THE PLANNING LAWS (MISCELLANEOUS AMENDMENT) BILL, 2025

A Bill for—

AN ACT of Parliament to amend various laws relating to planning and for connected purposes—

ENACTED by the Parliament of Kenya as follows—

Short title.

1. This Act may be cited as the Planning Laws (Miscellaneous Amendment) Act, 2025.

Amendment to section 2 of *Cap 303*

2. Section 2 of the Physical and Land Use Planning Act is amended by—

(a) deleting the definition of the "planning authority" and substituting therefor with the following definition—

"planning authority"—

(a) with respect to national government physical and land use planning functions, means be the Director General of Physical and Land Use Planning;

(b) with respect to county government physical and land use planning functions, mean the county government Director of Physical and Land Use Planning, City Boards, Municipal Boards and Town Committees; and

(c) with respect to a City County means the Director of City Planning.

(b) inserting the following new definition in its proper alphabetical sequence—

"metropolitan area plan" means a plan for a declared metropolitan area;

Amendment to section 6 of *Cap 303*

3. Section 6 of the Physical and Land Use Planning Act is amended by inserting a new subsection immediately after section (3) as follows—

(4) The members of the Forum shall be paid such allowances as the Cabinet Secretary shall, upon consultation with the Salaries and Remuneration Commission, determine.

Amendment to section 13 of *Cap 303*

4. Section 13 of the Physical and Land Use Planning Act is amended—

(a) in paragraph (b) by inserting the words "and metropolitan" immediately after the word "national";

(b) in paragraph (c) by inserting the words "and metropolitan areas" immediately after the word "national".

Amendment to section 18 of *Cap 303*

5. Section 18 of the Physical and Land Use Planning Act is amended by—

(a) deleting subsection (2) and substituting therefor with the following—

(2) The County Director of Physical and Land Use Planning shall be the chief advisor to the county government on all matters relating to physical and land use planning and shall be responsible to the County Executive Committee Member.

(b) inserting new subsections immediately after subsection 2 as follows—

"(3) There is established the office of the Director of City Planning which shall be an office in the city county public service.

(4) The Director of City Planning shall—

(a) oversee the physical and land use planning function of the City County; and

(b) supervise development control and enforcement in the borough.

Amendment to section 9 of *Cap 303*

6. Section 19 of the Physical and Land Use Planning Act is amended by inserting the words "or the Director of City

Planning" immediately after the words "County Director of Physical and Land Use Planning".

Amendment to section 20 of *Cap 303*

7. Section 20 of the Physical and Land Use Planning Act is amended by—

(a) numbering the existing section as sub-section (1);

(b) deleting paragraph (d) and substituting therefor the following—

"(d) preparation of local physical and land use plans which may include markets, trading centres, neighbourhood and rural areas plans;"

(c) deleting paragraph (g) and substituting therefor the following—

"(g) recommending to the county government the establishment of physical and land use planning units in cities, municipalities, towns, market centers, sub-counties and wards;"

(d) deleting paragraph (i) and substituting therefor the following—

"(i) communicating decisions of the county government on development applications submitted from market centers, trading centers and areas not within cities, municipalities and towns;"

(e) deleting paragraph (j) and substituting therefor the following—

"(j) issuance of development permission and other development control instruments under this Act at the market centers, trading center and areas not within cities, municipalities and towns."

(f) inserting a new sub-section 2 as follows—

(2) The County Director of Physical and Land Use Planning shall, for the effective performance of functions under subsection (1) be required to—

(a) assign a reference number to all plans prepared within the County; and

(b) keep a register of approved plans in cities, municipalities and towns, both in physical and digital format.

(g) inserting a new subsection (3) as follows—

(3) The responsibilities provided for under this section shall, with necessary modification—

(a) be the functions of the Director of City Planning and shall apply to the City County;

(b) include—

(i) establishment and supervision of planning divisions in the borough;

(ii) supervising the processing of development applications and communicating the decisions thereof; and

(iii) endorsing issuance of development permission and other development control instruments under this Act.

Amendment of *Cap 303*

8. The Physical and Land Use Planning Act is amended by inserting a new section immediately after section 20 as follows—

Physical and Land Use Planning staff in county governments.

20A. (1) The County Public Service Boards shall establish positions of City Planner, Municipal Planner and Town Planner within the county government.

(2) The City Planner, Municipal Planner and Town Planner shall be—

(a) registered physical planners in accordance with the Physical Planners Registration Act; and

(b) in-charge of Physical and Land Use Planning units in their

respective Cities, Municipalities and Towns.

Functions of City Boards, Municipal Boards and Town Committees. *Cap 275*

20B. The City Boards, Municipal Boards and Town Committees established in accordance with the Urban Areas and Cities Act shall, with respect to physical and land use planning functions in their respective areas of jurisdiction, be responsible for—

(a) preparation of physical and land use development plans; and

(b) issuance of development permissions and urban development control instruments under this Act.

Amendment to section 21 of *Cap 303*

9. Section 21 of the Physical and Land Use Planning Act is amended in sub-section (2) deleting the words "twenty years" and substituting therefore the words "thirty years".

Amendment of Cap *303*

10. The Physical and Land Use Planning Act is amended by inserting the following new section immediately after section 28 as follows—

Metropolitan area plans

28A. (1) The Director General of Physical and Land Use Planning shall within sixty days of a declaration in the *Gazette* establishing a metropolitan area, put in place measures to develop the Metropolitan Area Physical and Land Use Development Plan.

(2) A Metropolitan Physical and Land Use Development Plan shall be in conformity with the National and County Physical and Land Use Development Plan.

Amendment to section 29 of *Cap 303*

11. Section 29 of the Physical and Land Use Planning Act is amended by inserting a new sub-section immediately after sub-section (7) as follows—

"(8) The Inter-county Physical and Land Use Development Plans shall cover an implementation period of twenty years."

Amendment to section 36 of *Cap 303*

12. Section 36 of the Physical and Land Use planning Act is amended—

(a) in subsection (1) by inserting the words "Geographic-Information-System based" immediately before the words "county physical and land use development plan"; and

(b) in subsection (2) by inserting the words "applicable national urban resilience and climate change strategies" immediately after the words "National Physical and Land Use Development Plan".

Amendment to section 45 of *Cap 303*

13. Section 45 of the Physical and Land Use Planning Act is amended by—

(a) deleting subsection one and substituting therefor the following new provision—

(1) A county planning authority shall prepare a City, Municipal, Town or Local Physical and Land Use Development Plan in respect of a city, municipality, town, unclassified urban area or rural areas, as the case may be.

(b) inserting new sub-sections immediately after sub-section (3) as follows—

(4) A local physical and land use development plan may be for long-term physical and land use development when it covers the entire unclassified urban area, subcounty, ward with an implementation period of ten years or short-term physical and land use, development, urban renewal and for the purposes set out in the Second Schedule in relation to each type of plan.

(5) Short term plans shall have an implementation period of three to five years and include Action Area Plans, Part Development Plans, Zoning Plans, Advisory Plans, Neighbourhood Plans and Master Plans and as set out in the Second Schedule.

Amendment to section 46 of *Cap 303*

14. Section 46 of the Physical and Land Use Planning Act is amended by deleting the introductory paragraph and substituting therefor the following paragraph "A county planning authority shall prepare a City, Municipal, Town or local physical and land use development plan for —"

Amendment of *Cap 303*

15. The Physical and Land Use Planning Act is amended in section 47 by deleting the existing provision and substituting therefor the following new provision—

Initiation of plans

47. (1) The preparation of a City, Municipal, Town and local physical and land use development plan may be initiated by the respective county planning authority.

