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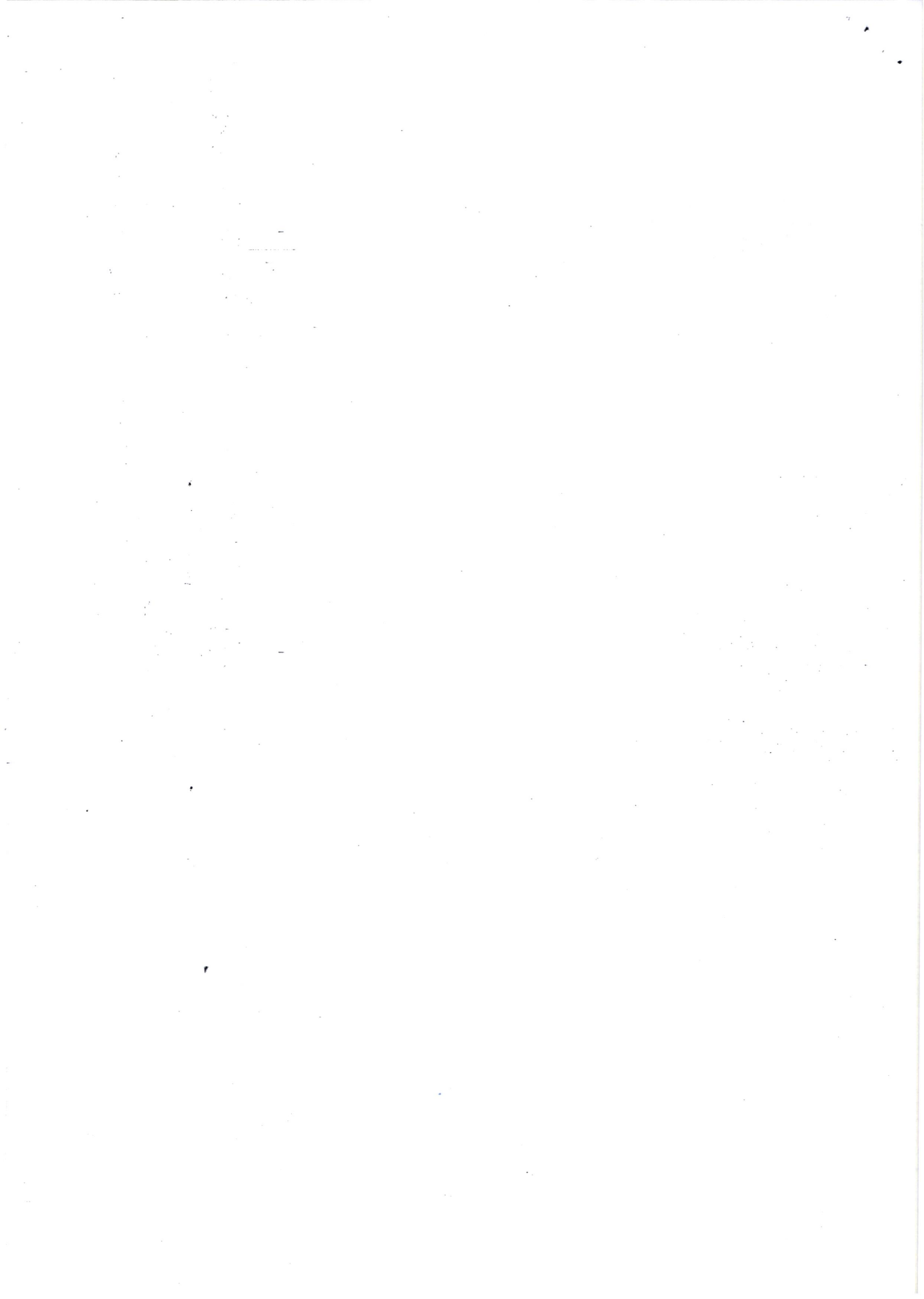
TWELFTH PARLIAMENT - (THIRD SESSION)

THE NATIONAL ASSEMBLY

**THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY
BILL NO.34 OF 2017)**

SENATE AMENDMENTS

(circulated pursuant to Standing Order 145)



REPUBLIC OF KENYA



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PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

**SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL (NATIONAL
ASSEMBLY BILL NO. 34 OF 2017)**

The following amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017) were passed by the Senate Thursday, 14th February, 2019-

Clause 3

THAT clause 3 of the Bill be amended by—

- (a) inserting the words “with respect to land use planning” immediately after the words “for dispute resolution” in paragraph (e); and
- (b) inserting the following new paragraphs immediately after paragraph (g) —
 - (h) a robust, comprehensive and responsive system of land use planning and regulation; and
 - (i) provide a framework to ensure that investments in property benefit local communities and their economies.

Clause 4

THAT clause 4 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note—

Values and principles.

PART II

THAT the title to PART II of the Bill be amended by deleting the word “PHYSICAL” and substituting therefor the words “LAND USE”.

Clause 5

THAT clause 5 of the Bill be amended —

- (a) by deleting the word “Physical” appearing immediately after the words “established the National” in subclause (1) and substituting therefor the words “Land Use”;
- (b) in subclause (2) by—
- (i) deleting the word “physical” appearing immediately after the words “matters related to” in paragraph (a) and substituting therefor the words “land use”
 - (ii) deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) the Director General of land use planning;
 - (iii) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) three Governors appointed by the Council of Governors or their respective designated representatives;
 - (iv) deleting paragraph (e);
 - (v) inserting the words “or a designated member of the Commission” immediately after the words “National Land Commission” in paragraph (d);
 - (vi) inserting the words “or a designated principal secretary” immediately after the words “to economic planning” in paragraph (f);
 - (vii) inserting the words “or a designated principal secretary” immediately after the words “to the environment” in paragraph (g);
 - (viii) inserting the words “or a designated principal secretary” immediately after the words “roads and infrastructure” in paragraph (h);
 - (ix) inserting the words “or a designated principal secretary” immediately after the words “and community development” in paragraph (i);
 - (x) inserting the words “or a designated principal secretary” immediately after the words “related to culture” in paragraph (j);
 - (xi) inserting the words “or a designated principal secretary” immediately after the words “related to defence” in paragraph (k);
 - (xii) deleting paragraph (o) and substituting therefor the following new paragraph—
 - (o) a person nominated by a registered association representing the

largest number of entities in the private sector in Kenya; and

(xiii) deleting paragraph (p) and substituting therefor the following new paragraph—

(p) a person nominated by a registered national association representing the largest number of residents in Kenya;

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The Cabinet Secretary shall appoint members nominated under subsection (2)(l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.

(d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.

