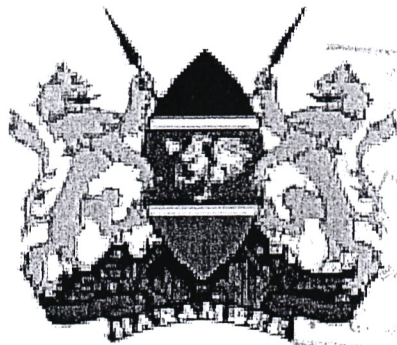


Paper laid by
Hon Ngũgĩ
25/08/11 at 9:00
25/08/11



KENYA NATIONAL ASSEMBLY

PARLIAMENT
OF KENYA
LIBRARY

TENTH PARLIAMENT - FOURTH SESSION (2011)

DEPARTMENTAL COMMITTEE ON LOCAL AUTHORITIES

REPORT ON THE

URBAN AREAS AND CITIES BILL, 2011

Clerk's Chambers
Parliament Buildings,
NAIROBI
AUGUST, 2011

PREFACE

Mr. Speaker Sir,

The Departmental Committee on Local Authorities was constituted under Standing Order No.198 (1). Its mandate pursuant to Standing Order 198(3) is:-

- a) To 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) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and enquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister; and
- f) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

In accordance with Schedule II of the Standing Orders, the Committee is mandated to consider policy matters of and related to Local Authorities,

The Committee oversees the following Ministries:

- a) Ministry of Local Government
- b) Ministry of Nairobi Metropolitan Development Authority

COMMITTEE MEMBERSHIP

The Committee comprises of the following members:

- (i) Hon. Mohammed H. Gabow, M.P. (Chairperson)
- (ii) Hon. David Ngugi, M.P. (Vice-Chairperson)
- (iii) Hon. Ahmed Shakeel Shabbir, M.P.
- (iv) Hon. Mwalimu Mwachima, M.P.
- (v) Hon. Joshua Kutuny, M.P.
- (vi) Hon. Mohammed Sirat, M.P.
- (vii) Hon. Gideon Konchella, M.P.
- (viii) Hon. Fahim Twaha, M.P.
- (ix) Hon. Maitha Gideon Mungaro, M.P.
- (x) Hon. Zakayo Cheruiyot, M.P.

Acknowledgements


The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate. The Committee further wishes to thank the Deputy Prime Minister and Minister for Local Government for responding promptly to concerns raised by the Committee on The Urban Areas and Cities Bill, 2011.

As the Chairman of the Committee, I take this opportunity to thank all the Members of the Committee for their patience and commitment which enabled us to complete this report.

The Committee further wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 111 (2), it is my pleasant duty to table in the House the Report of the Departmental Committee on Local Authorities on The Urban Areas and Cities Bill, 2011.

Signed..... 

Hon. Mohammed Hussein Gabow, MP
CHAIRPERSON

Date: 24.08.2011

AMENDMENTS TO THE URBAN AREAS AND CITIES BILL, 2011

The Minister for Local Government appeared before the committee. After lengthy deliberations, the following amendments were agreed:

PART II – CLASSIFICATION AND ESTABLISHMENT OF URBAN AND CITIES

1) Clause 1-5: Agreed to

2) Clause 6

THAT Clause 6 be amended by inserting (5) to replace (3) immediately after the words '*under subsection*'.

3) Clause 7: Agreed to

4) Clause 8

THAT Clause 8 (3) (a) be amended by substituting the word "*institute*" with the word "*institution*".

THAT Clause 8 (3) (b) be amended by substituting the words "*the institute of planners of Kenya*" with the words "*Kenya Institute of Planners*"

THAT Clause 8 (3) (f) be amended by inserting the word "*certified*" immediately after the words "*Institute of*"

5) Clause 9-10: Agreed to

PART III – GOVERNANCE AND MANAGEMENT OF URBAN AREAS AND CITIES

6. Clause 11-19: Agreed to

7. Clause 20

THAT Clause 20 (1) (d) be amended by deleting the comma immediately after the words "*recreational areas*" and further deleting the word "*parks*" immediately thereafter and inserting thereof the words (*other than National parks*)

PART VI- FINANCIAL PROVISIONS

8. Clause 21-48: Agreed to

9. Clause 49

THAT Clause 49 be amended by substituting the words "*pension scheme determined by the Board*" with the words "*Retirement Benefits Authority approved pension scheme.*"

PART VIII- TRANSITIONAL PROVISIONS

10. Clause 50-59: Agreed to

11. Clause 60

THAT a new Clause 60 be inserted to read "*Notwithstanding the provisions of this Act, the Municipalities of Mombasa and Kisumu shall be deemed to be cities established under this Act.*"

12. First Schedule: Agreed to

13. Second Schedule: Agreed to

14. THIRD SCHEDULE- PREPATION OF AN INTERGRATED PLAN

THAT part (a) be amended by inserting the word "*cultural*" immediately after the words "*current social*".

