed to the board.</p>




	<p>inserting a new subsections immediately after subsection (4) as follows—</p>	<p>(c) holds at least seven years' post-qualification professional experience; and</p> <p>(d) satisfies the requirements of Chapter Six of the Constitution.</p> <p>(5) A person shall not be appointed a member of the Board if that person—</p> <p>(a) is an undischarged bankrupt;</p> <p>(b) has been removed from office for contravening the Constitution or any other law;</p> <p>(c) is not a citizen of Kenya; or</p> <p>(d) has, in the conduct of his or her, affairs not met any statutory obligation.</p> <p>(6) A person shall be qualified for appointment as a chairperson of the board if that person—</p> <p>(a) holds a bachelor's degree from an institution recognized in Kenya;</p> <p>(b) has a distinguished career in a medium level management position in either the private or public sector;</p>	
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		<p>(c) holds at least ten years' post-qualification professional experience; and</p> <p>(d) satisfies the requirements of Chapter Six of the Constitution.</p>	
<p>Secretary to the Board</p>	<p>Inserting a new section immediately after section 13</p>	<p>(13A.) (1) The County Public Service Board shall, through a competitive process appoint a Secretary to the board on such terms and conditions as the County Public Service Board, in consultation with the city or municipal board shall determine.</p> <p>(2) A person is qualified to be appointed as the Secretary of the board, if that person —</p> <p>(a) has a degree from an institution recognised in Kenya;</p> <p>(b) has at least four years' experience in management; and</p> <p>(c) satisfies the requirements of Chapter six of the Constitution.</p> <p>(3) The Secretary shall be—</p>	<p>This amendment is meant to provide for the qualifications of chairpersons on Boards of cities and the Secretary to the Board</p>



<p>Section 14 of the principal Act. Board of municipalities.</p>	<p>Section 14 of the principal Act is repealed and replaced with the following new section —</p>	<p>(a) responsible for the day to day management of the affairs of the Board; and</p> <p>(b) perform such other duties as may be assigned by the board.</p> <p>(4) The Secretary shall hold office for a term of five year.</p> <p>(5) The provisions of section 16 relating to grounds for vacation of office shall, with necessary modifications, apply to the Secretary of the board appointed under this section.</p>	
<p>Section 14 of the principal Act</p>	<p>Section 14 of the principal Act is repealed and replaced with the following new section —</p>	<p>14. (1) A board of a municipality shall consist of nine members appointed by the county governor with the approval of the county assembly.</p> <p>(2) The members of the board appointed under subsection (1) shall be constituted as follows—</p> <p>(a) the county executive member for the time being responsible for cities and urban areas or his representative;</p> <p>(b) four members shall be competitively appointed by the county governor, with the approval of the county assembly;</p>	

		<p>(c) four members shall be nominated and appointed by the county governor, with the approval of the county assembly;</p> <p>(d) the chief officer responsible for urban development; and</p> <p>(e) the municipal manager appointed under section 28 who shall be the secretary of the board and an <i>ex officio</i> member of the board.</p> <p>(2) The four members of the board of a municipality specified under subsection (2) (c), shall be nominated by—</p> <p>(a) an umbrella body representing professional associations in the area;</p> <p>(b) an association representing the private sector in the area;</p> <p>(c) a cluster representing registered associations of the informal sector in the area; and</p> <p>(d) a cluster representing registered neighbourhood associations in the area.</p> <p>(3) The county governor shall, while appointing the members of the board, ensure gender equity, representation of persons with disability, youth and marginalised groups.</p> <p>(4) The county Governor shall while considering the nominated members identified</p>	
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by the organizations specified under subsection (2), require the organizations to produce—

- (a) signed minutes as evidence of an accountable process of nomination;
- (b) evidence of compliance with statutory obligations; and
- (c) vetting form to establish that the nominee has complied with the prescribed criteria for appointment as a member of the board.

(5) A person shall be qualified for appointment as a chairperson of the board if that person—

- (a) holds at least a degree from an institution recognized in Kenya;
- (b) has a distinguished career in a medium level management position in either the private or public sector;
- (c) holds at least ten years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution;
- (e) is ordinarily resident or has a permanent dwelling in the municipality; and
- (f) carries on business in the municipality or has lived in the municipality for at least five years.

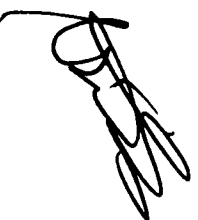


		<p>(6) A person shall be qualified for appointment as a member of the board if that person—</p> <ul style="list-style-type: none"> (a) holds at least a diploma from an institution recognized in Kenya; (b) has a distinguished career in a medium level management position in either the private or public sector; (c) holds at least five years' post-qualification professional experience; and (d) satisfies the requirements of Chapter Six of the Constitution; (e) is ordinarily resident or has a permanent dwelling in the municipality; and (f) carries on business in the municipality or has lived in the municipality for at least five years. <p>(7) A person shall not be appointed a member of the Board if that person—</p> <ul style="list-style-type: none"> (a) is an undischarged bankrupt; (b) has been removed from office for contravening the Constitution or any other law; (c) is not a citizen of Kenya; or (d) has in the conduct of his or her affairs not met any statutory obligations. 	
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Section 20 of the principal Act.	(a) Deleting the marginal note	substitute with the words "Governance and management functions of a board";	
	(b) Deleting subsection (2).		
Section 21 of the principal Act.	Amending paragraph (f) (g)	Insert the words "as provided in the County Governments Act, 2012 and any other national legislation on public participation" after the words "Second Schedule to this Act".	
Section 22 of the principal Act.	amending paragraph (b) by deleting the word "plan" and	Substituting with the word "formulate".	
Section 27 of the principal Act.	Amending this section by	Inserting the words "in accordance with the County Governments Act, 2012" immediately after the words "as a county government".	
Section 29 of the principal Act.	deleting the words " by an institution responsible for recruiting public servants in the county"	Substitute with the words "the county public service board established under section 57 of the County Governments Act, 2012.	
Section 30 of the principal Act.	Amending subsection (1) (c) by deleting the word "five" and	Replacing it with the word "ten".	
Section 31 of the principal Act. Management of Towns	Repealing section 31 and replaced with the following new sections—	31.(1) The management of a town shall be vested in a town committee comprised of five members which shall be constituted as follows—	Structured governance and management of towns.

	<p>(a) the county executive committee member responsible for urban areas and cities or his representative;</p> <p>(b) two members appointed competitively by the county governor;</p> <p>(c) a cluster representing registered associations of the informal sector; and</p> <p>(d) a cluster representing the business community.</p> <p>(2) The members of the town committee specified under subsection (1) shall be appointed by the county governor with the approval of the county assembly.</p> <p>(3) A person shall be qualified for appointment as chairperson, vice-chairperson or member of a town committee if that person—</p> <p>(a) holds at least a Kenya Certificate of Secondary Education or its equivalent and post-secondary education professional diploma;</p> <p>(b) has a distinguished career in a management position in either the private or public sector;</p> <p>(c) holds at least three years' post-qualification professional experience;</p>	



		<p>(d) satisfies the requirements of Chapter six of the Constitution; and</p> <p>(e) is ordinarily resident or has a permanent dwelling in the town for at least five years or carries on business in the county.</p> <p>(4) A person shall not be appointed a member of a town committee if that person—</p> <p>(a) is an undischarged bankrupt;</p> <p>(b) has been removed from office for contravening the Constitution or any other law;</p> <p>(c) is not a citizen of Kenya; or</p> <p>(d) has in the conduct of his or her affairs not met any statutory obligations.</p> <p>(5) The provisions of section 16 and 18 relating to vacation of office and removal from office of members of the board of a city or a municipality shall apply, with the necessary modification, to a member of a town committee.</p>	
<p>Functions of a town committee</p>		<p>31A. The functions performed by the board of a city or a municipality specified under section 20(1) shall be performed by the town committee.</p>	