Clause 6

THAT clause 6 of the Bill be amended by—

(a) by deleting the word “Physical” appearing immediately after the words “of the National” in the introductory clause and substituting therefor the words “Land Use”;

(b) deleting the word “physical” appearing immediately after the words “on the national” in paragraph (a) and substituting therefor the words “land use”;

(c) deleting the word “physical” appearing immediately after the words “and integration of” in paragraph (b) and substituting therefor the words “land use”;

(d) deleting the word “physical” appearing immediately after the words “and implementation of” in paragraph (c) and substituting therefor the words “land use”; and

(e) deleting the word “Physical” appearing immediately after the words “of the National” in the marginal note and substituting therefor the words “Land Use”.

Clause 7

THAT clause 7 of the Bill be amended—

(a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;

(b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “Act, the National” and substituting therefor the words “Land Use”;

(c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”; and

(d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.



Clause 8

THAT clause 8 of the Bill be amended in paragraph (c) by deleting the word “physical” appearing immediately after the words “parameters relating to” and substituting therefor the words “land use”.

Clause 9

THAT clause 9 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy on” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) approval and oversight over the preparation of national land use development plans;
- (d) by deleting paragraph (d); and
- (e) in paragraph (e) by inserting the words “land use” immediately after the words “county levels of”.

Clause 10

THAT clause 10 of the Bill be amended—

- (a) in subclause (1) by deleting the words “National Director of Physical” appearing immediately after the words “office of the” and substituting therefor the words “Director General of Land Use”;
- (b) in subclause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in subclause (3) by deleting words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note —
Director General of Land Use Planning.

Clause 11

THAT Clause 11 of the Bill be amended—

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the words “appointment as the” and substituting therefor the words “Director General of Land Use”;

- (b) in paragraph (b) by deleting word “bachelor’s” appearing immediately after the words “holds a” and substituting therefor the word “master’s”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (d) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) has the relevant post-qualification professional experience in land use planning; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note —
Qualifications of the Director General of Land Use Planning.

Clause 12

THAT clause 12 of the Bill be amended —

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (b) in paragraph (a) by —
 - (i) deleting the word “physical” appearing immediately after the words “government on strategic” and substituting therefor the words “land use”; and
 - (ii) deleting the word “on” appearing immediately after the words “matters that impact”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating national” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of national” and substituting therefor the words “land use”;
- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
- (f) by inserting the following new paragraphs immediately after paragraph (e) —
 - (f) undertaking research related to land use planning and development and making appropriate recommendations to relevant bodies; and
 - (g) the preparation of development plans for strategic national installations

and projects; and

- (g) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of the Director General of Land Use Planning.

Clause 13

THAT clause 13 of the Bill be amended—

- (a) in the introductory clause by deleting the words “responsible for physical planning” appearing immediately after the words “executive committee member”;
- (b) in paragraph (a) by deleting the word “physical” appearing immediately after the words “county policy on” and substituting therefor the words “land use”;
- (c) by deleting paragraph (b);
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “integration of county” and substituting therefor the words “land use”;
- (e) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of the County Executive Committee Member.

Clause 14

THAT clause 14 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
- (2) The County Director of Land Use Planning shall advise and be responsible to the county executive committee member.
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

County Director of Land Use Planning.

Clause 15

THAT clause 15 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (c) and substituting therefor the following new

paragraph—

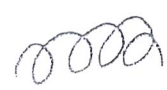
- (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (c) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) has the relevant post-qualification professional experience in land use planning; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Qualifications of a County Director of Land Use Planning.

Clause 16

THAT clause 16 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) advising the county government on land use planning matters that impact the county;deleting the word “physical” appearing immediately after the words “county government on” and substituting therefor the words “land use”; and deleting the words “on the whole country” appearing immediately after the words “matters that impact” and substituting therefor the words “the county”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating county” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of county” and substituting therefor the words “land use”;
- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of local” and substituting therefor the words “land use”;
- (f) in paragraph (e) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
- (g) in paragraph (f) by deleting the word “physical” appearing immediately after the words “matters relating to” and substituting therefor the words “land use”;
- (h) by inserting the following new paragraphs immediately after paragraph (g) —



- (h) maintaining a land information system to guide land use planning;
 - (i) communicating decisions of the county government on development applications; and
 - (j) issuance of development permission and other development control instruments under this Act with the approval of the county executive committee member responsible for land use planning;
- (i) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of a County Director of Land Use Planning.

PART III

THAT the title to PART III of the Bill be amended by deleting the words “**TYPES OF PHYSICAL**” and substituting therefor the words “**LAND USE**”.

Clause 17

THAT clause 17 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
 - (1) The Cabinet Secretary shall cause the National Land Use Development Plan to be prepared for approval and publication in accordance with this Part;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note —

The National Land Use Development Plan.

Clause 18

THAT clause 18 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
 - (1) The National Land Use Development Plan shall define strategic policies for the determination of the general direction and trends of land use development and sectoral development in Kenya and provide a framework for the use and development of land.

(b) in subclause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the word “physical” appearing immediately after the words “formulation of national” in paragraph (e) and substituting therefor the words “land use”; and

(c) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of the National Land Use Development Plan.

Clause 19

THAT clause 19 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the in the introductory clause and substituting therefor the following new introductory clause—

(1) In preparing a National Land Use Development Plan, the Director General of Land Use Planning shall—;

- (ii) deleting the words “National Director of Physical” appearing immediately after the words “Development Plan the” in the introductory clause and substituting therefor the words “Director General of Land Use”;

- (iii) deleting paragraph (d) and substituting therefor the following new paragraph—


(d) consult the National Land Use Planning Consultative Forum prior to the initiation of the National Land Use Development Plan and submit the proposed plan to the National Land Use Planning Consultative Forum for consideration and input before its final approval;

(b) in subclause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “consult the National” and substituting therefor the words “Land Use”;
- (ii) deleting the word “Physical” appearing immediately after the words “prepare a National” and substituting therefor the words “Land Use”; and

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A notice published in accordance with this section shall state the objectives of National Land Use Development Plan, the purpose of the



National Land Use Development Plan, the information to be set out in the plan, and the places where members of the public may provide written comments on the National Land Use Development Plan;

- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure for preparation of the National Land Use Development Plan.

Clause 20

THAT clause 20 of the Bill be amended—

- (a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the word “a National” in the introductory clause and substituting therefor the words “Land Use”;
 - (ii) deleting the word “Physical” appearing immediately after the words “the state of” in paragraph (b)(i) and substituting therefor the words “land use”;
 - (iii) deleting the word “physical” appearing immediately after the words “and reports concerning” in paragraph (b)(ii) and substituting therefor the words “land use”;
 - (iii) deleting the word “physical” appearing immediately after the words “challenges relating to” in paragraph (c) and substituting therefor the words “land use”;
- (b) in subclause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “which a National” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Content of National Land Use Development Plan.