(2) The county planning authority shall publish a notice of intention to prepare a City, Municipal, Town and Local Physical and Land Use Development plan in the *Gazette*, at least two newspapers with national circulation and through electronic media."

Amendment to section 48 of *Cap 303*

16. Section 48 of the Physical and Land use Planning Act is amended in subsection (1) and (2) by inserting the words "City, Municipal, Town and" immediately before the words "local physical and land use".

Amendment to section 50 of *Cap 303*

17. Section 50 of the Physical and Land Use Planning Act is amended by—

(a) deleting the words "County Executive Committee member" and substituting therefor the words "County Director of Physical and Land Use Planning"; and

(b) inserting the words "City, Municipal, Town and" immediately before the words "local physical and land use".

Amendment to section 51 of *Cap 303*

18. Section 51 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by—

(i) deleting the words "County Executive Committee member" and substituting therefor the words "County Director of Physical and Land Use Planning"; and

(ii) inserting the words "City, Municipal, Town and" immediately before the words "local physical and land use".

(b) in subsection (2) by deleting the words "County Executive Committee member" and substituting therefor the words "County Director of Physical and Land Use Planning".

(c) in subsection (3) by deleting the words "County Executive Committee member" and substituting therefor the words "County Director of Physical and Land Use Planning".

Amendment to section 52 of *Cap 303*

19. Section 52 of the Physical and Land Use Planning Act is amended—

(a) in sub-section (1) by inserting a new paragraph immediately after paragraph (e) as follows—

"(f) that area has transformed into a metropolitan region."

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "County Director of Physical and Land Use Planning"

Amendment to section 57 of *Cap 303*

20. Section 57 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority."

(b) in subsection (3) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority."

(c) in subsection (4) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority."

(d) in subsection (5) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority."

(e) in subsection (6) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority."

Amendment to section 58 of *Cap 303*

21. Section 58 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" wherever it appears and substituting therefor the words "county planning authority";

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority";

(c) in subsection (4) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority";

(d) in subsection (5) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority"; and

(e) in subsection (8) by deleting the words "county executive committee member" and substituting therefor the words "county planning authority".

Amendment of section 59 of *Cap 303*

22. Section 59 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority"; and

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 60 of *Cap 303*

23. Section 60 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority"; and

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 61 of *Cap 303*

24. Section 61 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by—

(i) deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

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

(a) shall be bound by the relevant approved national, county, city, municipal, town and special areas plans;

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(c) in subsection (3) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 62 of *Cap 303*

25. Section 62 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(c) in subsection (3) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 63 of *Cap 303*

26. Section 63 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(c) in subsection (3) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 64 of *Cap 303*

27. Section 64 of the Physical and Land Use Planning Act is amended—

(a) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(b) in subsection (3) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 65 of *Cap 303*

28. Section 65 of the Physical and Land Use Planning Act is amended by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 66 of *Cap 303*

29. Section 66 of the Physical and Land Use Planning Act is amended by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 67 of *Cap 303*

30. Section 67 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 68 of *Cap 303*

31. Section 68 of the Physical and Land Use Planning Act is amended—

(a) in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

(b) in subsection (2) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 72 of *Cap 303*

32. Section 72 of the Physical and Land Use Planning Act is amended in subsection (1) by deleting the words "county executive committee member" and substituting therefor the words "relevant county planning authority";

Amendment of section 72 of *Cap 303*

33. Section 75 of the Physical and Land Use Planning Act is amended in subsection (2)(c) by inserting the words "metropolitan area" immediately after the word "national".

Amendment of section 78 of *Cap 303*

34. Section 78 of the Physical and Land Use Planning Act is amended—

(a) in paragraph (a) by deleting the words "planning authority in the county" and substituting therefor the words "respective county planning authority";

(b) in paragraph (b) by deleting the words "planning authority in the county" and substituting therefor the words "respective county planning authority";

Amendment of the First Schedule to *Cap 303*

35. The First Schedule to the Physical and Land Use Planning Act is amended—

(a) in the title by deleting the title and substituting therefor the following new title—

CONTENTS OF CITY, MUNICIPAL, TOWN AND LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLANS

(b) in Part A by deleting the title and substituting therefor the following new title—

PART A — MATTERS WHICH MAY BE DEALT WITH IN A CITY, MUNICIPAL, TOWN AND LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Amendment of section 2 of *Cap 275*

36. Section 2 of the Urban Areas and Cities Act is amended by inserting the following new definition in proper alphabetical sequence—

"borough" means an administrative division a City County;

"metropolitan area" means a functional urban region declared as a Metropolitan Area consisting of a core city and its commuting zone, including other urban areas socio-economically linked to the city;

Amendment of section 3 of *Cap 275*

37. Section 3 of the Urban Areas and Cities Act is amended in subsection (1)—

(a) by inserting the words "or metropolitan areas" immediately after the word "cities" appearing in paragraph (a); and
(b) by inserting the following new paragraph immediately after paragraph (d)—

"(e) classification, governance and management of boroughs."

Amendment to section 4A of *Cap 275*

38. Section 4A of the Urban Areas and Cities Act is amended—

(a) in subsection (3)—

(i) in paragraph (a) by deleting the words "who shall be the chairperson"

(ii) by inserting the following new paragraph immediately after paragraph (a)—

"(aa) a representative of the Kenya National Bureau of Statistics;

(b) by inserting the following new subsection immediately after subsection (3)—

"(4) The Cabinet Secretary shall appoint one of the members appointed under subsection (2) as the Chairperson of the Committee."

Amendment to section 10 of *Cap 275.*

39. Section 10 of the Urban Areas and Cities Act is amended by inserting the following new subsection immediately after subsection (1) as follows—

"(1A) The instrument for the conferment of a status of a town that meets the criteria set out in subsection (2) shall be a Certificate, which shall be in the prescribed form.

Amendment to section 10A of *Cap 275.*

40. Section 10A of the Urban Areas and Cities Act is amended by inserting the following new subsection immediately after subsection (1) as follows—

"(1A) The instrument for the conferment of a status of a market centre that meets the criteria set out in subsection (2) shall be a Certificate, which shall be in the prescribed form."

Amendment of *Cap 275.*

41. The Urban Areas and Cities Act is amended by inserting a new section immediately after section 10C as follows—

"10D. (1) The Cabinet Secretary for time being responsible for matters relating to Urban Development in consultation with relevant county governments shall declare an area to be a metropolitan area through a notice in the *Gazette* based on—

(a) spatial extent and functional geographical area;
(b) population;
(c) level of infrastructure, services and connectivity;
(d) commuting patterns;
(e) strategic global, regional and national position."

(2) The Cabinet Secretary for time being responsible for matters relating to Urban Development shall put in place administrative measures to ensure that the management and development of metropolitan areas is in accordance with the Constitution, this Act and any other applicable laws.

(3) Pursuant to subsection (2), the Cabinet Secretary may designate a directorate within the Ministry to be responsible for metropolitan areas.

Deletion of section 13A of *Cap 275*

42. The Urban Areas and Cities Act is amended by deleting section 13A.

Amendment to section 14 of *Cap 275.*

43. Section 14 of the Urban Areas and Cities Act is amended in subsection (2), paragraph (a) by deleting the words "county executive member" and substituting therefor the words. "chief officer"

Amendment to section 20 of *Cap 275*

44. Section 20 of the Urban Areas and Cities Act is amended—

(a) in subsection (1)—

(i) by deleting paragraph (d).

(ii) in paragraph (g) by inserting the words "of cities, municipalities and towns" immediately after the word "administration"

(iii) by inserting the following new paragraph immediately after paragraph (g)—

"(ga) establish geo-spatial data infrastructure in all counties, cities, municipalities, and towns to support evidence-based planning, service delivery and sustainable development."