<p>Appointment of an administrator.</p>		<p>31B. (1) There shall be an administrator for every town established under this Act who shall be appointed by the county public service board established under section 57 of the County Governments Act, 2012.</p> <p>(2) The administrator of a town shall perform such functions as the town committee, appointed under section 31, may determine.</p> <p>(3) A person shall be qualified to be appointed as an administrator under subsection (1), if that person—</p> <ul style="list-style-type: none"> (a) holds a degree from a university recognised in Kenya or its equivalent; (b) has proven experience of at least three years in administration or management either in public or private sector; (c) is a citizen of Kenya; and (d) Satisfies the requirements of chapter six of the Constitution. 	
<p>Repeal and replacement of the First Schedule.</p>	<p>The First Schedule is repealed and replaced a new Schedule.</p>	<p>*** See Annex the Schedule</p>	

AMENDMENTS OF THE SCHEDULES

FIRST SCHEDULE [s. 5(1) (e), 9(1) (e), and 10 (2) (d)]

CLASSIFICATION OF URBAN AREAS AND CITIES AND BY SERVICES

In classifying an area as a city, municipality or town, regard shall be had to the ability to provide the following services and also the existence of the services required to be provided by the National Government:

City—(Population: at least 250,000)

- Planning and Development Control
- City Economic Development Plan
- Traffic Control and Parking
- Water and Sanitation
- Street Lighting
- Outdoor Advertising
- Cemeteries and Crematoria
- Public Transport
- Library services
- Storm Drainage
- Ambulance Services
- Health Facilities
- Fire Fighting and Disaster Management
- Control of Drugs
- Sports and Cultural Activities
- Electricity and energy provision (gas, kerosene, biomass etc)
- Abattoirs
- Refuse Collection
- Solid waste management

Pollution(Air, water and soil) control
Child Care Facilities
Pre-Primary Education
Local Distributor Roads
Conference Facilities
Community Centres
County Hospital
Constituent University Campuses
Polytechnic
National School
Stadium
Airport
Airstrip
Theatre
Library Service
Administrative Seat
Financial Hub
Museum
Historical Monument
Fire Station
Emergency Preparedness
Postal services
Funeral Parlour
Recreational Parks
Management of Markets
Animal control and welfare
Religious Institution
Organised Public Transport

Planning and Development Control
Traffic Control and Parking

Municipality—(Population at least 50,000)

Water and Sanitation
Street Lighting
Outdoor Advertising
Cemeteries and Crematoria
Public Transport
Libraries
Storm Drainage
Ambulance Services
Health Facilities
Fire Fighting and Disaster Management
Control of Drugs
Sports and Cultural Activities
Electricity and Energy provision (gas, kerosene etc.)
Abattoirs
Refuse Collection
Solid waste management
Pollution(Air, water, soil)control
Child Care Facilities
Pre-Primary Education
Local Distributor Roads
Community Centres
County Hospital
Constituent University Campuses
Polytechnic
County School
Stadium
Airstrip
Theatre
Library/ICT services
Administrative Seat
Local Economic Development Plan
Museum/cultural centres
Fire Station

- Emergency Preparedness
- Telecommunication services /postal services/ICT
- Funeral Parlour
- Cemetery
- Recreational Parks
- Animal control and welfare
- Religious Institution

Town—(Population at least 10,000)

- Street Lighting
- Cemeteries and Crematoria
- Library Services
- Health Facilities
- Sports and Cultural centers or facilities
- Abattoirs
- Refuse Collection
- Solid waste management
- Pollution (Air, water and soil)control
- Child Care Facilities
- Pre-Primary Education
- Community Centres
- Vocational Institution
- Primary or High school
- Bus park
- Road network, streets, walkways, sidewalks and cycle ways
- Postal services or telecommunication
- Funeral Parlour or mortuary
- Cemetery
- Recreational parks
- Animal control and welfare

Religious Institution

Market Centre—(Population at least 2,000)

- Street Lighting
- Health Facilities
- Sports and Cultural centers/facilities
- Abattoirs/Slaughterhouse
- Refuse Collection
- Solid waste management
- Child Care Facilities
- Pre-Primary Education
- Community Centres
- Primary school
- Bus park
- Road network/streets/walkways/sideways/cycle ways
- Recreational parks
- Animal control and welfare

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JUSTIFICATION FOR THE PROPOSED AMENDMENT TO URBAN AREAS AND CITIES ACT 2011 (CAP 275)

1. Constitutional Provisions.

The proposed amendment is anchored on the Constitutional Provisions of Articles;

1. 184 (1) National legislation shall provide for the governance and management of urban areas and cities and shall
2. Support for county governments in Article;

190. (1) Parliament shall by legislation ensure that county governments have adequate support to enable them to perform their functions

2. County Support

Counties require support and will still need a fallback position on technical assistance, capacity building and limited intervention on programs, projects and issues of cross county or county. There is need therefore for an outfit that is multi-disciplinary and designed specially to respond to these matters.

Currently there are requests from 23 counties already pending at Urban Development Department for consideration and many more are coming.

3. Institutional Backstopping

The Department is currently providing support to counties through the Kenya urban support programme to establish Municipal Management Boards and Town committees as per the Urban Areas and Cities Act. This is a 5-year World Bank Funded programme in 45 counties which will receive urban Institutional Support Grants. The department will need to continue to facilitate and build capacity of the institutions to be able to stand and perform their functions effectively.

4. National Urban Development Policy

- Parliament in 2017 passed the National Urban Development Policy which will guide Kenya's Urbanization Vision, Strategy Norms and Standards. The directorate oversees the implementation of this policy guiding urbanization and acts as regulator on urban development and management standards and norms and advisor to government on urban development and management issues

5. Other National Policies

- Kenya's Big Four Agenda requires a unit whose primary role includes guiding on framework for integrating housing, strategic infrastructure and urban infrastructure and improving national and local governance in the context of urban development. Like many countries around the world, and to provide policy environment that is stable and with the Kenya Vision 2030 envisions. It aims at making Kenya a newly industrializing, "middle income country providing high quality life for all its citizens by the year 2030".
- Best practice examples in the world show that any country that has achieved middle income status has done so on the Basis of effective urbanization. Singapore for example has the urban redevelopment authority and the housing development board guiding the national urbanization and human settlement docket.