Clause 21

THAT clause 21 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—

- (1) Within thirty days of the preparation of the National Land Use Development Plan, the Cabinet Secretary shall publish a notice in the

Gazette, in at least two newspapers of national circulation and through electronic media informing the public that the draft National Land Use Development Plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the draft National Land Use Development Plan.

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) The Cabinet Secretary shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made on the National Land Use Development Plan and may incorporate the comments in the plan.

(c) by inserting the following new subclause immediately after subclause (2)—

(2A) Within seven days of making a decision under subsection (2), the Cabinet Secretary shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that a decision on the comments received by the Cabinet Secretary has been made and that the reviewed draft National Land Use Development Plan is available at the places and times designated in the notice for perusal.

(d) by inserting the words “within fourteen days of the publication of the notice under subsection (2A)” immediately after the words “Cabinet Secretary may” in subclause (3); and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of preparation of National Land Use Development Plan.

Clause 22

THAT clause 22 of the Bill be amended—

(a) in subclause (1) by deleting the words “Physical Development Plan to the National Physical” appearing immediately after the words “the draft National” and substituting therefor the words “Land Use Development Plan to the National Land Use”;

(b) in subclause (2) by deleting the word “Physical” appearing immediately after the word “The National” and substituting therefor the words “Land Use”;

(c) in subclause (3) deleting the word “Physical” appearing immediately after the words “by the National” and substituting therefor the words “Land Use”; and

(d) in subclause (5) deleting the word “Physical” appearing immediately after the

words “of the National” and substituting therefor the words “Land Use”;

- (e) deleting the marginal note and substituting therefor the following new marginal note—

Approval of the National Land Use Development Plan.

Clause 23

THAT clause 23 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefor the following new subclause—

(1) Planning authorities shall base the preparation of inter-county land use development plans, integrated county land use development plans, city land use development plans, urban area land use development plans and sectoral plans on the National Land Use Development Plan.

- (b) deleting subclause (2) and substituting therefor the following new subclause—

(2) Notwithstanding the lack of a National Land Use Development Plan, planning authorities at the county level shall prepare County and Local Land Use Development Plans.

- (c) deleting the marginal note and substituting therefor the following new marginal note—

Implementation of a National Land Use Development Plan.

Clause 24

THAT clause 24 of the Bill be amended—

- (a) in subclause (1) by deleting subclause (1) and substituting therefor the following new subclause—

(1) At least three months before the end of the financial year, each public institution of a government that is responsible for the application or the implementation of a National Land Use Development Plan shall prepare and submit a status report on the implementation of the National Land Use Development Plan to the Cabinet Secretary or the county executive committee member and the Commission for their purposes.

- (b) in subclause (2) by inserting the word “be” immediately after the words “this section shall”.

Clause 25

THAT the Bill be amended by deleting clause 25 and substituting therefor the following new clause—

Establishment of 25. (1) Two or more counties may, by mutual agreement or out

Inter-County Joint of compelling necessity, formulate an inter-county land use
Land Use Planning development plan.

Development
Committees.

(3) In the preparation of a inter-county land use
development plan, the counties shall form an
inter-county land use planning joint committee.

(3) The inter-county land use planning joint committee
shall consist of—

- (a) the county executive committee member of the
respective counties;
- (b) two other relevant county executive committee
members from the respective counties nominated
by the relevant county governor; and
- (c) the Director General of Land Use Planning who
shall be an *ex-officio* member of the Committee;

(4) The inter-county joint land use planning joint
committee may co-opt such other persons as may be necessary
to assist it in performance of its duties.

(5) The members of the inter-county joint land use
planning joint committee appointed under subsection (3)(a) and
(b) shall, during the first meeting of the Committee, elect from
amongst themselves a chairperson and a vice chairperson
provided that the chairperson and the vice chairperson shall
not be county executive committee members from the same
county.

(6) The Director General of Land Use Planning shall, in
consultation with other members of the Committee, convene the
first meeting.


(7) The Director General of Land Use Planning shall co-
ordinate meetings of the inter-county joint land use planning
joint committee and provide it with secretariat services.

Clause 26

THAT clause 26 of the Bill be amended—

(a) in the introductory clause by deleting the word “Physical” appearing
immediately after the words “An Inter-County” and substituting therefor the
words “Land Use”; and

(b) by deleting the marginal note and substituting therefor the following new



marginal note—

Scope of the Inter-County Land Use Development Plan.

Clause 27

THAT clause 27 of the Bill be amended—

- (a) in subclause (1) by deleting the words “Physical Planning Joint Committee preparing an Inter-County Physical” appearing immediately after the words “The Inter-County” and substituting therefor the words “Land Use Planning Joint Committee preparing an Inter-County Land Use”; and
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “complete the Inter-County” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Commencement of Inter-County Land Use Planning Process.

Clause 28

THAT clause 28 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefor the following new subclause —
 - (1) Within thirty days of the completion of an Inter-County Physical Development Plan, the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the plan.
- (b) deleting subclause (1) and substituting therefor the following new subclause—
 - (2) The Inter-County Land Use Planning Joint Committee shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made about the plan and may or may not incorporate the comments in the plan.
- (c) inserting the following new subclause immediately after subclause (2)—
 - (2A) Within seven days of making a decision under subclause (2), the Inter-County Physical Planning Joint Committee shall publish a notice in the

Gazette and in at least two newspapers of national circulation informing the public that a decision on the comments received by the joint committee has been made and that the reviewed draft Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.

- (d) deleting subclause (3);
- (e) deleting subclause (4); and
- (f) deleting the marginal note and substituting therefor the following new marginal note—

Notice of and objections to an Inter-County Land Use Development Plan.

Clause 29

THAT clause 29 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting the word “physical” appearing immediately after the words “in the Inter-County” and substituting therefor the words “land use”; and
 - (ii) deleting the words “and thereafter submit the same to the National Director of Physical Planning for processing and certification” appearing immediately after the words “Assemblies for approval”;
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
 - (2) Within thirty days of the completion of an Inter-County Land Use Development Plan or if comments on the plan have been heard and determined, the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.
- (c) in subclause (3) by—
 - (i) deleting the word “Physical” appearing immediately after the words “Before the Inter-County” and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “Physical” appearing immediately after the words “by the Inter-County” and substituting therefor the words “Land Use”;
- (d) by deleting subclause (4) and substituting therefor the following new subclause—

(4) The approved Inter-County Land Use Development Plan shall be

deposited with the relevant County Director of Land Use Planning who shall submit certified copies of the plan to the Director General of Land Use Planning and the National Land Commission.

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Approval of an Inter-County Land Use Development Plan.

Clause 30

THAT the Bill be amended by deleting clause 30 and substituting therefor the following new clause—

Implementation of the Inter-County Land Use Development Plan. **30.** (1) In addition to the National Land Use Development Plan, the Inter-County Land Use Development Plan shall inform the preparation of a county land use development plan, a local land use development plan or an urban area land use development plan for the county governments within the planning area covered by the Inter-County Land Use Development Plan.