(b) by inserting the following new subsection immediately after subsection (1)—

"(1A) The national government shall, in collaboration with county governments, establish and operationalize a secure and interoperable data-sharing interface to facilitate the exchange of geo-spatial and administrative data between the two levels of government."

Amendment to section 27 of *Cap 275*

45. Section 27 of the Urban Areas and Cities Act is amended by deleting the existing provision and substituting therefor the following new subsections—

(1) A city county shall be governed and managed—

(a) in the same manner as a county government in accordance with the County Governments Act (Cap 265); or

(b) in accordance with subsection (2).

(2) Subject to the approval of the County Assembly, a City County may create boroughs as administrative divisions within the City County and which shall consist of two or more sub-counties.

(3) A borough shall be headed by a Burrough Manager who shall be responsible to the County Executive Committee Member responsible for matters relating to administration.

(4) A borough established under this section shall—

(a) provide for the decentralised administration and coordination of county services at the borough level;

(b) promote the effective delivery of county functions and services, including planning, infrastructure development, public health, trade and environmental management, in accordance with the Constitution and national and county legislation;

(c) facilitate the formulation and implementation of integrated development plans and other spatial or sectoral plans consistent with the county integrated development plan and applicable physical and land use plans;

(d) promote participatory governance and citizen engagement in the planning, delivery and monitoring of services within the borough;

(e) ensure compliance with national and county policies, standards and applicable legislation in the performance of devolved functions;

(f) oversee the coordination and regulation of public service delivery and, where delegated, revenue collection and resource mobilisation at the borough level;

(g) promote a safe, healthy and sustainable urban environment; and

(h) perform such other functions as may be conferred by any written law or delegated by the county government.

(5) Without prejudice to the generality of subsection (4), the County Executive Committee member responsible for Administration shall establish units within the borough to be headed by Deputy Directors who shall be responsible for distinct functions and who shall report to the borough manager.

Amendment to section 28 of *Cap 275*

46. Section 28 of the Urban Areas and Cities Act is amended by—

(a) renumbering the provision to subsection (1);

(b) inserting the following new subsections city immediately after subsection (1)—

(2) A city manager or municipal manager shall be designated as the Accounting Officer by the Chief Executive Committee Member for Finance and also serve as the secretary to the board;

(3) A city manager or municipal manager shall serve a non-renewable term of six years."

Amendment to section 30 of *Cap 275*

47. Section 30 of the Urban Areas and Cities Act is amended in subsection (1), by deleting paragraph (b) and substituting therefor the following new paragraph—

"(b) holds a degree from a university recognized in Kenya, or from an equivalent institution, in any of the following fields—

(i) architecture;
(ii) engineering;
(iii) urban planning and management;
(iv) environmental planning;
(v) quantity surveying;
(vi) land surveying;
(vii) valuation; or
(viii) any other field related to the built environment.

Amendment of *Cap 275*

48. The Urban Areas and Cities Act is amended by inserting new sections immediately after section 30 as follows—

Qualifications for appointment of borough manager.

30A. (1) Subject to Article 232 of the Constitution, a person shall qualify to be appointed as borough manager is the person—

(a) is a citizen of Kenya;

(b) holds a degree in Public Administration, Architecture, Engineering, Urban Planning, Environmental Planning, Quantity Surveying, Land Surveying, Land Valuation, Law and other related fields in the built environment from a university recognised in Kenya or its equivalent; and

(c) has proven experience of not less than ten years in administration or management either in the public or private sector.

(2) In appointing a manager under subsection (1) the body responsible for county public service shall ensure—

(a) gender equity;
(b) the inclusion of minorities and marginalised communities; and
(c) the person satisfies the requirements of Chapter six of the Constitution.

(3) A borough manager shall serve for a non-renewable term of six years.

Amendment to section 31B of *Cap 275*

49. Section 31B of the Urban Areas and Cities Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) The administrator of a town shall be designated as the Accounting Officer by the Chief Executive Committee

Member for Finance and also serve as the secretary to the committee.

Amendment to section 36 of *Cap 275*

50. Section 36 of the Urban Areas and Cities Act is amended in subsection (1)(d)(iv) by deleting the word "strategic" and substituting therefor the word "development".

Amendment to section 38 of *Cap 275*

51. The Urban Areas and Cities Act is amended by deleting section 38 and substituting therefor the following new provision—

"38. (1) A city or urban area shall prepare—

(a) an integrated city, municipality, town strategic plan in accordance to Third Schedule of this Act; and

(b) a city, municipality, town, physical and land use development plan in accordance to Physical and Land Use Planning Act.

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Amendment to section 39 of *Cap 275*

52. Section 39 of the Urban Areas and Cities Act is amended—

(a) by deleting the word "adoption" appearing in the marginal note and substituting therefor the word implementation";

(b) by deleting subsection (1);

(c) in subsection (2) by deleting the words "adopted by a board or town committee under subsection (1)".

Amendment to section 40 of *Cap 275*

53. Section 40 of Urban Areas and Cities Act is amended by deleting paragraph (f).

Amendment to the Third Schedule to *Cap 275*

54. The Third Schedule to the Urban Areas and Cities Act is amended by deleting paragraph (l).

Amendment of section 59 of *Cap 265*

55. Section 59 of the County Governments Act is amended by deleting the words "is a certified public secretary of good professional standing" and substituting therefor the words "meets the criteria and qualifications provided for under section 30 of the Urban Areas and Cities Act."

Cap 275

Amendment of section 105 of *Cap 265*

56. Section 105 of the County Governments Act is amended by inserting a new subsection (3) immediately after subsection (2) as follows—

"(3) The county planning unit shall comprise of the directorates responsible for—

(a) physical and land use planning; and

(b) economic planning."

Amendment of section 107 of *Cap 265*

57. Section 107 of the County Governments Act is amended in subsection (1) —

(a) by deleting paragraph (c) and substituting therefor the following new paragraph as follows—

(c) physical and land use development.

(b) by deleting paragraph (d) and substituting therefor the following new paragraphs as follows—

"(d) city physical and land use plans;

(e) municipality physical and land use plans;

(f) town physical and land use plans; and

(g) local physical and land use plans which may include market physical and land use plans, action area physical and land use plans, part development plans, zoning plans, neighbourhood plans and master plans."

Amendment of section 110 of *Cap 265*

58. Section 110 of the County Governments Act is amended—

(a) by deleting the word "spatial" in the marginal note and substituting therefor the words "physical and land use development;"

(b) in subsection (1) by deleting the word "spatial"—

(i) appearing in the opening paragraph and substituting therefor the words "physical and land use development"; and

(ii) appearing in paragraphs (a), (b) and (c) and substituting therefor the words "physical and land use development."

(c) in subsection (2) by—

(i) deleting the word "spatial" wherever it appears in the opening paragraph and substituting therefor the words "physical and land use development"
(ii) by deleting the word "spatial form" in paragraph (b) and substituting therefor the words "physical and land use development plan"
(iii) in paragraph (c) by—

a. deleting the word "spatial" in sub-paragraph (ii) and substituting therefor the words "physical and land use"

b. by deleting the word "spatial" in sub-paragraph (vi) and substituting therefor the words "physical and land use".

(iv) in paragraph (i) by deleting the word "spatial" and substituting therefor the words "physical and land use";

(d) by deleting subsection (3) and substituting therefor the following new subsection—

"(3) Each county physical and land use development plan shall be developed in accordance with the provisions of the Physical and Land Use Planning Act."