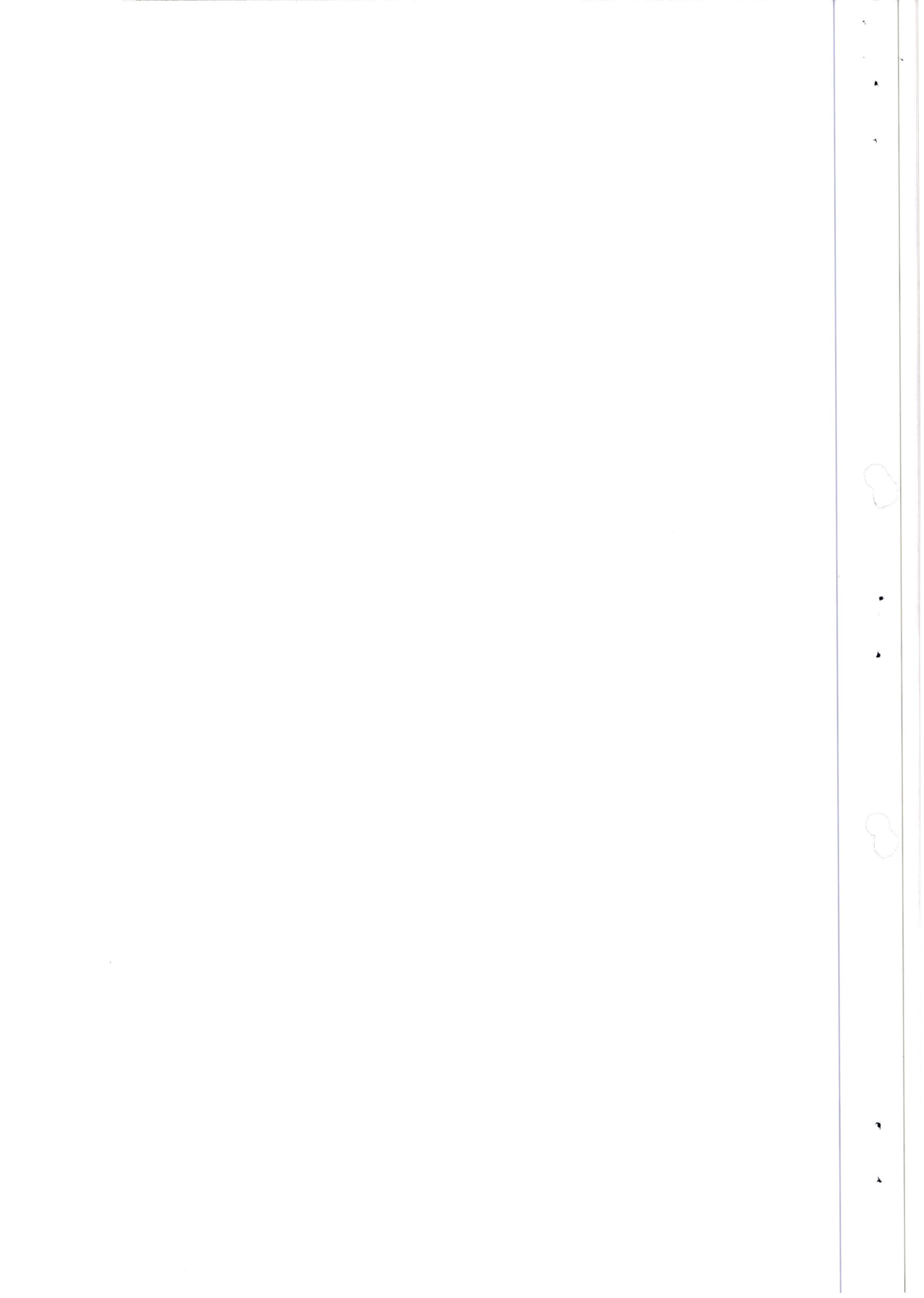
5. International Conventions

The Habitat III conference of 2016, noted that Urban areas around the world are facing greater challenges than they did 20 years ago. The persistent urban issues include the growing number of urban residents living in informal settlements and the challenge of providing urban services. The emerging urban issues include climate

change; exclusion and rising inequality and upsurge in migration. This growth is obviously unsustainable.

When well-managed, urbanization fosters social and economic advancement and improved quality of life for all. The current model of urbanization is unsustainable and there is need for an institution that will continuously guide the process through sustained national policy implementation and coordination.

Kenya has subscribed to the new urban agenda 2016 and the agenda 2030 for sustainable development. A directorate is required to advocate, advice and disseminate best practice on the requirements of Kenya's commitment to the agenda so as to effectively address urbanization and human settlement challenges while taking advantage of the opportunities offered by urbanization.



Annexure 6

Advert inviting submissions of memoranda

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Court

Don't give me death, prison beauty pleads

A former prison beauty queen found guilty of killing her boyfriend pleaded with the court to spare her life, saying she had reformed and regretted the incident.

Ruth Kamande, the 2016 Miss Lang'ata Prison, has been convicted of killing her boyfriend, Farid Mohammed, on September 20, 2015.

Through lawyer Joynor Okonjo, Ms Kamande told the judge she was the only source of hope for her ageing mother and that her experience in prison for the past two years had reformed her and made her a better person.

Kamande was submitting her mitigation before Justice Jessie Lesiit.

While convicting her, the judge had ruled that Kamande had ill motives when she stabbed Mohammed 22 times using a kitchen knife and dismissed her arguments that she acted in self-defence.

According to the judge, it was clear from the prosecution witnesses' accounts that Kamande subjected Mohammed to a lot of pain given that the stabs wounds

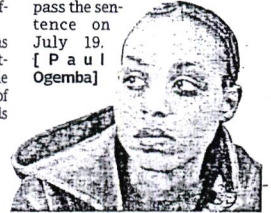
were not inflicted at once, but at intervals.

Kamande had in her defence stated that her boyfriend had raped her, knowing well that he was HIV-positive, and that he had attempted to kill her.

"She comes from a home of a single mother who is now devastated after her brother passed on. She is, therefore, the only surviving child and hope of her mother. That is why she is pleading that you give her a lenient sentence other than the death penalty," said Ms Okonjo.

But Mohammed's family, through State Counsel Everline Onunga, insisted that Kamande should suffer capital punishment. "The family feels that her conduct during trial did not show someone who is remorseful. They are bitter about the way their brother was killed," said Ms Onunga.

Justice Lesiit will pass the sentence on July 19. [Paul Ogemba]



Ruth Kamande Wanjiru

Courts. Man's burial sparks family feud

Woman moves to court to exhume her husband

She claims her sister-in-law rushed to bury her spouse behind her back.

By Paul Ogemba
pogemba@standardmedia.co.ke

A woman has gone to court seeking orders to exhume her husband's body to give him a decent burial.

Rahab Nyambura Njoroge argued that when her husband, Timothy Njoroge Mburu, died on March 18, she had hoped to give him a decent burial befitting his status.

She said she was surprised to find her husband's body missing from Lee Funeral Home a few days after his death.

She has accused her sister-in-law, Monica Wanjiru Mburu, of illegally removing the body and secretly burying it in Limuru without according her a chance to pay her last

respects.

"They hurriedly buried my late husband at 7.30am without my knowledge or any church service and ceremony. I was even more devastated when I traced the site he was buried and found that they had already cemented the grave," said Ms Njoroge.

She said she had been married to Mr Mburu since August 2007 and that the two had been staying together until he fell ill in February this year.

Burial permit

Mburu was admitted to Nairobi Hospital when he died. The body was taken to Lee Funeral Home.

Njoroge said she went to the mortuary on April 3 to collect a burial permit to allow her to take the body for burial, but was informed that it had already been released to her sister-in-law.

She claimed that Wanjiru

illegally obtained burial documents from a private pathologist and presented them to the hospital to have the body released without involving her, although she knew Njoroge was legally married to Mburu.

"As his wife, I had the right to properly bury my husband. I cannot even verify if it was my husband's body that was buried since they hurriedly cemented the grave," said Njoroge.

Lee Funeral Home has stated that the law mandated it to release a body to any person who presents identification as the next of kin.

The funeral home's manager, Mutindi Kaloki, said when the body was received

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Number of years Ms Njoroge says she had been married to Mburu

from Nairobi Hospital, Monica Wanjiru Mburu and James Muita visited the mortuary and identified themselves as Mburu's next of kin.

"By the time we were releasing the body, we were not aware there was another next of kin. If Nyambura had presented her claim earlier, we would not have allowed the release until they sorted out their mess," said Mr Kaloki.

Next of kin

He stated that it was not unusual for different people to claim one body preserved at the facility.

When they appeared before Lady Justice Wilfrida Okwany, Njoroge and her sister-in-law indicated that they were in talks to settle the matter out of court.

The judge gave them until October 10 to reach an agreement.