(2) Where a National Land Use Development Plan and an Inter-County Land Use Development Plan have not been prepared or approved, a county government may prepare other land use development plans which will be incorporated into the National Land Use Development Plan or the relevant Inter-County Land Use Development Plan after they have been prepared and approved in accordance with this Act.

Clause 31

THAT the Bill be amended by deleting clause 31 and substituting therefor the following new clause—

Status Reports on an Inter-County Land Use Development Plan. **31.** At least three months before the end of each financial year, every county executive committee member in a county covered by an Inter-County Land Use Development Plan shall submit a report on the implementation of the respective Inter-County Land Use Development Plan to the Commission and the Cabinet Secretary for their purposes.

Clause 32

THAT clause 32 of the Bill be amended—

(a) in subclause (1) by deleting the word “physical” appearing immediately after the words “ten years a” and substituting therefor the words “land use”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) Each county land use development plan shall be in conformity with the National Land Use Development Plan and any relevant Inter-County Land Use Development Plan.

(c) in subclause (3) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “ensure the county” and substituting therefor the words “land use”;

(d) by deleting subclause (4); and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

County Land Use Development Plan.

Clause 33

THAT clause 33 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”;
- (ii) in paragraph (a) by deleting the word “physical” appearing immediately after the words “provide an overall” and substituting therefor the words “land use”; and
- (iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of a county land use development plan.

Clause 34

THAT clause 34 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause—

- (1) At least twenty-one days before commencing the preparation of a county land use development plan, the county executive committee member shall publish a notice in the Gazette and the notice shall include the intention to prepare a county land use development plan, the objects of the plan and the matters to be considered in the plan and the address to which any views on the plan may be sent.

(b) in subclause (3) by deleting the word “physical” appearing immediately after

- the words “of the county” and substituting therefor the words “land use”;
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of intention to prepare a county land use development plan.

Clause 35

THAT clause 35 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “A county” and substituting therefor the words “land use”;
- (ii) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a county land use development plan.

Clause 36

THAT clause 36 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;

(b) in subclause (2) by deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;

(c) in subclause (3) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;

(d) in subclause (4) by—

- (i) deleting the word “physical” appearing immediately after the words “concerning the county” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;

(e) in subclause (5) by deleting the word “physical” appearing immediately after the

words "(4) the county" and substituting therefor the words "land use";

- (f) in subclause (6) by deleting the word "physical" appearing immediately after the words "by the county" and substituting therefor the words "land use";
- (g) in subclause (7) by deleting the word "Physical" appearing immediately after the words "of the County" and substituting therefor the words "Land Use"; and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—

Public participation in the preparation of a county land use development plan.

Clause 37

THAT the Bill be amended by deleting clause 37 and substituting therefor the following new clause—

Completion and approval of a county land use development plan. 37. (1) If there are no applications for the review of a county land use development plan or if all applications for review have been heard and determined, the county executive committee member shall submit the draft county land use development plan to the County Land Use Planning Consultative Forum for comments.

(2) The County Land Use Planning Consultative Forum shall consider the plan and may propose changes which shall be incorporated in the plan.

(3) Upon incorporation of the proposed changes by the County Land Use Planning Consultative Forum, the county executive committee member shall submit the completed county land use development plan to the county governor who shall cause it to be placed before the county assembly for approval.

(4) On the approval of the county land use development plan by the respective county assembly, the county executive committee member shall publish the approved plan in the *Gazette* and in at least two newspapers with a national circulation within fourteen days of the approval and no development shall take place on any land unless it is in conformity with the approved plan

(5) A county land use development plan shall be the basis for the preparation of sectoral programmes and projects in the county and sub-county levels.

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Clause 38

THAT clause 38 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words “in charge of spatial planning” appearing immediately after the words “executive committee member” in the introductory clause;
- (ii) deleting the word “physical” appearing immediately after the words “of a county” in the introductory clause and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “of that county” in paragraph (a) and substituting therefor the words “land use”; and
- (iv) deleting the word “physical” appearing immediately after the words “in the county” in paragraph (b) and substituting therefor the words “land use”;

(b) in subclause (2) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;

(c) in subclause (3) by—

- (i) deleting the word “physical” appearing immediately after the words “amending a county” in the introductory clause and substituting therefor the words “land use”; and
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) be in conformity with the National Land Use Development Plan and all relevant Inter-County Land Use Development Plans;

(d) by deleting subclause (4) and substituting therefor the following new subclause—

- (4) Where a county executive committee member determines that a proposed amendment to the county land use development plan shall affect other counties, the county executive committee member shall consult the county executive committee members in the counties that are likely to be affected and shall take into account their comments before incorporating the amendment to the county land use development plan.

(e) in subclause (5) by deleting the word “physical” appearing immediately after the

words "amending a county" and substituting therefor the words "land use";

- (f) in subclause (6) by deleting the word "physical" appearing immediately after the words "The amended county" and substituting therefor the words "land use";
- (g) in subclause (7) by deleting the word "physical" appearing immediately after the words "to the County" and substituting therefor the words "Land Use"; and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—

Modification of a County Land Use Development Plan.

Clause 39

THAT clause 39 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting the words "in charge of physical planning" appearing immediately after the words "executive committee member"; and
 - (ii) deleting the word "physical" appearing immediately after the words "revising a county" and substituting therefor the words "land use";
- (b) in subclause (2) by deleting the word "physical" appearing immediately after the words "of a county" and substituting therefor the words "land use"; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Revision of a county land use development plan.

Clause 40

THAT clause 40 of the Bill be amended by—

- (a) deleting the word "Physical" appearing immediately after the words "and the County" and substituting therefor the words "Land Use"; and
- (b) deleting the marginal note and substituting therefor the following new marginal note—

Contents of the National, Inter-County and County Land Use Development Plans.

Clause 41

THAT clause 41 of the Bill be amended—

- (a) in subclause (1) by deleting the word "physical" appearing immediately after the words "prepare a local" and substituting therefor the words "land use";
- (b) in subclause (2) by deleting the words "physical development plan may be for

long-term physical development, short-term physical” appearing immediately after the words “A local” and substituting therefor the words “land use physical development plan may be for long-term land use development, short-term land use”.

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A local land use development plan shall be consistent with an Integrated City or Urban Development Plan formulated under Part V of the Urban Areas and Cities Act.

(i) deleting the words “physical development plan shall be consistent with” appearing immediately after the words “A local” in the introductory phrase and substituting therefor the words “land use development plan shall not cover an area covered by”; and

(ii) deleting the words “as contemplated” appearing immediately after the words “Urban Development Plan” and substituting therefor the word “formulated”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

Clause 42

THAT clause 42 of the Bill be amended—

(i) in the introductory clause by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;

(ii) by deleting paragraph (e); and

(iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose of a Local Land Use Development Plan.