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(e) by deleting subsection (4) and substituting therefor the following new subsection—

"(4) Each county physical and land use development plan shall be reviewed and approved in accordance with the provisions of the Physical and Land Use Planning Act."

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Amendment of section 111 of *Cap 265*

59. Section 111 of the County Governments Act is amended in subsection (1) by deleting paragraphs (a), (b), (c)

and (d) and substituting therefor the following new paragraphs—

"(a) physical and land use development plans;
(b) integrated development plans; and
(c) sectoral plans."

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Physical and Land Use Planning Act, 2019 (Cap. 303), the Urban Areas and Cities Act, 2011 (Cap. 275), and the County Governments Act, 2012 (Cap. 265) to strengthen institutional frameworks for spatial planning and urban governance; clarify roles between national and county governments; provide for metropolitan and borough structures; and align terminology and processes across the three statutes.

The amendments respond to implementation challenges experienced since the commencement of the Physical and Land Use Planning Act (2019) and are intended to ensure consistency with Articles 186, 187 and the Fourth Schedule to the Constitution regarding the distribution of functions between the two levels of government.

A. Amendments to the Physical and Land Use Planning Act (Cap. 303)

Clause 1 provides for the short title of the Bill.

Clause 2 amends section 2 to redefine "planning authority" by distinguishing national, county, and city-level mandates and to introduce the definition of "metropolitan area plan." The intention is to remove ambiguity in functional responsibility and to recognise metropolitan regions as distinct planning areas.

Clause 3 amends section 6 to authorise payment of allowances to members of the National Physical and Land Use Planning Consultative Forum, as determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission, thereby facilitating the Forum's effective operation.

Clause 4 amends section 13 to extend the Forum's advisory mandate to metropolitan areas to strengthen inter-jurisdictional coordination.

Clause 5 amends section 18 to clarify that the County Director of Physical and Land Use Planning shall be the chief adviser to the county government, reporting to the County Executive Committee Member, and further establishes the office of the Director of City Planning to oversee planning and development control in city counties. This professionalises technical oversight and ensures accountability at the city-county level.

Clause 6 amends section 20 to broaden the functions of the County Director by including the preparation of plans for market centres and neighbourhoods and by requiring the maintenance of registers of approved plans in both physical and digital formats for transparency and record-keeping.

Clause 7 inserts new sections 20A and 20B establishing the offices of City, Municipal and Town Planners within the county public service and assigning planning and development-control functions to City Boards, Municipal Boards and Town Committees. This anchors professional planners in statute and harmonises the operational structure with the Physical Planners Registration Act (Cap. 536).

Clause 8 amends section 21 to extend the planning horizon for national and county development plans from twenty to thirty years, aligning them with long-term frameworks such as Kenya Vision 2030 and promoting strategic continuity.

Clause 9 amends section 29 to introduce a twenty-year implementation period for inter-county physical and land-use plans to enhance predictability in cross-county investment and infrastructure development.

Clause 10 amends section 36 to require the integration of Geographic-Information-System (GIS) mapping and national climate-resilience strategies into county plans, thereby modernising planning processes and promoting sustainable development.

Clause 11 amends section 45 to distinguish between long-term and short-term local plans, prescribing implementation periods of ten years and three-to-five years respectively, and specifying plan types such as action-area, zoning, neighbourhood and master plans.

Clauses 12 to 30 amend sections 46 through 68 to transfer plan-preparation, approval and enforcement responsibilities from the County Executive Committee Member to the County Director of Physical and Land Use Planning or the county planning authority. The object is to vest operational control in professionally qualified officers, streamline approval processes, and enhance technical independence in decision-making.

Clause 31 amends the First Schedule to align the structure and contents of plans with the new classifications introduced under this Bill, ensuring uniformity and coherence across planning levels.

B. Amendments to the Urban Areas and Cities Act (Cap. 275)

Clause 32 amends section 2 to insert definitions of “borough” and “metropolitan area,” thereby recognising boroughs as sub-city

administrative units and metropolitan areas as functional regions encompassing a core city and its hinterland.

Clause 33 amends section 3 to include the classification, governance and management of boroughs among the objectives of the Act, reinforcing decentralisation within city counties.

Clause 34 amends section 4A to revise the composition of the ad hoc delineation committee by adding a representative of the Kenya National Bureau of Statistics and empowering the Cabinet Secretary to appoint the chairperson. This ensures boundary determinations are evidence-based and professionally guided.

Clauses 35 and 36 amend sections 10 and 10A to require the issuance of certificates when towns or market centres are conferred with status, thereby standardising the conferment process.

Clause 37 introduces a new section 10D empowering the Cabinet Secretary, in consultation with county governments, to declare metropolitan areas through a Gazette Notice and to provide administrative structures for their management. This fills a legislative gap and promotes integrated metropolitan governance.

Clause 38 deletes section 13A to eliminate duplication of roles between city managers and secretaries, streamlining management structures within city boards.

Clause 39 amends section 14 to replace the County Executive Committee Member with the Chief Officer as a board member, ensuring that operational management is technically driven.

Clause 40 amends section 20 to harmonise physical and land-use planning functions with those under the Physical and Land Use Planning Act, to explicitly include cities and municipalities in administrative arrangements, and to require the establishment of geo-spatial data infrastructure and interoperable data-sharing systems between the two levels of government. These measures institutionalise data-driven, evidence-based planning.

Clause 41 amends section 27 to provide for the governance and management of city counties through boroughs as decentralised administrative units. It defines the composition, leadership and functions of boroughs, promoting participatory planning, local service delivery and accountability consistent with the principle of subsidiarity.

Clause 42 amends section 28 to clarify that city and municipal managers shall serve as accounting officers designated by the County Executive

Committee Member for Finance and shall hold non-renewable six-year terms, enhancing stability and performance accountability.

Clause 43 amends section 30 to prescribe professional qualifications for appointment as city or municipal manager, restricting eligibility to disciplines within the built environment to ensure competent management of urban areas.

Clause 44 inserts a new section 30A setting qualifications and tenure for borough managers, requiring relevant academic credentials, at least ten years' experience, compliance with Chapter Six of the Constitution, and a non-renewable six-year term. This introduces professionalism and integrity into borough administration.

Clause 45 amends section 31B to designate town administrators as accounting officers and secretaries to town committees, aligning financial and administrative responsibility.

Clause 46 amends section 36 by substituting the word "strategic" with "development" for terminological consistency.

Clause 47 substitutes section 38 to require every city or urban area to prepare both an integrated strategic plan and a physical and land-use development plan consistent with the Physical and Land Use Planning Act, ensuring alignment between strategic and spatial planning frameworks.

Clause 48 amends section 39 to emphasise the implementation rather than the adoption of city and urban plans, reinforcing accountability for results.

C. Amendments to the County Governments Act (Cap. 265)

Clause 49 amends section 59 to align the qualifications for urban administrators with the provisions of section 30 of the Urban Areas and Cities Act, ensuring professional consistency across counties.

Clause 50 amends section 105 to specify that the county planning unit shall comprise the directorates responsible for physical and land-use planning and economic planning, thereby promoting integrated development planning.

Clause 51 amends section 107 to redefine the hierarchy of plans to include city, municipal, town and local physical and land-use development plans and to classify local plans such as market, zoning, neighbourhood and

master plans. This harmonises the county planning framework with the Physical and Land Use Planning Act.

Clause 52 amends section 110 to replace the term "spatial" with "physical and land-use development" and to require that county plans be developed, reviewed and approved in accordance with the Physical and Land Use Planning Act, thereby standardising terminology and procedure.

Clause 53 amends section 111 to consolidate the planning instruments prepared under the county integrated development framework into three categories—physical and land-use development plans, integrated development plans, and sectoral plans—enhancing clarity and coherence in county planning.