15. TITLE: Agreed to

The committee however did not receive any memorandum.

MINUTES OF THE 35TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LOCAL AUTHORITIES HELD IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS ON TUESDAY 24TH, AUGUST 2011, AT 10:30 A.M.

PRESENT

The Hon. Joshua Kuttuny, M.P. - Chairman
The Hon. David Ngugi, M.P.
The Hon. Gideon Mung'aro, M.P.
The Hon. Shakeel Shabir, M.P.
The Hon. Mohamed Sirat, M.P.

ABSENT

The Hon. Fahim Twaha, M.P.
The Hon. Mwalimu Mwahima, M.P.
The Hon. Zakayo Cheruiyot, M.P.
The Hon. Gideon Konchella, M.P.
The Hon. Mohammed Gabow, M. P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

Mr. George Otieno - Third Clerk Assistant

MIN.NO. 1/35/2011: PRELIMINARY

The meeting started with a word of prayer from Honourable Joshua Kuttuny, M.P.

MIN.NO. 1/35/2011: CONSIDERATION OF THE URBAN AREAS AND CITIES BILL, 2011

The Chairman informed the Members that The Urban Areas and Cities Bill was ready for tabling and it was of necessary that the public gets involved at this stage. As a result, the Committee resolved to urgently invite the following stakeholders to get their input:

- 1) Institute of Surveyors of Kenya
- 2) Institute of Planners of Kenya
- 3) Institute of Certified Public Secretaries of Kenya
- 4) Architectural Association of Kenya
- 5) Law Society of Kenya
- 6) Kenya Wildlife Service
- 7) Ministry of Local Government
- 8) Ministry of Nairobi Metropolitan Development

MIN.NO. 3/35/2011: ADJOURNMENT

The being no other business, meeting was adjourned at 11:43am.

(Hon. Mohammed Gabow, MP)

Chairperson..... H. Sirat Date 24/08/2011

MINUTES OF THE 36TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LOCAL AUTHORITIES HELD IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS ON TUESDAY 24TH, AUGUST 2011, AT 9:30 A.M.

PRESENT

The Hon. Mohamed Gabow, M.P. - Chairman
The Hon. Joshua Kuttuny, M.P.
The Hon. Zakayo Cheruiyot, M.P.
The Hon. Mohammed Sirat, M.P.
The Hon. David Ngugi, M.P.
The Hon. Shakeel Shabir, M.P.
The Hon. Gedion Mung'aro, M.P.

ABSENT.

The Hon. Fahim Twaha, M.P.
The Hon. Mwalimu Mwahima, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Mohamed Sirat, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

Mr. George Gazemba - Second Clerk Assistant
Mr. George Otieno - Third Clerk Assistant
Ms. Evans Oanda - Third Clerk Assistant

MIN.NO. 1/36/2011: PRELIMINARY

The meeting started with a word of prayer.

MIN.NO. 2/36/2011: CONSIDERATION ON THE URBAN AREAS AND CITIES BILL, 2011

The committee discussed the Bill with the following stakeholders:

- 1) Institute of Surveyors of Kenya
- 2) Institute of Planners of Kenya
- 3) Institute of Certified Public Secretaries of Kenya
- 4) Architectural Association of Kenya
- 5) Kenya Wildlife Service
- 6) Ministry of Local Government

And agreed on proposed amendments to be tabled on the floor of the House for the Committee stage proceedings.

The Committee noted with concern that owing to the short notice at which it was tasked to complete business on the Bill, some stakeholders were unable to appear.

MIN.NO. 3/36/2011:

ADOPTION OF THE COMMITTEE REPORT

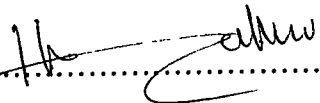
Immediately after deliberation with the stakeholders, the committee unanimously adopted t it report.

MIN.NO. 4/36/2011:

ADJOURNMENT

There being no other business, meeting was adjourned at 12:43am.

(Hon. Mohammed Gabow, MP)

Chairperson..........Date24.08.2011.....