Clause 43

THAT clause 43 of the Bill be amended by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and

(ii) deleting the marginal note and substituting therefor the following new marginal note—

Initiation and preparation of a local land use development plan.

Clause 44

THAT clause 44 of the Bill be amended—

- (a) in subclause (1) by deleting the word “physical” appearing immediately after the words “A local” and substituting therefor the words “land use”;
- (b) in subclause (2) by deleting the word “physical” appearing immediately after the words “in a local” and substituting therefor the words “land use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a Local Land Use Development Plan.

Clause 45

THAT clause 45 of the Bill be amended—

- (a) in subclause (1) by deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”;
- (b) in subclause (2) by—
 - (i) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “committee concerning county” and substituting therefor the words “land use”;
- (c) in subclause (3) by—
 - (i) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
 - (ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

Clause 46

THAT clause 46 of the Bill be amended by—

- (a) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;
- (b) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (c) deleting the marginal note and substituting therefor the following new marginal

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note—

Approval of local land use development plans.

Clause 47

THAT clause 47 of the Bill be amended—

(a) in subclause (1) by deleting the introductory clause and substituting therefor the following new introductory clause—

(1) A county executive committee member may amend or revise a local land use development plan where—

(b) in subclause (2) by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and

(ii) deleting the word “physical” appearing immediately after the words “revise a local” and substituting therefor the words “land use”;

(c) in subclause (3) by—

(i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and

(ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Amendment or revision of a local land use development plan.

Clause 48

THAT clause 48 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting the word “Physical” appearing immediately after the words “or the National” in the introductory clause and substituting therefor the words “Land Use”; and

(ii) deleting the word “and” appearing immediately after the words “has unique development” and substituting therefor the words “natural resource or”;

(b) in subclause (2) by deleting the word “physical” appearing immediately after the words “area until a” and substituting therefor the words “land use”;

(c) in subclause (6) by deleting the word “physical” appearing immediately after the

word "A" and substituting therefor the words "land use"; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

Clause 50

THAT clause 50 of the Bill be amended in subclause (1) by—

- (a) deleting the word "physical development" appearing immediately after the words "to ensure orderly" in paragraph (a) and substituting therefor the words "development of land";
- (b) deleting the word "physical" appearing immediately after the words "implementation of approved" in paragraph (c) and substituting therefor the words "land use"; and
- (c) deleting the word "physical" appearing immediately after the words "public participation in" in paragraph (f) and substituting therefor the words "land use".

Clause 51

THAT clause 51 of the Bill be amended by—

- (a) deleting the words "the planning authorities" appearing immediately after the words "Governments Act 2012" in the introductory clause and substituting therefor the words "county governments";
- (b) deleting the word "physical" appearing immediately after the words "implementation of approved" in paragraph (d) and substituting therefor the words "land use"; and
- (c) deleting the word "physical" appearing immediately after the words "with the approved" in paragraph (f) and substituting therefor the words "land use".

Clause 52

THAT clause 52 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
 - (1) A person shall not carry out development within a county without a development permission granted by the respective county executive committee member.
- (b) in subclause (3) by deleting the words "The planning authority" appearing in the introductory phrase and substituting therefor the words "A county executive committee member";



(c) in subclause (4) by—

- (i) deleting the words “planning authority” appearing immediately after the words “sub-section (3) the” and substituting therefor the words “relevant county executive committee member”; and
- (ii) deleting the word “may” appearing immediately after the words “as required and” and substituting therefor the word “shall”; and

(d) in subclause (5) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”; and

(e) in subclause (6) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”.

Clause 53

THAT clause 53 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words “a planning authority” appearing immediately after the words “development permission from” and substituting therefor the words “the respective county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after the words “permission from that” and substituting therefor the words “county executive committee member”;

(b) in subclause (2) by deleting the words “planning authority” appearing immediately after the words “required by the” and substituting therefor the words “respective county executive committee member”;

(c) in subclause (4) by deleting the words “planning authority” appearing immediately after the words “consent to the” and substituting therefor the words “respective county executive committee member”;

(d) in subclause (5) by deleting the words “planning authorities” appearing immediately after the words “permission granted by” and substituting therefor the words “a county executive committee member”;

(e) in subclause (8) by deleting the words “planning authorities” appearing immediately after the words “to the relevant” and substituting therefor the words “county executive committee member”.

Clause 54

THAT clause 54 of the Bill be amended—

(a) by deleting the words "planning authority" appearing immediately after the words "provided to the" in subclause (1) and substituting therefor the words "respective county executive committee member";

(b) in subclause (2) by—

- (i) deleting the words "the planning authority" appearing immediately after the words "do so by" and substituting therefor the words "a county executive committee member"; and
- (ii) deleting the words "planning authority" appearing immediately after the words "provided to the" and substituting therefor the words "county executive committee member".

Clause 55

THAT clause 55 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words "a county government" appearing immediately after the words "for development permission," and substituting therefor the words "the county executive committee member"; and
- (ii) inserting the following new paragraph immediately after paragraph (f)—
(fa) urban development;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

- (2) Within fourteen days of receiving the copy of the application for development permission from a county executive committee member, the relevant authorities or agencies shall submit their comments to the respective county executive committee member within twenty one days.

Clause 56

THAT clause 56 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words "planning authority" appearing immediately after the words "development permission a" in the introductory clause and substituting therefor the words "county executive committee member"; and
- (ii) deleting the word "physical development plan" appearing immediately after the words "the relevant approved" in paragraph (a) and substituting therefor the words "national, county, local, city, urban, town and special area plans";



(b) in subclause (2) by deleting the words “planning authority” appearing immediately after the words “for development permission” and substituting therefor the words “county executive committee member”;

(c) in subclause (3) by—

- (i) deleting the words “the planning authority” appearing immediately after the words “the decision of” and substituting therefor the words “a county executive committee member”; and
- (ii) deleting the word “authority” appearing immediately after the words “decision by the” and substituting therefor the word “county executive committee member”.

Clause 57

THAT clause 57 of the Bill be amended—

(a) by deleting the words “A planning authority” appearing in the introductory phrase in subclause (1) and substituting therefor the words “Each county executive committee member”;

(b) by deleting the words “A planning authority” appearing in the introductory phrase in subclause (2) and substituting therefor the words “Each county executive committee member”;

(c) in subclause (3) by—

- (i) deleting the words “the planning authority” appearing immediately after the words “register maintained by” and substituting therefor the words “a county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after the words “scrutiny and the” and substituting therefor the words “Cabinet Secretary”.

Clause 58

THAT clause 58 of the Bill be amended—

(a) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase in subclause (1) and substituting therefor the words “county executive committee member”; and

(b) by deleting the words “the planning authority” appearing immediately after the words “for development permission” in subclause (3) and substituting therefor the words “a county executive committee member”.