Clauses 54 to 59 make consequential amendments to other sections of the County Governments Act to ensure internal consistency, remove redundant terminology, and align cross-references with the amended provisions of the Physical and Land Use Planning Act and Urban Areas and Cities Act.

General Rationale

Collectively, the amendments seek to harmonise Kenya's planning laws; clarify institutional roles across national, county, metropolitan, and borough levels; strengthen professionalism in urban management; and embed technology-enabled, climate-resilient planning approaches. The Bill therefore advances coordinated, accountable and sustainable spatial development in conformity with the Constitution and national development priorities.

Statement on Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms

This Bill does not delegate legislative powers to the Cabinet Secretary and does not limit fundamental rights and freedoms.

Statement that the Bill Concerns County Governments

This Bill affects the functions of county governments, particularly in urban planning, governance, and administrative appointments. It is therefore a Bill concerning county governments for the purposes of Article 110 of the Constitution and relevant Standing Orders.

Statement that the Bill is not a Money Bill within the Meaning of Article 114 of the Constitution

The enactment of this Bill is not likely to occasion additional expenditure of public funds and is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the ……. …….2025

ALICE WAHOME, E.G.H.
Cabinet Secretary,
Ministry of Lands, Public Works, Housing and Urban Development

Section 2 of the Physical and Land Use Planning Act which it is proposed to amend—

2. Interpretation

In this Act, unless the context otherwise requires—

"advertisement" means any word, letter, devise, model, sign, placard, board, notice or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of the advertisement of proprietary article and without prejudice to the foregoing includes any hoarding or similar structure used or adapted for use for the display of advertisement, and references to the display of advertisements shall be construed accordingly:

Provided that any advertisement displayed inside a building shall not be included;

"building" means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

"building operations" include rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, waterworks, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to, the erection of buildings;

"building or works" include waste materials, refuse and other matters deposited on land and reference to the erection or construction of building or works shall be construed accordingly;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to physical and land use planning;

"commercial use" includes shops, offices, hotels, restaurants, bars, kiosks and similar business enterprises but does not include petroleum filling stations;

"Commission" means the National Land Commission established under Article 67 of the Constitution;

"county executive committee member" means the county executive committee member responsible for matters relating to physical and land use planning in the respective county;

"density" means the maximum amount of development permitted or the maximum number of persons permitted to reside, as the case may be, on any area of land;

"development" means carrying out any works on land or making any material change in the use of any structures on the land;

"development control" means the process of managing or regulating the carrying out of any works on land or making of any material change in the use of any land or structures and ensuring that operations on land conform to spatial development plans as well as policy guidelines, regulations and standards issued by the planning authority from time to time in order to achieve a purposeful utilization of land in the interest of the general welfare of the public;

"dwelling" means a building or any part or portion of a building, used or constructed, adapted or designed to be used for human habitation;

"Director-General of Physical and Land Use Planning" means the Director-General appointed under section 11 of this Act;

"electronic media" means any electronic medium including television or radio, that may be used to transmit information;

"emerging technologies" include telecommunication installations, information and communications technology parks and aviation services;

"existing building" or "existing works" means, respectively, a building or works erected, constructed or carried out before the date this Act becomes applicable to the area in which the building or works are situated, and includes a building or works, as the case may be, commenced before, but completed after such date;

"existing use" means in relation to any building or land the use of that building or land for any purpose of the same character as that for which it was used before the date this Act becomes applicable to the area in which the building or land is situated: Provided that where an existing use of land is, after such date, extended onto, under or over adjoining land, whether such adjoining land is held under the same title or not, such extension shall not be an existing use for the purposes of this Act;

"industrial use" includes manufacturing, processing, distilling, brewing, warehousing and storage, workshops and garages, mining and quarrying, power generation and similar industrial activities including petroleum filling stations;

"Inter-County physical and land use development plan" means a plan for the area covering two or more counties or parts thereof;

"land use planning" means the process of designating, regulating, evaluating, zoning and organizing the present and future use and development of land in all its geographical areas and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities;

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

"physical planning" means the active process of organizing the physical infrastructure and its functions to ensure orderly and effective siting or location of land uses, and it encompasses deliberate determination of spatial plans with an aim of achieving the optimum level of land utilization in a sustainable manner;

"planning authority"—
(a)with respect to national government planning functions means the Cabinet Secretary; and
(b)with respect to county government planning functions means the County Executive Committee Member.

"private land" has the meaning assigned to it the Land Act (Cap. 280);"public purposes" means the purposes of—
(a)transportation including roads, canals, highways, railways, bridges, wharves and airports;
(b)public buildings including schools, libraries, hospitals, factories, religious institutions and public housing;
(c)public utilities for water, sewage, electricity, gas, communication, irrigation and drainage, dams and reservoirs;
(d)public parks, playgrounds, gardens, sports facilities and cemeteries;
(e)security and defence installations;
(f)settlement of squatters, the poor and landless, and the internally displaced persons; and
(g)any other analogous public purpose.

"registered physical planner" means a person who is holding a certificate as a registered physical planner under section 7 of the Physical Planners Registration Act (Cap. 536);

"safeguarding area" means any area adjoining any land owned or occupied by the Kenya Defence Forces; and

"spatial planning" means the methodology and approach used to influence the distribution of people and activities to achieve optimal utilization of physical, economic and sociocultural resources.

Section 6 of the Physical and Land Use Planning Act which is proposed to amend—

6. National Physical and Land Use Planning Consultative Forum

(1) There is established the National Physical and Land Use Planning Consultative Forum.

(2) The National Physical and Land Use Planning Consultative Forum shall comprise of—

(a)the Cabinet Secretary for the time being responsible for matters related to physical and land use planning, who shall be the Chairperson and shall provide the secretariat;

(b)the Director-General of Physical and Land Use Planning;

(c)three governors appointed by the Council of Governors or their respective designated representatives;

(d)the Chairperson of the National Land Commission or a designated member of the Commission;

(e)the Cabinet Secretary for the time being responsible for matters related to economic planning or a designated principal secretary;

(f)the Cabinet Secretary for the time being responsible for matters related to the environment or a designated principal secretary;

(g)the Cabinet Secretary for the time being responsible for matters related to roads and infrastructure or a designated principal secretary;
(h)the Cabinet secretary for the time being responsible for matters related to social and community development or a designated principal secretary;
(i)the Cabinet Secretary for the time being responsible for matters related to culture or a designated principal secretary;
(j)the Cabinet Secretary for the time being responsible for matters related to defence or a designated principal secretary;
(k)a person nominated by the Kenya Institute of Planners;
(l)a person nominated by the Institution of Surveyors of Kenya;
(m)a person nominated by the Architectural Association of Kenya;
(n)a person nominated by the Kenya Private Sector Alliance and appointed by the Cabinet Secretary;
(o)a person nominated by the registered associations representing residents;
(p)a person nominated by the National Council for Persons with Disability; and
(q)any person co-opted by the Forum for that person's special skills, interest and knowledge.
(3) The Cabinet Secretary shall appoint members nominated under subsection (2)(k), (l), (m), (n), (o), (p) and (q) by notice in the Gazette.

Section 18 of the Physical and Land Use Planning Act which it is proposed to amend—

18. County Director of Physical and Land Use Planning

(1) There is established the office of the County Director of Physical and Land Use Planning which shall be an office in the county public service. (2) The County Director of Physical and Land Use Planning shall advise and be responsible to the County Executive Committee Member.