REPUBLIC OF KENYA



TWELFTH PARLIAMENT THE SENATE

The Impeachment Procedure Bill (Senate Bills No. 15 of 2018)

PUBLIC HEARINGS/ RECEIPT OF MEMORANDA

The Impeachment Procedure Bill (Senate Bills No. 15 of 2018) was read a First Time in the Senate on 3rd July, 2018 and thereafter stood committed to the Senate Standing Committee on Justice, Legal Affairs and Human Rights.

Pursuant to the provisions of Article 118 and standing order 134 (5) of the Standing Orders of the Senate, the Standing Committee on Justice, Legal Affairs and Human Rights now invites interested members of the public to submit any representations that they may have on the Impeachment Procedure Bill (Senate Bills No. 15 of 2018). The representations may be made orally or by submission of written memoranda in the following manner –

1. Public Hearings shall be held on **Thursday, 19th July, 2018 from 10.00 a.m. to 1.00 pm at the Mini Chamber, County Hall, Parliament Buildings, Nairobi;** or
2. Written Memoranda may be forwarded to the **Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi**, hand-delivered to the **Office of the Clerk, First Floor, Main Parliament Buildings, Nairobi** or emailed to cSenate@parliament.go.ke, to be received on or before **Wednesday, 18th July, 2018 at 1:00 pm.**

The Impeachment Procedure Bill (Senate Bills No. 15 of 2018) may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

CLERK OF THE SENATE/ SECRETARY
PARLIAMENTARY SERVICE COMMISSION.

REPUBLIC OF KENYA



NATIONAL ASSEMBLY TWELFTH PARLIAMENT – SECOND SESSION

In the Matter of consideration by the National Assembly of the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127(3)(a) provides, "the Departmental Committee to which a Bill is committed shall facilitate public participation through an appropriate mechanism, including inviting submission of memoranda" and shall take into account the views and recommendations of the public in its report to the House.

The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) seeks to amend the Urban Areas and Cities Act, 2011 to reclassify the criteria of establishing urban areas such as cities, municipalities and towns, and to provide for their governance and management in line with Article 184 of the Constitution. In this regard, the Bill seeks to amend Sections 2, 3, 4, 5, 10, 12, 13, 14, 20, 21, 22, 27, 29, 30, 31 and the First Schedule to the Act.

The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) has undergone First Reading in accordance with the provisions of Standing Order 127(1) and is now committed to the Departmental Committee on Transport, Public Works and Housing for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the Public to submit any representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk of the National Assembly, First Floor, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before **Friday, 20th July, 2018 at 5:00pm.**

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

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MANUFACTURING

Long-term enforcement key to sector

The crackdown on counterfeit and contraband goods has brought to light how much Kenyans have been exposed to illegal and probably dangerous products. Most people will recall a similar effort in 2015, then focussing on a countrywide campaign to combat illegal brews.

Although the debate, especially around sugar, has attracted the most noise and taken a decidedly unsettling political turn recently, the truth remains that the extent to which illegal products continue to penetrate the marketplace is a shock for many Kenyans.

In the alcoholic beverage industry, a report by the International Alliance for Responsible Drinking (IARD) released in June lent more credence to fears about illicit products. It also reinforced the assertion that enforcement is necessary and not be a short-term fix.

Dr. David, a respected global expert, said that more than 60 per cent of alcohol in Kenya is illicit and dangerous. Worldwide, more than \$180 billion was lost to illicit alcohol in the last year. Counterfeits and contraband erode the consumer confidence in

established brands, deny legitimate businesses a level playing ground and end up shaking confidence in business and investments.

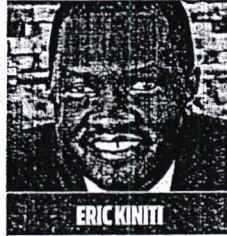
A loss of confidence in established products is also a loss of revenue for the government and the country. When customers keep off brands that have been counterfeited, especially those that we consume every other day, the government loses the taxes due.

This was emphasised by IARD, who said that the alcohol produced and sold illegally outside the government's regulation is especially problematic because it is untaxed, can be sold to anyone at any time, is not consistent in quality, and is potentially toxic.

Deaths and blindness

Kenya has adequate proof of the danger posed by this, and there have been many instances over the years of deaths and blindness as a result of taking illicit alcohol.

As the debates sparked by the revelations of the extent of counterfeiting continue, now would be a good time to think about long-term efforts to eradicate counterfeits and the untaxed imports. First should be the mega agencies



Now would be a good time to think about long-term efforts to eradicate counterfeits and the untaxed imports."

driving enforcement. Our agencies, including the Kenya Revenue Authority (KRA), Kenya Bureau of Standards (Kebs) and the Anti-Counterfeit Authority (ACA) will need to work ever more closely with all stakeholders consistently ensure that the goods consumed meet standards.

Counterfeiters are dangerously nimble at their craft and technology has made it possible for them to make products that very closely resemble the original

in a very short time.

It is necessary for the government agencies in the fight to use technology to track down counterfeits. Companies should also use technology to secure their brand identities and make it possible for customers to easily verify the authenticity of their products.

Perhaps all these agencies should have at the back of their minds the fact that legitimate business makes valuable contributions to the socio-economic well-being of the people.

From what we have seen over the past three months, though, it is evident that the police, the Directorate of Criminal Investigations and other law enforcement agencies are working ever more closely with KRA, Kebs and the ACA.

This is a laudable effort and the triumphs registered so far should offer lessons for a sustainable fight against fake products.

Kenyans also need to play a role, reporting whenever they come across suspicious products or know people seeking to make a living off making, selling or bringing into the country products that have not been approved. Battling counterfeits, contraband, illicit and illegal

trade protects and boosts legitimate manufacturing — one of the 'Big Four' pillars that the Jubilee government has identified to drive the national agenda for the next four years.

In the beverage-alcohol industry, we hope that when the heat generated by the crackdown on counterfeits and contraband goods dies down, a truly sustainable enforcement strategy will emerge, helping to secure the marketplace from the dangerous products that we have seen in the media in recent months.

We are encouraged by the public-private-sector collaboration in recent days because we believe a collaborative effort shared by the government and agencies and industry players will help to deal with the unscrupulous players and the hydra-headed problem of counterfeits and contraband.

The illicit trade continues to discourage legitimate investments, especially in manufacturing — a key plank of the country's economic growth agenda.

Mr Kiniti is the corporate relations director, East African Breweries Ltd (EABL). info@eabl.com

FINANCE

Let's tighten Ifmis to beat corruption

The Integrated Financial Management Information System (Ifmis) was seen as the ultimate tool for prudent financial management. But its era has seen a massive theft of public resource. It aids rather than deters corruption.

Ifmis allows the use of informatics and communications technology (ICT) in financial operations to support management and budget decisions. It should also aid in the preparation of financial reports and statements. Simply, it is the computerisation of the public financial management processes.

But in building Ifmis, we forgot to manage the human factor in its use or misuse as our system of governance ideologically bankrupt. In a recent local poll, 73 per cent of the respondents alleged sabotage and abuse of Ifmis, mainly due to security challenges — key among them IT security and cyber-attacks.

One of our greatest undoings is lack of internal controls to secure the system from fraudsters. As configured and administered, Ifmis is open to misuse and abuse. There should be proper monitoring and cleaning. But in the NYS scandals, some former work could reportedly access the system, enter information and doctor transactions.

We should ensure full connectivity and poor network, especially in county governments, and have separate system for the national government (as it is initially planned) and another for counties.

HARRIET WANGUI, post-graduate computer science & informatics student, MMUS

REPUBLIC OF KENYA



NATIONAL ASSEMBLY TWELFTH PARLIAMENT – SECOND SESSION

In the matters of consideration by the National Assembly:-

1. The National Flag, Emblems & Names (Amendment) Bill (Senate Bill No. 8 of 2017)
2. The Assumption of the Office of the County Governor Bill (Senate Bill No. 1 of 2018)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The National Flag, Emblems & Names (Amendment) Bill (Senate Bill No. 8 of 2017) seeks to amend the National Flag, Emblems and Names Act to allow members of the public to fly the National Flag in their places of residence, work and business.