Clause 59

THAT clause 59 of the Bill be amended—

(a) in subclause (2) by—

- (i) deleting the words “the planning authority” appearing immediately after the words “despite sub-section (1)” and substituting therefor the words “a county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after the words “year if the” and substituting therefor the words “county executive committee member”;

(b) in subclause (3) by deleting the words “the planning authority” appearing immediately after the word “Where” and substituting therefor the words “a county executive committee member”.

Clause 60

THAT clause 60 of the Bill be amended by deleting the words “The planning authority” appearing at the beginning of the clause and substituting therefor the words “A county executive committee member”.

Clause 61

THAT clause 61 of the Bill be amended by deleting the words “planning authority” appearing immediately after the words “by the relevant” and substituting therefor the words “county executive committee member”.

Clause 62

THAT clause 62 of the Bill be amended in subclause (1) by—

- (i) deleting the words “planning authority” appearing immediately after the words “imposed by a” in paragraph (a) and substituting therefor the words “county executive committee member”;
- (ii) deleting the words “planning authority” appearing immediately after the words “approved by the” in paragraph (b)(iii) and substituting therefor the words “county executive committee member”;
- (iii) deleting the words “planning authority” appearing immediately after the words “apply to the” in paragraph (c) and substituting therefor the words “county executive committee member”; and
- (iv) inserting the following new subclauses immediately after subclause (1) —
 - (1A) A county government may require a person who commences, undertakes or carries out a development in contravention of this section to restore the land on which the development is taking place to its original condition or as near to its original condition as is possible and that such restoration shall take place within ninety days.

- (1B) Where a person who is required to do so fails to comply with the provisions of paragraph (d), the relevant county government may undertake to restore the land as required and shall recover the cost of the restoration from the person required to undertake the restoration.

Further Amendment

THAT clause 62 of the Bill be further amended –

- (a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (b) –

(c) being a public officer, grants development permission or comments on an application for development permission contrary to this Act or any other law.

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

(2) A person who commits an offence under this section is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years or to both.

Clause 63

THAT clause 63 of the Bill be amended—

- (a) in subclause (1)—

(i) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county executive committee member”; and

(ii) by deleting the word “physical” appearing immediately after the words “by the relevant” and substituting therefor the words “land use”; and

- (b) in subclause (2) by deleting the words “planning authority” appearing immediately after the words “obtained by a” and substituting therefor the words “county executive committee member”.

Clause 64

THAT clause 64 of the Bill be amended in subclause (2) by deleting the word “physical” appearing immediately after the words “Any inter-county” and substituting therefor the words “land use”.

Clause 66

THAT clause 66 of the Bill be amended—

- (a) in subclause (1) by deleting the word “the” appearing immediately after the words “Heritage Act 2006” and substituting therefor the word “a”; and
- (b) in subclause (2) by deleting the word “physical” appearing immediately after the word “All” and substituting therefor the words “land use”.

Clause 67

THAT clause 67 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting the introductory clause and substituting therefor the following new introductory clause—
 - (1) A county executive committee member shall serve the owner, occupier, agent or developer of property or land with an enforcement notice if it comes to the notice of that county executive committee member that—
 - (ii) deleting the words “without development permission” appearing immediately after the words “on any land” in paragraph (a);
- (b) in subclause (3) by deleting the word “Physical” appearing immediately after the words “the relevant County” and substituting therefor the words “Land Use”; and
- (c) in subclause (4) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”.

Clause 68

THAT clause 68 of the Bill be amended by—

- (a) deleting the word “Physical” appearing immediately after the words “established the National” and substituting therefor the words “Land Use”; and
- (b) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of the National Land Use Planning Liaison Committee.

Clause 69

THAT clause 69 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words “The

National” in the introductory clause and substituting therefor the words “Land Use”;

- (ii) inserting the following new paragraph immediately after paragraph (f)—
 - (fa) the National Director of Urban Development;
 - (iii) deleting the words “a representative” appearing in paragraph (g) and substituting therefor the words “two representatives”;
 - (iv) deleting paragraph (h) and substituting therefor the following new paragraph—
 - (h) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya and appointed by the Cabinet Secretary;
 - (v) deleting the words “an association of architects in” appearing immediately after the words “architect nominated by” in paragraph (i) and substituting therefor the words “the Architectural Association of”;
 - (vi) deleting the word “physical” appearing immediately after the words “a registered” in paragraph (j);
- (b) in subclause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (c) in subclause (5) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;
- (d) in subclause (6) by—
- (i) deleting the word “Physical” appearing immediately after the words “members of the National” and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “Physical” appearing immediately after the words “quorum of the National” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—
- Composition of National Land Use Planning Liaison Committee.

Clause 70

THAT clause 70 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “physical” appearing immediately after the words “Secretary on broad” in paragraph (a) and substituting therefor the words “land use”;

(b) in subclause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “physical” appearing immediately after the words “national or inter-county” in paragraph (c) and substituting therefor the words “land use”; and

Clause 71

THAT clause 71 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “established a County” and substituting therefor the words “Land Use”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of County Land Use Planning Liaison Committees.

Clause 72

THAT clause 72 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The County” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (a);
- (iii) inserting the following new paragraph immediately after paragraph (b)—
 - (ba) a representative of the National Construction Authority;
- (iv) deleting the words “in charge of physical planning” appearing immediately

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- after the words "Executive Committee member" in paragraph (b);
- (v) deleting the words "in charge of physical planning" appearing immediately after the words "Executive Committee member" in paragraph (ac);
 - (vi) deleting paragraph (d) and substituting therefore the following new paragraph—
 - (d) a registered architect with seven years' post-qualification experience nominated by the Architectural Association of Kenya and appointed by the County Executive Committee member;
 - (vii) deleting the words "in charge of physical planning" appearing immediately after the words "Executive Committee member" in paragraph (e); and
 - (viii) deleting the words "in charge of physical planning" appearing immediately after the words "Executive Committee member" in paragraph (f);
- (b) in subclause (2) by deleting the word "physical" appearing immediately after the words "The county" and substituting therefor the words "land use";
- (c) in subclause (3) by deleting the words "in charge of physical planning" appearing immediately after the words "Executive Committee member";
- (d) in subclause (4) by deleting the word "Physical" appearing immediately after the words "of the County" and substituting therefor the words "Land Use"; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Composition of the County Land Use Planning Liaison Committee.

Clause 73

THAT clause 73 of the Bill be amended by—

- (i) deleting the word "Physical" appearing immediately after the words "of the County" in the introductory clause and substituting therefor the words "Land Use";
- (ii) by deleting the word "physical" appearing immediately after the words "with respect to" in paragraph (b) and substituting therefor the words "land use"; and
- (iii) by deleting the word "physical" appearing immediately after the words "member on broad" in paragraph (c) and substituting therefor the words "land use"; and
- (iv) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the County Land Use Planning Liaison Committee.