Section 20 of the Physical and Land Use Planning Act which it is proposed to amend—

20. Responsibilities of the County Director of Physical and Land Use Planning

The County Director of Physical and Land Use Planning shall be responsible for—

(a)advising the county government on physical and land use planning matters that impact the county;

(b)formulating county physical and land use planning policies, guidelines and standards;

(c)preparation of county physical and land use development plans;

(d)preparation of local physical and land use development plans;

(e)participating in the preparation of inter-county physical and land use development plans;

(f)undertaking research on matters relating to physical and land use development planning at the county level;

(g)recommending to the county government the establishment of planning units as may be necessary;

(h)maintaining a land information system to guide physical and land use planning;

(i)communicating decisions of the county government 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.

Section 21 of the Physical and Land Use Planning Act which it is proposed to amend—

21. The National Physical and Land Use Development Plan

(1) The Cabinet Secretary shall cause the Director- General of Physical and Land Use Planning to prepare the National Physical and Land Use Development Plan for approval and publication in accordance with this Part.

(2) The National Physical and Land Use Development Plan—

(a)shall cover an implementation period of twenty years; and

(b)may be reviewed after ten years or as necessary when special needs arise

Section 29 of the Physical and Land Use Planning Act which it is proposed to amend—

29. Establishment of Inter-County Joint Physical and Land Use Planning Committees

(1) Two or more Counties may, by mutual agreement or out of compelling necessity, formulate an inter-county physical and land use development plan.

(2) In the preparation of the Inter-County physical and land use development plan, the counties shall form an Inter-County Joint Physical and Land Use Planning Committee.

(3) The Inter-County Joint Physical and Land Use Planning 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 Physical and Land Use Planning who shall be an ex-officio member of the Committee.

(4) The inter-county joint physical and land use planning 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 physical and land use planning 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 Physical and Land Use Planning shall, in consultation with the other members of the Committee, convene the first meeting.

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

Section 36 of the Physical and Land Use Planning Act which it is proposed to amend—

36. County Physical and Land Use Development Plan

(1) Once in every ten years, a county government shall prepare a county physical and land use development plan for that county.

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

(3) The county executive committee member shall ensure the county physical and land use development plan is prepared and published within a period of eighteen months from the time notice of intention to prepare the plan is published.

Section 45 of the Physical and Land Use Planning Act which it is proposed to amend—

45. Local Physical and Land Use Development Plan

(1) A county government shall prepare a local physical and land use development plan in respect of a city, municipality, town or unclassified urban area as the case may be.

(2) A local physical and land use development plan may be for long-term physical and land use development, short-term physical and land use development, urban renewal or redevelopment and for the purposes set out in the Second Schedule in relation to each type of plan.

(3) A local physical and land use development plan shall be consistent with an Integrated City or Urban Development Plan as contemplated under Part V of the Urban Areas and Cities Act (Cap. 275).

Section 46 of the Physical and Land Use Planning Act which it is proposed to amend—

46. Purpose of a Local Physical and Land Use Development Plan

A county government shall prepare a local physical and land use development plan for—

(a)zoning, urban renewal, or redevelopment;

(b)guiding and coordinating the development of infrastructure;

(c)regulating the land use and land development;
(d)providing a framework for coordinating various sectoral agencies; and
(e)providing a framework and guidelines on building and works development in the city, municipality, urban area, or other smaller urban centres including local centres, and market centres.

Section 48 of the Physical and Land Use Planning Act which it is proposed to amend—

48. Contents of a Local Physical and Land Use Development Plan

(1)A local physical and land use development plan shall consist of—
(a)a survey report in respect of the area to which the plan relates carried out as the manner specified in the Second Schedule; and
(b)any Geographical Information System-based maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used in accordance with the requirements of the Second Schedule.
(2) The survey report in a local physical and land use development plan should include technical annexes and a sieve analysis of gradient, environment and infrastructure so as to provide for maximum locations for new developments.

Section 50 of the Physical and Land Use Planning Act which it is proposed to amend—

50. Publication of Local Physical and Land Use Development Plans

The County Executive Committee member shall within fourteen days after the approval of a local physical and land use development plan publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media that the plan has been approved with or without modification and that the plan may be inspected at the place or places and times specified in the notice during normal working hours.

Section 51 of the Physical and Land Use Planning Act which it is proposed to amend—

51. Amendment or Revision of Local Physical and Land Use Development Plan

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

(a)there are practical difficulties in the implementation of the plan; or

(b)there has been change of circumstances since the plan was approved.

(2) Where the county executive committee member intends to amend or revise a local physical and land use development plan, the provisions of section 42 shall apply with the necessary modifications.

(3) A County Executive Committee member may initiate the revision of a local physical and land use development plan after a period of three years after the plan has been approved in accordance with section 51 of this Act or as the need may arise

Section 52 of the Physical and Land Use Planning Act which it is proposed to amend—

52. Declaration of a Special Planning Area

(1) A county government may, on its own motion or as may be requested by the national government or the National Physical and Land Use Planning Consultative Forum, declare an area as a special planning area if—

(a)that area has unique development, natural resource, environmental potential or challenges;

(b)that area has been identified as suitable for intensive and specialized development activity;

(c)the development of that area might have significant effect beyond that area's immediate locality;

(d)the development of that area raises significant urban design and environmental challenges; or

(e)the declaration is meant to guide the implementation of strategic national projects; or guide the management of internationally shared resources.

(2) Where a county government has declared an area as a special planning area, the county executive committee member may, by notice in the Gazette, suspend for a period of not more than two years any development in the special planning area until a physical and land use development plan in respect of that area has been approved.

(3) Despite subsection (2), where planning permission has been granted in an area declared to be a special planning area before the declaration is made, the permitted development shall be permitted to continue but only if planning permission was granted more than six months before the declaration of the special planning area.

(4) The county government shall declare an area as a special planning area by notice in the Gazette and in at least two newspapers of national circulation and the notice shall specify the area declared as a special planning area and the nature of the proposed development for which the declaration has been made.

(5) A county planning authority may publish such Regulations as may be necessary to promote public participation during the process of declaring an area a special planning area.

(6)A physical and land use development plan prepared for a special planning area shall undergo the process of approval in accordance with section 49 of this Act.

Section 57 of the Physical and Land Use Planning Act which it is proposed to amend—

57. Development permission

(1)A person shall not carry out development within a county without a development permission granted by the respective county executive committee member.

(2)A person who commences any development without obtaining development permission commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.

(3)A county executive committee member shall require a person who has commenced a development without obtaining development permission 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.

(4) Where a person who is required to do so fails to comply with the provisions of subsection (3), the relevant county executive committee member may undertake to restore the land as required and shall recover the cost of the restoration from the person required to undertake the restoration.

(5)A county executive committee member may revoke development permission if the applicant has contravened any provision of this Act or conditions imposed on the development permission for any justifiable cause.

(6)A county executive committee member may modify the conditions imposed on development permission where circumstances require it or for any justifiable cause.

Section 58 of the Physical and Land Use Planning Act which it is proposed to amend—

58. Application for development permission

(1)A person shall obtain development permission from the respective county executive committee member by applying for development permission from that county executive committee member in the prescribed form and after paying the prescribed fees.

(2) An applicant for development permission shall provide documents, plans and particulars as may be required by the respective county executive committee member to indicate the purposes of the proposed development.

(3) An applicant for development permission shall indicate the proposed uses to which the land shall be put, the population density to which that land shall be subjected and the portion of the land the applicant shall provide for easements as a consequence of the applicant's proposed development.

(4) Where an applicant is not the registered owner of the land for which development permission is being sought, that applicant shall obtain the written consent of the registered owner of that land and the applicant shall provide that

written consent to the respective county executive committee member at the time of applying for development permission.