Assumption of the Office of the County Governor Bill (Senate Bill No. 1 of 2018) seeks to provide for procedure and ceremony for the assumption of the Office of Governor by the Governor-elect.

The above two (2) Bills have undergone First Reading in accordance with the provisions of Standing Order 127(3) and are now committed to the Departmental Committee on Administration and National Security for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the Public to submit any representations they may have on the said two Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk of the National Assembly, First Floor, Main Parliament Buildings, Nairobi, or emailed to clerk@parliament.go.ke, to be received on or before Friday 20th July, 2018 at 5:00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY TWELFTH PARLIAMENT – SECOND SESSION

In the Matter of consideration by the National Assembly of
the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127(3)(a) provides, "the Departmental Committee to which a Bill is committed shall facilitate public participation through an appropriate mechanism, including inviting submission of memoranda" and shall take into account the views and recommendations of the public in its report to the House.

The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) seeks to amend the Urban Areas and Cities Act, 2011 to reclassify the criteria of establishing urban areas such as cities, municipalities and towns, and to provide for their governance and management in line with Article 184 of the Constitution. In this regard, the Bill seeks to amend Sections 2, 3, 4, 5, 10, 12, 13, 14, 20, 21, 22, 27, 29, 30, 31 and the First Schedule to the Act.

The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017) has undergone First Reading in accordance with the provisions of Standing Order 127(1) and is now committed to the Departmental Committee on Transport, Public Works and Housing for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the Public to submit any representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk of the National Assembly, First Floor, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Friday, 20th July, 2018 at 5:00pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

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Annexure 7

Adoption list and minutes

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Adoption of the Committee Report on the Consideration of the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017)

We, the Members of the Departmental Committee on Transport, Public Works and Housing have, pursuant to Standing Order 199, adopted this report and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. David Pkosing, M.P



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Chairperson

2. Hon. Moses Kuria, M.P.

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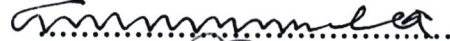
Vice Chairperson

3. Hon. Samuel Arama, M.P.



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4. Hon. Johnson Manya Naicca, M.P.



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5. Hon. Peris Pesi Tobiko, M.P.



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6. Hon. Suleiman Dori Ramadhani, M.P.

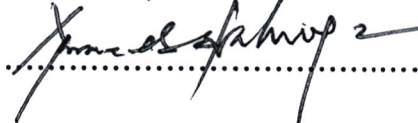
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7. Hon. Savula Ayub Angatia, M.P.



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8. Hon. Ahmed Abdisalan Ibrahim, M.P.



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9. Hon. Ahmed Bashane Gaal, M.P.

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10. Hon. David Njuguna Kiaraho, M.P.



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11. Hon. Dominic Kipkoech Koskei, M.P.



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12. Hon. Gideon Mutemi Mulyungi, M.P.



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13. Hon. Kulow Maalim Hassan, M.P.



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14. Hon. Mugambi M. Rindikiri, M.P.



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15. Hon. Rehema Dida Jaldesa, M.P.

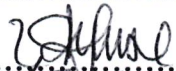


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16. Hon. Rigathi Gachagua, M.P

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17. Hon. Shadrack John Mose, M.P.



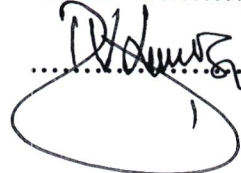
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18. Hon. Tom Mboya Odege, M.P.



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19. Hon. Vincent Kemosi Mogaka, M.P.



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MINUTES OF THE FIFTIETH (50TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 14TH AUGUST 2018 AT 9.30 A.M. IN 2ND FLOOR BOARDROOM, CONTINENTAL HOUSE AND AT 11.30 A.M. IN COUNTY HALL MINI-CHAMBER, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Moses Kuria - Vice Chairperson
3. Hon. Samuel Arama
4. Hon. David Njuguna Kiaraho
5. Hon. Gideon Mutemi Mulyungi
6. Hon. Johnson Many Naicca
7. Hon. Kulow Maalim Hassan
8. Hon. Peris Pesi Tobiko
9. Hon. Shadrack John Mose
10. Hon. Tom Mboya Odege

MEMBERS ABSENT WITH APOLOGY

1. Hon. Rehema Dida Jaldesa
2. Hon. Suleiman Dori Ramadhani
3. Hon. Ahmed Abdisalan Ibrahim
4. Hon. Ahmed Bashane Gaal
5. Hon. Dominic Kipkoech Koskei
6. Hon. Savula Ayub Angatia
7. Hon. Mugambi Murwithania Rindikiri
8. Hon. Vincent Kemosi Mogaka
9. Hon. Rigathi Gachagua

FRIENDS OF THE COMMITTEE

1. Hon. Abdulswamad Shariff Nassir, MP

2. Hon. Owen Yaa Baya, MP

SECRETARIAT

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

IN ATTENDANCE

- | | | |
|--------------------------|---|--|
| 1. Mr. Patrick Bucha | - | Secretary, State Department of Housing |
| 2. Ms. Peris Mangira | - | KISIP, State Department of Housing |
| 3. Mr. Kartius Kisiyenya | - | KISIP, State Department of Housing |
| 4. Mr. Mbabu Mugwika | - | KISIP, State Department of Housing |

MIN No. TPWH 215/2018: PRELIMINARIES

The Chairperson called the meeting to order at forty minutes past nine o'clock, with a word of prayer from Hon. Johnson Naicca, MP. The Chairperson informed the Committee that the agenda of the meeting was to meet the Ministry on the Urban Areas and Cities (Amendment) Bill, 2017, KISIP and also to receive responses from the Cabinet Secretary to questions. Members adopted the agenda, the proposer being Hon. Shadrack Mose and the seconder being Hon. Tom Odege.

MIN No. TPWH 216/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN No. TPWH 217/2018: MEETING WITH THE MINISTRY TO DELIBERATE ON MATTERS PERTAINING TO HOUSING PROJECTS, KISIP IN PARTICULAR

The Principal Secretary for Housing sent his apologies and he was represented by the Secretary for Housing. The Kenya Informal Settlement Improvement Project (KISIP) covers a wide range

of projects, from roads, to drainage, to housing. KISIP was designed in 2009 and its implementation commenced in 2011. It was aimed at improving living conditions in informal settlements in 15 selected municipalities (now counties). It is supported by development partners namely World Bank, Sida and AfD. The cost at inception was 165 million US dollars (approximately Kes. 15.3 billion).

The Ministry submitted that infrastructure provision has been undertaken in 10 counties namely: Nairobi, Mombasa, Kisumu, Uasin Gishu (Eldoret), Kilifi (Malindi), Embu, Kericho, Nakuru, Naivasha, Kitui and Machakos. Further, land tenure regularization has been undertaken in 13 counties where 577 title deeds have so far been issued, 86 informal settlements have been planned and surveyed, 84 local physical development plans prepared (30 already approved), and approximately 25,000 titles in the 86 settlements are expected to be issued by end of the project.

The Ministry further explained that as part of its implementation of Sustainable Development Goals (SDGs), Kenya Vision 2030 and the government's Big Four agenda, the government requested for a phase II of KISIP. In this regard, and in consultation with World Bank, the National Treasury granted approval for this phase II for the period 2019-2024 at a cost of USD 150 million. KISIP II Concept Paper was prepared and submitted to the National Treasury and to the World Bank.