Clause 74

THAT clause 74 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the words “Physical” appearing immediately after the words “of a County” and substituting therefor the words “Land Use”;
- (e) in subclause (5) by deleting the word “Physical” appearing immediately after the words “of a County” and substituting therefor the words “Land Use”;
- (f) in subclause (6) by deleting the words “Physical” appearing immediately after the words “A County” and substituting therefor the words “Land Use”; and
- (g) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure of the County Land Use Planning Liaison Committees.

Clause 75

THAT clause 75 of the Bill be amended by—

- (a) deleting the words “County Physical” appearing immediately after the words “who appeals to” in subclause (1) and substituting therefor the words “a County Land Use”;
- (b) deleting the word “Physical” appearing immediately after the words “A County” in the introductory phrase in subclause (2) and substituting therefor the words “Land Use”;
- (c) deleting the word “Physical” appearing immediately after the words “of a County” in subclause (3) and substituting therefor the words “Land Use”; and
- (d) deleting the marginal note and substituting therefor the following new marginal note—

Appeal to a County Land Use Planning Liaison Committee.

Clause 76

THAT clause 76 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words

- “before a County” and substituting therefor the words “Land Use”; and
- (ii) deleting the word “or” appearing immediately after the words “Planning Liaison Committee”; and
- (b) by deleting the marginal note and substituting therefor the following new marginal note—

Duty to appear before a County Land Use Planning Liaison Committee.

Clause 77

THAT clause 77 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “by a County” and substituting therefor the words “Land Use”.

Clause 78

THAT clause 78 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Physical” appearing immediately after the words “before a County” and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “Where a County” and substituting therefor the words “Land Use”;
- (d) in subclause (4) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”; and
- (e) in subclause (5) by deleting the word “Physical” appearing immediately after the words “Every County” and substituting therefor the words “Land Use”.

Clause 79

THAT clause 79 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “to the National” and substituting therefor the words “Land Use”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Appeals to National Land Use Planning Liaison Committee.

Clause 80

THAT clause 80 of the Bill be amended—

- (a) in subclause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “Physical” appearing immediately after the words “or a County” and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “member of a” and substituting therefor the words “Land Use”; and
- (c) in subclause (3) by deleting the word “physical” appearing immediately after the words “member of a” and substituting therefor the words “land use”.

Clause 81

THAT clause 81 of the Bill be amended—

- (a) in subclause (1) by deleting the introductory clause and substituting therefor the following new introductory clause—
- (1) A person shall not disclose, without the consent of the National Land Use Planning Liaison Committee or a County Land Use Planning Liaison Committee, as the case may be—
- (b) in subclause (3) by deleting the words “Physical Planning Liaison Committee or a County Physical” appearing immediately after the words “on the National” and substituting therefor the words “Land Use Planning Liaison Committee or a County Land Use”.

Clause 82

THAT clause 82 of the Bill be amended—

- (a) subclause (1) by deleting the word “Physical” appearing immediately after the word “Each” in the introductory phrase in and substituting therefor the words “Land Use”;
- (b) in subclause (2) by deleting the word “Physical” appearing immediately after the words “register maintained by” and substituting therefor the words “Land Use”;
- (c) in subclause (3) by deleting the word “Physical” appearing immediately after the words “apply to a” and substituting therefor the words “Land Use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Land Use Planning Liaison Committees to keep registers.

Clause 83

THAT clause 83 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “members of the” and substituting therefor the words

“Land Use”.

Clause 85

THAT clause 85 of the Bill be amended in subclause (2) by—

- (i) deleting the word “physical” appearing immediately after the words “for delivery of” in paragraph (b) and substituting therefor the words “land use”;
- (ii) deleting the word “Physical” appearing immediately after the words “operations of Inter-County” in paragraph (c) and substituting therefor the words “Land Use”; and
- (iii) deleting the word “Physical” appearing immediately after the words “the conduct of” in paragraph (d) and substituting therefor the words “Land Use”.

Clause 88

THAT clause 88 of the Bill be amended by—

- (i) deleting the word “physical” appearing immediately after the words “disputes relating to” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “national and county” and substituting therefor the words “land use”.

New Clause 4A

Motion made and Question proposed;

THAT the Bill be amended by inserting the following new clause immediately after clause 4—

Principles and norms of land use planning. **4A.** Every person engaged in land use planning and regulation shall adhere to the following principles and norms of land use planning—

- (a) land use planning shall promote sustainable land use and liveable communities which integrates human needs in any locality.
- (b) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- (c) land use planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- (d) land use planning shall take into consideration long-term

optimum utilization of land and conservation of scarce land resource including preservation of land with important functions;

- (e) land use planning shall be inclusive and must take into consideration culture and heritage of people concerned; and
- (f) land use planning should take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.

New Clause 12A

THAT the Bill be amended by inserting the following new clauses immediately after clause 12—

County Land Use Planning Consultative Forum. 12A. (1) There is established a County Land Use Planning Consultative Forum in each county.
(2) Each County Land Use Planning Consultative Forum shall comprise of—

- (a) the respective County Executive Committee Member responsible for matters related to land use, who shall be the chairperson and shall provide the secretariat;
- (b) the County Director of land use Planning;
- (c) the Chairperson of the committee responsible for matters related to land use in the respective county assembly;
- (d) the County Executive Committee Member responsible for matters related to economic planning;
- (e) the County Executive Committee Member responsible for matters related to the environment;
- (f) the County Executive Committee Member responsible for matters related to roads and infrastructure;
- (g) the County Executive Committee Member responsible for matters related to social and community development;
- (h) a person nominated by the Commission;
- (i) a person nominated by the Director General of Land Use Planning;
- (j) a person residing and working or conducting business in the

respective county nominated by the Kenya Institute of Planners;

- (k) a person residing and working or conducting business in the respective county nominated by the Institution of Surveyors of Kenya;
- (l) a person residing and working or conducting business in the respective county nominated by the Architectural Association of Kenya;
- (m) a person residing and working or conducting business in the respective county nominated by a registered association representing the largest number of entities in the private sector in Kenya;
- (n) a person residing and working or conducting business in the respective county nominated by a registered national association representing the largest number of residents in Kenya;
- (o) a person residing and working or conducting business in the respective county nominated by the National Council for Persons with Disability; and
- (p) any person co-opted by the County Land Use Planning Consultative Forum for that person's special skills, interest and knowledge.

(4) The respective County Executive Committee Member responsible for matters related to land use shall appoint members nominated under subsection (2)(i), (k), (l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.

(5)

New Clause 12B

12B. The functions of the National Physical Planning Consultative Forum shall be to—

Functions of
the County
Land Use
Planning
Consultative
Forum.