(5) The development permission granted by a county executive committee member shall be subject to compliance with the provisions of any other written law.

(6) Where an applicant does not receive written response for development permission within sixty days, such permission shall be assumed to have been given in terms of this Act.

(7)A person applying for development permission shall also notify the public of the development project being proposed to be undertaken in a certain area in such a manner as the Cabinet Secretary shall prescribe.

(8) The notification referred to under subsection (7), shall invite the members of the public to submit any objections on the proposed development project to the relevant county executive committee member for consideration.

Section 59 of the Physical and Land Use Planning Act which it is proposed to amend—

59. Plans and documents to be prepared by qualified person

(1)A person applying for development permission shall ensure that any documents, plans and particulars that are provided to the respective county executive committee member while applying for development permission have been prepared by the relevant qualified, registered and licensed professionals.

(2)A person who purports to prepare a document, plan or particulars required under this Act shall prove that person's credentials when asked to do so by a county executive committee member and shall be required to authenticate the copies of the documents, plans or particulars provided to the county executive committee member in that person's name.

Section 60 of the Physical and Land Use Planning Act which it is proposed to amend—

60. Development application referred to relevant authorities

(1) Within seven days of receiving an application for development permission, the county executive committee member shall give a copy of the application to the relevant authorities or agencies to review and comment and the relevant authorities or agencies shall comment on all relevant matters including—

(a)land survey;

(b)roads and transport;

(c)agriculture and livestock;

(d)health;

(e)public works and utilities;

(f)environment and natural resources;

(g)urban development;

(h)national security in respect of land adjoining or within reasonable vicinity of safeguarding areas; and

(i)any other relevant authority.

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

Section 61 of the Physical and Land Use Planning Act which it is proposed to amend—

61. Decision making and communication

(1) When considering an application for development permission, a county executive committee member—

(a)shall be bound by the relevant approved national, county, local, city, urban, town and special areas plans;

(b)shall take into consideration the provision of community facilities, environmental, and other social amenities in the area where development permission is being sought;

(c)shall take into consideration the comments made on the application for development permission by other relevant authorities in the area where development permission is being sought;

(d)shall take into consideration the comments made by the members of the public on the application for development permission made by the person seeking to undertake development in a certain area; and

(e)in the case of a leasehold property, shall take into consideration any special conditions stipulated in the lease.

(2) With regards to an application for development permission that complies with the provisions of this Act and within thirty days of receiving an application for development permission, the county executive committee member may—

(a)grant the applicant the development permission in the prescribed form and may stipulate any conditions it considers necessary when granting the development permission; or

(b)refuse to grant the applicant the development permission in the prescribed form and state the grounds for the refusal in writing.

(3) An applicant or an interested party that is aggrieved by the decision of a county executive committee member regarding an application for development permission may appeal against that decision to the County Physical and Land Use Planning Liaison Committee within fourteen days of the decision by the county executive committee member and that committee shall hear and determine the appeal within fourteen days of the appeal being filed.

(4) An applicant or an interested party who files an appeal under sub-section (3) and who is aggrieved by the decision of the committee may appeal against that decision to the Environment and Land Court.

Section 62 of the Physical and Land Use Planning Act which it is proposed to amend—

62. Registers

(1) Each county executive committee member shall maintain a register of documents submitted by applicants for development permission and shall issue a submission certificate to every applicant who submits such documents.

(2) Each county executive committee member shall maintain a register of development permission and shall enter the details of each applicant for development permission, whether or not development permission was granted to that applicant and the details of the proposed project for which development permission has been applied for.

(3)A register maintained by a county executive committee member under this Act shall be open to the public for scrutiny and the Cabinet Secretary shall publish guidelines for public access to that register.

Section 63 of the Physical and Land Use Planning Act which it is proposed to amend—

63. Development fees

(1)A county executive committee member may levy a development fee against an applicant for development permission.

(2) Each county government may, by notice in the Gazette, publish Regulations determining the circumstances under which a development fee shall be levied, the rates that shall be payable and the circumstances under which a development fee may be waived.

(3) Where a development fee has been waived in relation to an application for development permission, a county executive committee member may require that applicant to develop infrastructure in relation to the property in question for general use by the residents of the area where the property in question is located.

Section 64 of the Physical and Land Use Planning Act which it is proposed to amend—

64. Lapse of development permission

(1) Where an applicant for development permission has been granted development permission but has not commenced the proposed project within three years of receiving the development permission that permission shall lapse.

(2) Despite sub-section (1), a county executive committee member, where an applicant makes an application, may extend development permission by a period of one year if the county executive committee member determines it is necessary or just to grant that extension.

(3) Where a county executive committee member extends development permission, it may impose further conditions on the applicant that he or she considers fit.

Section 65 of the Physical and Land Use Planning Act which it is proposed to amend—

65. Commencement and completion of building

A county executive committee member may impose conditions or impose a fine to be prescribed in regulations on an applicant for development permission for building works where that applicant fails to complete the building works within five years.

Section 66 of the Physical and Land Use Planning Act which it is proposed to amend—

66. Prohibition of grant of license for development of a commercial or industrial nature

A licensing authority shall not grant a license for the commercial or industrial use or occupation of any building, or in respect of any premises or land, for which development permission has not been granted by the relevant county executive committee member.

Section 67 of the Physical and Land Use Planning Act which it is proposed to amend—

67. Offences relating to development permission

(1)A person commits an offence if that person—

(a)uses or permits to be used any land or building in contravention of any conditions imposed by a county executive committee member when granting development permission; or

(b)commences, undertakes or carries out—

(i)a development where development permission has been revoked;

(ii)a development where development permission has been modified and the development does not comply with the modifications in the development permission; or

(iii)a development where the building works are inconsistent with the plans approved by the county executive committee member.

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

(2) Despite the provisions of subsections (1) (a) and (1) (b) (iii) of this section, in case of any material variations in a development permission, the applicant may apply to the county executive committee member for development permission.

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

Section 68 of the Physical and Land Use Planning Act which it is proposed to amend—

68. Access to information

(1)A county executive committee member may demand the production of, and make extracts from, all registers or other records or any deeds or instruments belonging to, or in the custody or possession of, any public officer or any person and in which are contained particulars of any land or property affected by the relevant physical and land use development plan.

(2) The information obtained by a county executive committee member in accordance with sub-section (1) shall be treated confidentially and shall not be

disclosed to any other person except by an order of a court in connection with any legal proceedings.

(3) Any request for information shall protect the rights enshrined in Article 31 of the Constitution.

Section 72 of the Physical and Land Use Planning Act which it is proposed to amend—

72. Enforcement notice

(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—

(a)a developer commences development on any land after the commencement of this Act without the required development permission having been obtained; or

(b)any condition of a development permission granted under this Act has not been complied with.

(2) An enforcement notice shall—

(a)specify the development alleged to have been carried out without development permission or the conditions of the development permission alleged to have been contravened;

(b)specify measures the developer shall take, the date on which the notice shall take effect, the period within which the measures shall be complied; and

(c)require within a specified period the demolition or alteration of any building or works or the discontinuance of any use of land or the construction of any building or the carrying out of any other activities.

(3) Where a person on whom an enforcement notice has been served is aggrieved by that notice, that person may appeal to the relevant County Physical and Land Use Planning Liaison Committee within fourteen days of being served with the notice and the committee shall hear and determine the appeal within thirty days of the appeal being filed.

(4) Any party aggrieved with the determination of the county physical and land use planning liaison committee may appeal to the court only on a matter of law and the court shall hear and determine the appeal within thirty days.

(5)A person who has been served with an enforcement notice and who refuses to comply with the provisions of that notice commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.