MIN No. TPWH 218/2018: **RECEIVING VIEWS FROM THE MINISTRY ON
THE URBAN AREAS AND CITIES (AMENDMENT)
BILL, 2017 (SENATE BILL NO. 4 OF 2017)**


On the Urban Areas and Cities (Amendment) Bill, 2017, the Ministry and other stakeholders submitted that they had no proposed amendments to the Bill and that they support the Bill as passed by the Senate.

MIN No. TPWH 219/2018: **MEETING WITH THE CS FOR TRANSPORT,
INFRASTRUCTURE, HOUSING AND URBAN
DEVELOPMENT TO RESPOND TO QUESTIONS**

The Cabinet Secretary did not appear before the Committee and no written communication was received on the same by the time of the meeting. However, the meeting noted that there was a Cabinet sitting in Nairobi at the same time and it was highly likely that the Cabinet Secretary was still held up at the meeting. The meeting resolved that the sitting be adjourned to a later date.

MIN No. TPWH 220/2018: ADJOURNMENT

There being no other business, the sitting was adjourned at noon. The next meeting to be held on Thursday, 16th August 2018.

Signed..........
(Chairperson)

Date.....25/9/18.....

MINUTES OF THE FIFTY THIRD (53RD) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 4TH SEPTEMBER 2018 AT 10.00 A.M. IN 2ND FLOOR BOARDROOM, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Ahmed Bashane Gaal
4. Hon. Dominic Kipkoech Koskei
5. Hon. Gideon Mutemi Mulyungi
6. Hon. Kulow Maalim Hassan
7. Hon. Peris Pesi Tobiko
8. Hon. Shadrack John Mose
9. Hon. Tom Mboya Odege
10. Hon. Vincent Kemosi Mogaka

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Rehema Dida Jaldesa
3. Hon. Johnson Manya Naicca
4. Hon. Savula Ayub Angatia
5. Hon. David Njuguna Kiaraho
6. Hon. Suleiman Dori Ramadhani
7. Hon. Ahmed Abdisalan Ibrahim
8. Hon. Mugambi Murwithania Rindikiri
9. Hon. Rigathi Gachagua

SECRETARIAT

- | | | |
|-----------------------|---|---------------------|
| 1. Ms. Chelagat Tungo | - | Clerk Assistant I |
| 2. Mr. Ahmed Salim A. | - | Clerk Assistant III |
| 3. Mr. Abdinasir Moge | - | Fiscal Analyst |
| 4. Mr. James Muguna | - | Researcher |
| 5. Mr. Eugene Luteshi | - | Audio Officer |
| 6. Mr. Moses Kariuki | - | Sergeant at arm |

IN ATTENDANCE

- | | | |
|--------------------------|---|--------------------------------------|
| 1. Hon. Omar Mwinyi, MP | - | Conveyor of a petition |
| 2. Mr. Andrew Saisi | - | Managing Director, NHC |
| 3. Mr. William Keitany | - | Corporation Secretary, NHC |
| 4. Mr. Erastus Rintaugu | - | Credit Control Manager, NHC |
| 5. Mr. John W. Agutu | - | General Manager Estates, NHC |
| 6. Mr. Jackson M. Mwaura | - | General Manager Business Dev. |
| 7. Ms. Jackline Karuri | - | Corporate Communications Officer |
| 8. Mr. Robert M. Ambuku | - | Ag. Gen. Manager, Technical Division |

MIN No. TPWH 231/2018: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past ten o'clock, with a word of prayer from Hon. Ahmed Bashane Gaal, MP. The meeting Chairperson informed the Committee that the agenda of the meeting was to consider two petitions; one conveyed by Hon. Peris Tobiko and another one conveyed by Hon. Omar Mwinyi. Members adopted the agenda, the proposer being Hon. Samuel Arama and the seconder being Hon. Dominic Koskei.

MIN No. TPWH 232/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN No. TPWH 233/2018: CONSIDERATION OF A PETITION FROM THE HON. PERIS PESI TOBIKO, MP ON BEHALF OF

**THE RESIDENTS OF KAJIADO EAST REGARDING
THE COMPENSATION OF THE RESIDENTS OF
KAJIADO EAST BY THE STANDARD GAUGE
RAILWAY PHASE 2A PROJECT**

The meeting was informed that the Ministry, which had been invited to appear before the Committee to submit their views on the petition, had written a letter requesting the Committee to postpone the meeting to a later date because the Principal Secretary in charge and the acting Managing Director for Kenya Railways were away on official duty. The Committee noted that the reasons conveyed were reasonable and the Committee further resolved to postpone the consideration of the petition to a later date.

MIN No. TPWH 234/2018:

**CONSIDERATION OF A PETITION FROM THE
HON. SHIMBWA OMAR MWINYI, MP ON BEHALF
OF THE RESIDENTS OF THE NATIONAL
HOUSING CORPORATION TENANTS WELFARE
ASSOCIATION IN CHANGAMWE
CONSTITUENCY, MOMBASA COUNTY**

The Hon. Member for Changamwe Constituency, Hon. Omar Mwinyi was given an opportunity, as the conveyor of the petition to submit his comments on the petition. In his petition before the Committee, the Member was requesting that the Departmental Committee:

- i. Recommends that the rents be harmonized, disputes arrears be waived, sewer issue be addressed and maintenance of the houses be commenced with immediate effect;
- ii. Causes the tenants be included in key-decision making processes by the management of the National Housing Corporation;
- iii. Intervenes on the matter to ensure that the tenants are allowed to purchase the houses under the NHC Policy Scheme on "Tenant Purchase Option"; and
- iv. Makes any other order that it deems fit in the circumstances of the matter.

Having heard the conveyor of the petition, the Committee invited the National Housing Corporation to respond to the issues raised. In their submission, the National Housing Corporation explained that the first rent increment was done in the year 1994 and thereafter

revised after every four years and that the increase has never been arbitrary. They submitted that the Corporation abided by the court orders maintaining status quo. Any disparities as a result of the rent arrears that arise from the court cases when tenants decline to pay the new rents and when tenants take advantage of the status quo order and stop paying current rates while hiding behind court case.

On the allegation that the sewer system is messy, the National Housing Corporation acknowledged that the sewer system within Changamwe estate often clogs up resulting to backflow. In such instances, the NHC reported that the corporation clears and exhausts the sewer line without fail at its cost.

The NHC further submitted that vide a High Court Case number 5 of 2012 (Fadhila S. Ali, Dominic Otieno Miguna and Others Vs, NHC and Other, the tenants and the corporation recorded a consent that the corporation will carry out repairs of the sewerage system as and when the need arises.

The Committee inquired more about the aforementioned court case and the NHC submitted that indeed there has been a number of court cases and the latest case is High Court Civil Suit No. 59 of 2018 Dominic Otieno Miguna and Others Vs. National Housing Corporation which is coming up for hearing on 3rd October 2018 and thereby the matter before the Committee is res-subjudice.

The Committee sought clarification from the Hon. Omar Mwinyi on the pending case but the matter led to a strong argument between the Committee and the Member. The Committee resolved to adjourn the consideration of the matter until the time the Committee shall appoint.

MIN No. TPWH 235/2018: ANY OTHER BUSINESS

The Committee noted the following:

1. That the Hon. Mwinyi's conduct and reaction to the issue raised regarding the pending court case was unfortunate, improper and not acceptable to the Committee. The Committee's Legal Counsel was therefore tasked to prepare a brief for the Chairman through the Clerk's office on sub-judice in the public petition by residents of National

Housing Corporation Tenants Welfare Association in Changamwe Constituency, Mombasa County, which will then guide the Committee on way forward.

2. That there was a proposed visit to Lamu to visit the LAPPSET project from 6th to 9th September 2018 and thereafter proceed with other pending Committee business and that Members need to confirm attendance.