- (a) provide a forum for consultation on County and Inter-County Land Use Development Plans;
- (b) promote effective coordination and integration of land use development and sector planning; and
- (c) advise on the mobilization of adequate resources for the preparation and implementation of land use development

plans and strategies.

New Clause 12C

12C. (1) The County Land Use Planning Consultative Forum shall meet at least four times in a year.

County
Land Use
Planning
Consultative
Forum
Meetings.

(2) Subject to this Act and any relevant county legislation, the County Land Use Planning Consultative Forum may regulate its procedure.

(3) The County Land Use Planning Consultative Forum may establish committees for the effective performance of its functions.

New Clause 49a

THAT the Bill be amended by inserting the following new clause immediately after clause 49—

Plans to be made in accordance with this Act. 49A. All plans formulated under the Urban Areas and Cities Act shall, with necessary modifications, be prepared and approved in accordance with this Act.

New Clause 60a

THAT the Bill be amended by inserting the following new clause immediately after clause 60—

Registration of documents at the Lands Registry. 60A. (1) A registrar shall not register a transaction in respect of any premises or land whose development permission as required under this Act has not been granted by the relevant county government.

(2) A registration entered in contravention of sub-section (1) shall not be valid.

First Schedule

THAT the Bill be amended by deleting the First Schedule.

Second Schedule

THAT the Second Schedule to the Bill be amended—

(a) in the title by deleting the word “PHYSICAL” appearing immediately after the

words "INTER-COUNTY AND COUNTY" and substituting therefor the words "LAND USE";

(b) in paragraph 3 by—

(i) inserting the following new subparagraph immediately after subparagraph (1)—

(1a) human rights, poverty eradication, gender and vulnerable groups;

(ii) inserting the following new subparagraph immediately after subparagraph (10)—

(10a) climate change;

(c) in paragraph 12 by deleting the words "Executive Committee" appearing immediately after the words "report to the" in subparagraph (1) and substituting therefor the words "relevant county assembly".

Third Schedule

THAT the Third Schedule to the Bill be amended—

(a) deleting the word "PHYSICAL" appearing immediately after the words "CONTENTS OF LOCAL" in the title to the Schedule and substituting therefor the words "LAND USE";

(b) by deleting the word "PHYSICAL" appearing immediately after the words "IN A LOCAL" in the title to the Part A of the Schedule and substituting therefor the words "LAND USE";

(c) in paragraph 3 by inserting the following new subparagraph immediately after subparagraph (2)—

(c) addressing human rights challenges, poverty eradication, gender and vulnerable groups;

(d) combating climate change;

(d) in paragraph 5 by deleting the word "physical" appearing immediately after the words "analysis accompanied by" in the introductory clause in subparagraph (a) and substituting therefor the words "land use"; and

(e) in paragraph 7 by deleting the word "physical" appearing immediately after the words "maps of the" in subparagraph (b) and substituting therefor the words "land use".

Fourth Schedule

THAT the Fourth Schedule to the Bill be amended—

(a) by deleting the words "MATTERS WHICH MAY BE DEALT WITH UNDER" in the

title to the Schedule;

(b) in paragraph 2 by—

- (i) deleting the words “The Planning Authority” appearing in the introductory clause and substituting therefor the words “A county government”;
- (ii) deleting the word “physical” appearing immediately after the words “bound by approved” in subparagraph (a) and substituting therefor the words “land use”;

(c) in paragraph 3 by deleting the words “Planning Authority” appearing immediately after the words “agricultural land the” and substituting therefor the words “county government”;

(d) by deleting paragraph 4 and substituting therefor the following new paragraph—

4. Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment

(e) in paragraph 5 by deleting the word “physical” appearing immediately after the words “of an approved” in subparagraph (a) and substituting therefor the words “land use”;

(f) in paragraph 6 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (d) and substituting therefor the words “land use”;

(g) in paragraph 7 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (b) and substituting therefor the words “land use”.

(h) in paragraph 8 by—

- (i) deleting the words “the Planning authority” appearing in the introductory clause and substituting therefor the words “a county government”;
- (ii) deleting the words “planning authority” appearing immediately after the words “the required standard” in subparagraph (p) and substituting therefor the words “county government”;

(i) in paragraph 9 by deleting the words “the planning authority” appearing immediately after the words “the required standard” and substituting therefor the words “a county government”;

(j) in paragraph 10 by deleting the words “planning authority” appearing immediately after the words “period as the” and substituting therefor the words “county government”;

(k) by deleting paragraph 14;

2000a

(l) in paragraph 16 by—

- (i) deleting the words “the Planning authority” appearing immediately after the words “permission from the” in the introductory clause and substituting therefor the words “relevant county government”;
- (ii) deleting the words “Planning authority” appearing immediately after the words “factor that the” in subparagraph (9) and substituting therefor the words “county government”;

(m) in paragraph 17 by deleting the words “Planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county government”; and

(n) in paragraph 18 by deleting the words “Planning authority” appearing immediately after the words “from the relevant” and substituting therefor the words “county government”.

Clause 2

THAT clause 2 of the Bill be amended by—

(a) deleting the word “planning” appearing immediately after the words “matter related to” in the definition of the term “Cabinet Secretary” and substituting therefor the words “land use”; and

(b) deleting the definition of the term “land use planning” and substituting therefor the following new definition—

“land use planning” refers to the interdisciplinary process of evaluating, organising and controlling the present and the future development and use of land and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities;

(c) deleting the definition of the term “local physical planning development plan” and substituting therefor the following new definition—

“local land use development plan” means a plan for the area or part thereof of a city, municipality, town or urban council and includes a plan with reference to any trading or marketing centre;

(d) deleting the definition of the term “National Director of Physical Planning” and substituting therefor the following new definition in its proper alphabetical sequence—

“Director General of Land Use Planning” means the

Director General of Land Use Planning appointed under section 10 of this Act;

- (e) deleting the definition of the term “physical planning” and substituting therefor the following new definition—

“physical planning” refers to a form of land use planning which attempts to achieve an optimal spatial coordination of different human activities for the enhancement of the quality of life;

- (f) deleting the words “responsible for matters relating to physical planning” appearing immediately after the words “Executive Committee Member” in paragraph (b) in the definition of the term “planning authority”;
- (g) deleting the definition of the term “Inter-County physical development plan” and substituting therefor the following new definition—

“Inter-County Land Use Development Plan” means a plan for an area covering two or more counties or parts thereof;

- (h) deleting the definition of the term “spatial planning” and substituting therefor the following new definition—

“spatial planning” means the methodology and approach used to influence the distribution of people and activities to achieve optimal utilisation of physical, economic and socio cultural resources;

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

“county executive committee member” means the county executive committee member responsible for matters relating to land use planning in the respective county;

“registrar” has the same meaning assigned it under section 2 of the Land Registration Act

The Title

THAT clause 1 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “cited as the” and substituting therefor the words “Land Use”.

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