MIN No. TPWH 236/2018: ADJOURNMENT

There being no other business, the sitting was adjourned at thirty five minutes past noon. The next meeting to be held on 5th September 2018.

Signed..... 

(Chairperson)

Date..... 25/9/18



MINUTES OF THE FIFTY FOURTH (54TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON WEDNESDAY, 5TH SEPTEMBER 2018 AT 10.00 A.M. IN 2ND FLOOR BOARDROOM, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Johnson Many Naicca
4. Hon. Peris Pesi Tobiko
5. Hon. Ahmed Bashane Gaal
6. Hon. Dominic Kipkoech Koskei
7. Hon. Gideon Mutemi Mulyungi
8. Hon. Shadrack John Mose
9. Hon. Vincent Kemosi Mogaka

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Rehema Dida Jaldesa
3. Hon. Kulow Maalim Hassan
4. Hon. Tom Mboya Odege
5. Hon. Savula Ayub Angatia
6. Hon. David Njuguna Kiaraho
7. Hon. Suleiman Dori Ramadhani
8. Hon. Ahmed Abdisalan Ibrahim
9. Hon. Mugambi Murwithania Rindikiri
10. Hon. Rigathi Gachagua

SECRETARIAT

- | | | |
|-----------------------|---|---------------------|
| 1. Ms. Chelagat Tungo | - | Clerk Assistant I |
| 2. Mr. Ahmed Salim A. | - | Clerk Assistant III |
| 3. Mr. Abdinasir Moge | - | Fiscal Analyst |
| 4. Mr. James Muguna | - | Researcher |
| 5. Mr. Eugene Luteshi | - | Audio Officer |
| 6. Mr. Moses Kariuki | - | Sergeant at arm |

IN ATTENDANCE

- | | | |
|------------------------|---|--|
| 1. Mr. Samuel Kimaru | - | Traffic Commandant, Kenya Police Service |
| 2. Mr. Henry Barmau | - | Director, Operations; Kenya Police Service |
| 3. Mr. Martin Eshiwani | - | Director, State Department of Transport |
| 4. Mr. Francis Meja | - | Director General, NTSA |
| 5. Ms. Njeri Waithaka | - | Director, Safety; NTSA |

MIN No. TPWH 237/2018: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes to ten o'clock, with a word of prayer from Hon. Bashane Gaal, MP. The Chairperson informed the Committee that the agenda of the meeting was to deliberate on rising cases of traffic accidents in the Country, to consider Committee amendments on the Urban Areas and Cities Amendment Bill, 2018 as well as consider the Proposed Traffic Amendment Bill (Legislative Proposal by Hon. Jude Njomo, MP.) Members adopted the agenda, the proposer being Hon. Samuel Arama and the seconder being Hon. Dominic Koskei.

MIN No. TPWH 238/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN No. TPWH 239/2018: MEETING WITH THE MINISTRY, NTSA AND TRAFFIC COMMANDANT TO DELIBERATE ON THE RISING CASES OF TRAFFIC ACCIDENTS IN THE COUNTRY.

The Committee was concerned that a comparative analysis of July/ August 2017 data and July/ August, 2018 data indicates that there was a sharp increase in accidents in 2018. This was attributed to human error, and other factors such as interference with speed governors, boda boda menace, total disregard of traffic rules by motorists and overloading of passengers as submitted by the Director General, NTSA.

The DG further submitted that there was need for regulations of heavy commercial vehicles as they are also involved in the accidents. He regretted that up to date there was no specific licensing regime for the heavy commercial vehicles, since the proposed regulations had been annulled by Parliament.

In addition, it was noted that poor infrastructure was a contributing factor and thus there was a need to rework and redesign the hazardous spots.

In the same meeting, the Commandant in charge of traffic reported that, traffic officers do not fall under the Traffic Commandant, instead, they report directly to the OCPDs and the OCSs who then report to the County Commanders. The County Commanders reports directly to the Regional Police Commandants who then reports directly to the Deputy Inspector General of Kenya Police.

The Committee was informed that under the Government Check Unit, the Commandant is in charge of School and Parastatal Vehicles as well as Security.

In the absence of the Inspector General, the Committee directed the Traffic Commandant to inform him to appear before the Committee on 10th September, 2018 at 10.00 a.m. to enable the Committee conclude on the matter.

MIN No. TPWH 240/2018:

**CONSIDERATION OF COMMITTEE'S
AMENDMENTS TO THE URBAN AREAS AND
CITIES (AMENDMENT) BILL, 2017 (SENATE BILL
NO. 4 OF 2017)**

The Committee went through the Bill and proposed two amendments as indicated in the table below;

Section	Proposed amendment	Specific amendments proposed	Justification
Section 49 of the principal Act	<p>Add section 49b</p> <p>National Urban Development Fund</p> <p>(on the marginal notes)</p>	<p>49 (b). (1) There is established a fund to be known as the National Urban Development Fund which shall be administered by the Directorate of Urban Development and Management,</p> <p>(2) There shall be paid into the Fund</p> <p>(a) any monies appropriated by Parliament for the purposes of urban development, including informal settlements upgrading, urban infrastructure urban regeneration and other human settlement programmes;</p> <p>(b) any funds provided by bilateral or multilateral donors, for the purpose of urban development and management;</p> <p>(c) grants, donations or endowments as may be given to the directorate for the purpose of the Fund;</p> <p>(d) monies that may be borrowed by the national treasury for the purposes of the Fund;</p> <p>(3) The fund shall provide conditional grants to the counties</p> <p>(4) The Fund shall be applied to the following purposes-</p> <p>(a) to improve enabling environment for sustainable, inclusive urban development and enhancing infrastructure service delivery in secondary towns, including-</p> <p>i. provision of urban and metropolitan infrastructure, informal settlements upgrading, urban regeneration and other human settlements.</p> <p>ii. provision high priority capital</p>	<p>The role and contribution of urban areas and cities in the development of the national and county economies needs to be enhanced.</p> <p>This fund will help to fill the glaring gap in the development and provision of key urban infrastructure development services for sustainable development of urban areas and cities in Kenya</p> <p>Through the fund, the National Government will deepen its impact of county development by directly supporting the drivers of urban economy through financing and other resources needed to thrive in long-term.</p> <p>It will fill a financial gap which has widened in recent years as a result of the continual revenue shortfall in counties and inability by counties to fund major foundation priority projects that propel urban centres as engines of innovation excellence and drivers of economic development.</p> <p>Kenya has subscribed to the new urban agenda 2016 and the agenda 2030 for sustainable development. The fund will boost Kenya's commitment to the agenda to effectively address urbanization and human settlement challenges</p> <p>When well-managed, urbanization fosters social and economic advancement and improved quality of life for all. The current model of urbanization is unsustainable and there is need for a special facility that will continuously provide for the actualization of the national urban development policy implementation and</p>

		<p>expenditure projects, some which are inter/intra county beyond the scope and budgetary allocation of counties including. storm water, solid waste landfills, and urbanisation planning, urban development and related core urban programs.</p> <ul style="list-style-type: none"> iii. development of operation and maintenance of national urban observatory and associated capacity development. iv. county capacity development support in urban planning, urban management, and development of urban areas v. urban disaster risk mitigation, and human settlement safety including urban resilience to climate change and urban integrated flood protection vi. provide for research, documentation and dissemination of the state of urbanization in Kenya vii. provide for management and administration of towns and municipalities that cuts across two counties viii. any other purpose that would enhance the development and promotion of urban development programmes that may be determined by the directorate of urban development and management <p>(5) the fund shall provide counterpart funding for donor funding of urban development programmes</p> <p>(6) The Fund shall be administered in accordance with the provisions relating to public funds under the law relating to public finance management.</p>	<p>coordination.</p> <p>The directorate oversees the implementation of this policy, guides urbanization and acts as regulator on urban development and management standards</p> <p>Best practice examples in the world show that any country that has achieved middle-income status has done so because of effective urbanization. The fund will help the country towards realization of the vision 2030 goal</p>
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<p>Designated towns and gazette county headquarters</p>	<p>Amend section 60 to become section 60 (1) Mombasa and Kisumu</p> <p>Insert Section (60) 2</p>	<p>60 (1) becomes Mombasa and Kisumu.</p> <p>Insert 60 (2) (i) all towns designated and gazetted as county headquarters or having a population of between 50,000 and 249,999 shall be conferred the status of special municipalities or municipalities by formation of municipal boards</p> <p>(ii) There shall be appointed by the county public service board municipal managers and other key staff within two (2) years.</p> <p>(iii) All towns with a population of 10, 000 to 49,990 shall be conferred town status through formation of Town Committees and appointment of Town Managers within 3 years.</p> <p>insert 60 (3) Notwithstanding the provisions of the subsections 2 and 3 above all towns and municipalities not meeting the above provisions, their governance and management shall revert to the state and the national government in consultation with council of governors shall appoint a multidisciplinary committee to manage such towns.</p>	
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The Committee noted that the proposed amendments have financial implications and therefore it was important to seek the views of the Parliamentary Budget Office before the Committee concludes on the agenda. The Legal Counsel was tasked with liaising with the Budget office on the same report the progress to the Committee.

MIN No. TPWH 241/2018:

**CONSIDERATION OF THE PROPOSED TRAFFIC
AMENDMENT BILL 2018 (LEGISLATIVE
PROPOSAL BY HON. JUDE NJOMO**

The Hon. Member informed the Committee that the proposal had been conceived in the 11th Parliament but no progress was made to move the process forward.

In his briefing, he indicated that the Law as it is currently has not adjusted accordingly to accommodate the new rules/ regulations on the Traffic Act.

The Proposed Bill seeks to categorize roads, introduce dual carriageways, and change speed limits. He proposes to increase the speed limits of PSVs on super highways and highways from 80km p/hr to 100km p/hr.

He further submitted that there was need to have in place a system which can monitor speeds on the roads.

The Committee observed that it was important to carry out a research on matters over speeding vis a vis traffic accidents in order to make an informed decision regarding the proposal.

MIN No. TPWH 242/2018:

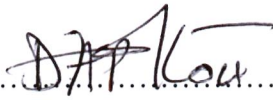
ANY OTHER BUSINESS

The Committee noted that the proposed visit to Lamu to visit the LAPPSET project from 6th to 9th September 2018 would take place as planned.

MIN No. TPWH 243/2018:

ADJOURNMENT

There being no other business, the sitting was adjourned at fifteen minutes to two o'clock. The next meeting to be held on Monday 10th September, 2018

Signed.....

(Chairperson)

Date.....

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MINUTES OF THE FIFTY SIXTH (56TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON MONDAY, 25TH SEPTEMBER 2018 AT 10.00 A.M. IN COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

MEMBERS PRESENT

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

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Ahmed Bashane Gaal
3. Hon. Suleiman Dori Ramadhani
4. Hon. Rigathi Gachagua

SECRETARIAT

1. Ms. Chelagat Aaron Tungo - Clerk Assistant I
2. Mr. Ahmed Salim - Clerk Assistant III
3. Mr. Abdinasir Moge - Fiscal Analyst
4. Mr. James Muguna - Researcher
5. Mr. Eugene Luteshi - Audio Officer
6. Ms. Noelle Chelagat - Media Relations Officer

IN ATTENDANCE

1. Mr. Christopher Ouko - Chief Administrative Secretary, Transport
2. Hon. Patrick ole Ntutu - Chief Administrative Secretary, Interior
3. Mr. Johnstone Kavuludi - Chairperson, NPSC
4. Mr. Francis Meja - Director General, NTSA
5. Mr. Joseph V. Onyango - C.E.O., NPSC
6. Mr. Samuel C. Kimaru, OGW - Commandant Traffic, Kenya Police Service
7. Mr. Henry Barmao - Director, Operations, Kenya Police Service
8. Mr. Benjamin Masila - Deputy Director, Communications, NPSC
9. Mr. Jeremiah Nyakundi - Legal Adviser, Ministry for Interior Affairs

MIN No. TPWH 249/2018:

PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past ten o'clock, with a word of prayer from Hon. Rehema Jaldesa, MP. The Chairperson informed the Committee that the agenda of the meeting was to deliberate on rising cases of traffic accidents in the country, a follow up of the meeting held on 5th September 2018, and following the postponed meeting of 18th October 2018. Members adopted the agenda, the proposer being Hon. Johnson Manya Naicca and the seconder being Hon. Tom Mboya Odege.

MIN No. TPWH 250/2018:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN No. TPWH 251/2018:

**MEETING WITH THE MINISTRY, THE NTSA AND
INSPECTOR GENERAL OF POLICE TO
DELIBERATE ON THE RISING CASES OF
TRAFFIC ACCIDENTS IN THE COUNTRY**

The Chief Administrative Secretary (CAS), Ministry of Interior Affairs informed the Committee that the Inspector General of Kenya Police Service has had to attend an emergency meeting in Narok where there were communal clashes between two communities.

Members of the Committee strongly expressed their disappointment, noting that the Inspector General has, for the third time failed to appear before the Committee. Members explained that being a recess, most of them have had to leave from their important representative duties to attend to the meeting, only for the IG to fail to appear again.

The National Police Service Commission Chairperson, Mr. Johnson Kavuludi, in response to Members questions, explained that the NPSC deals with matters policy, oversight on human capital and make regulations on the exercise. He explained that the NPSC as the employer has a direct role only on regulations, disciplinary affairs and vetting of officers to determine suitability. He declared that in line with that mandated, the NPSC Chairperson could not answer the question before the Committee, which was on coordination of the traffic system because in line with distribution of functions, traffic is the function under the office of the Inspector General.

Members resolved to invite the Inspector General of Police on Tuesday, 2nd October 2018, at 10am.

MIN No. TPWH 252/2018:

**ADOPTION OF THE REPORT ON THE URBAN
AREAS AND CITIES (AMENDMENT) BILL, 2017
(SENATE BILL NO. 4 OF 2017)**

The Committee adopted the report on consideration of the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017), with recommendations to introduce an amendment to clause 10 and clause 18 of the Bill during the Committee of the Whole House. The adoption of

the report was proposed by Hon. Dominic Kipkoech Koskei and seconded by Hon. Mugambi Murwithania.

MIN No. TPWH 253/2018: ADJOURNMENT

There being no other business, the sitting was adjourned at forty minutes past eleven o'clock. The next meeting to be held same day at 12:30pm.

Signed.....
(Chairperson)

Date.....

Approved for tabling. *BN* SNA
2/10/18

REPUBLIC OF KENYA



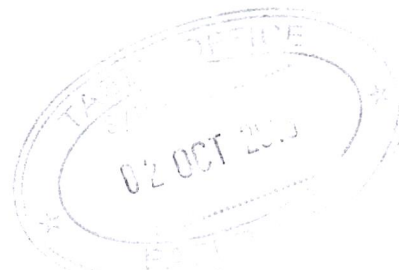
THE NATIONAL ASSEMBLY

PAPER LAID BY THE
COMMITTEE CHAIRMAN
DAVID PRODIGER
ON TUESDAY,
2ND OCTOBER 2018
1PM

TWELFTH PARLIAMENT- SECOND SESSION

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

ON THE CONSIDERATION OF THE URBAN AREAS AND CITIES
(AMENDMENT) BILL, 2017 (SENATE BILL NO. 4 OF 2017)



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CLERK'S CHAMBERS
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OCTOBER, 2018

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