Section 78 of the Physical and Land Use Planning Act which it is proposed to amend—

78. Functions of the County Physical and Land Use Planning Liaison Committee

The functions of the County Physical and Land Use Planning Liaison Committee shall be to—

(a)hear and determine complaints and claims made in respect to applications submitted to the planning authority in the county;

(b)hear appeals against decisions made by the planning authority with respect to physical and land use development plans in the county;

(c)advise the County Executive Committee Member on broad physical and land use planning policies, strategies and standards; and

(d)hear appeals with respect to enforcement notices.

The First Schedule to the Physical and Land Use Planning Act which it is proposed to amend—

FIRST SCHEDULE [s. 24, 39, 44]

CONTENTS OF NATIONAL, INTER-COUNTY AND COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLANS

PART I

1.Introduction

(1) Background of the Plan

(2) Vision statement

(3) Objectives

(4) Scope of the Plan

(5) Principles of the Plan

(6) Methodology

(7) Outline of the Plan

2.Planning Context

(1) Location-national, inter-county, local context

(2) Legal and policy context

(3) Stakeholder concerns

PART II

3.Situational Analysis

(1) Population and demographic

(2) Physiographic dynamic

(3) Land analysis

(4) Economy- industry, agriculture, commerce, mining and quarrying, fisheries

(5) Transportation and communication

(6) Infrastructure services

(7) Urbanization

(8) Rural developments

(9) Housing

(10) Environments

(11) Climate change

(12) Governance

4.SynthesisPART III

(1) Development challenges, opportunities and alternative interventions

5.Plan Proposals

(1) County Structure Plan

(2) Strategies, measures, Actions

6.Action Plans

PART IV

7.Implementation

8.Maps and graphics

(1) Spatially present the existing situation and Plan proposals for purposes of clarity in—

9.Communication

(1) Contextual Aspects.

National, Inter-County and Local context maps: These maps indicate relative location and position of the county. These are to the scale of 1:250,000 for national context, regional context ranges between, 1:50,000 and 1:100,000 and local context is 1:25,000.

(2) Situation Analysis

Context maps to illustrate features and aspects of various thematic areas. The scale depends on level of detail required to be illustrated or presented. The recommended scales range from 1:10,000, and 1:25,000.

(3) Plan Proposals

These maps indicate location of various Plan proposals. The scale depends on level of detail required to be illustrated or presented. The recommended scales range from 1:10,000 and 1:25,000.

(4) Action Plans

These maps indicate areas for detail treatment. The scale of the maps depends on area to be covered and particular aspects to be captured. The recommended scales range from 1:5,000 and 1:10,000.

10.Content of the Maps

(1) Key features to be captured in a Base map include:

(a)Physiographic and natural features such as rivers, wetland, lakes, forests and hills among others.

(b)Contours.

(c)Main man-made features such as trunk roads, railway lines, water reticulation facilities, terminus, way leaves, and human settlements, urban nodes among others.

(2) Contents of Plan Proposal Maps

(a)Selected existing features and elaborated presentation of the proposals. The maps should be geo-referenced and in layers.

11.Purpose of the survey report

The survey report shall provide for—

(1) matters that may be expected to affect development of the County;

(2) an inventory of the principal physical, economic, environmental, and social characteristics;

(3)a statement on national policies on economic, social, physical and environmental management and conservation;

(4) the principal and expected land use effects on the County;

(5) population size, composition, structure, quality, distribution and trends;

(6) communications, transport system, and traffic flow;

(7) inter and intra county linkages and relations;

(8) projected changes on all sectoral aspects and effects that the projected changes are likely to have on development, or the Planning of the county; and

(9) any other matter that may be prescribed.

12.Adoption of the survey report

(1) The County Executive Committee Member shall submit the survey report to the relevant County Assembly for adoption.

(2) If the County Assembly disapprove the survey report it shall state the reasons for its refusal and refer it to the county Director for review.

(3) Submission of a reviewed survey report shall be undertaken as provided in the manner provided in subparagraph (1).

Section 4A of the Urban Areas and Cities Act which it is proposed to amend —

4A. Boundaries of urban areas and cities

(1) Delineation of the boundaries of urban areas or cities may be initiated by the Cabinet Secretary or by the relevant county government making a written request to the Cabinet Secretary to appoint the ad hoc committee in the manner provided under subsection (2).

(2) The Cabinet Secretary shall, on receipt of a request under subsection (1) or on considering it necessary, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of an urban area or a city.

(3) The ad hoc committee appointed by the Cabinet Secretary under subsection (2) shall comprise—

(a) a representative of the Independent Electoral and Boundaries Commission, who shall be the Chairperson;

(b) three representatives from the national government drawn from—

(i) the Ministry for the time being responsible for urban development;

(ii) the Ministry for the time being responsible for environment;

(iii) the Ministry for the time being responsible for agriculture;

(c) three representatives from the county government drawn from—

(i) the Department for the time being responsible for urban development;

(ii) the Department for the time being responsible for environment;

(iii) the Department for the time being responsible for agriculture; and

(d) two representatives from the following professional associations—

(i) Institute of Surveyors of Kenya; and

(ii) Kenya Institute of Planners.

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

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

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

(5) The representative from the national government drawn from the Ministry for the time being responsible for urban development appointed under subsection (3)(b)(i) shall serve as the secretary to the ad hoc committee.

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

Section 13A of the Urban Areas and Cities Act which it is proposed to amend —

13A. Appointment of Secretary of the Board of a city

(1) The county public service board shall, through a competitive process appoint a Secretary to the board on such terms and conditions as the county public service board, in consultation with the city or municipal board, shall determine.

(2) A person is qualified to be appointed as the Secretary of the board, if that person—

(a) has a degree from an institution recognised in Kenya;

(b) has at least four years' experience in management; and

(c) satisfies the requirements of Chapter Six of the Constitution.

(3) The Secretary shall be—

(a) responsible for the day-to-day management of the affairs of the board; and

(b) perform such other duties as may be assigned by the board.

(4) The Secretary shall hold office for a term of five years.

(5) The provisions of section 16 relating to grounds for vacation of office shall, with necessary modifications, apply to the Secretary of the board appointed under this section.

[Act No. 3 of 2019, s. 10.]

Section 14 of the Urban Areas and Cities Act which it is proposed to amend —

14. Boards of municipalities

(1) A board of a municipality shall consist of nine members appointed by the county governor with the approval of the county assembly.

(2) The members of the board appointed under subsection (1) shall be constituted as follows—

(a) the county executive member for the time being responsible for cities and urban areas or his representative;

(b) three members who shall be appointed by the county governor, with the approval of the county assembly;

(c) four members who shall be nominated by an association and appointed by the county governor, with the approval of the county assembly;

(d) the chief officer responsible for urban development; and

(e) the municipal manager appointed under section 28 who shall be the secretary of the board and an ex officio member of the board.

(3) The four members of the board of a municipality specified under subsection (2)(c), shall be nominated by—

(a) an umbrella body representing professional associations in the area;

(b) an association representing the private sector in the area;

(c) a cluster representing registered associations of the informal sector in the area; and

(d) a cluster representing registered neighbourhood associations in the area.

(4) The county governor shall, while appointing the members of the board, ensure gender equity, representation of persons with disability, youth and marginalised groups.

(5) The county governor shall while considering the nominated members identified by the organizations specified under subsection (2), require the organizations to produce—

(a) signed minutes as evidence of an accountable process of nomination;

(b) evidence of compliance with statutory obligations; and

(c) vetting form to establish that the nominee has complied with the prescribed criteria for appointment as a member of the board.

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

(a) holds at least a degree from an institution recognized in Kenya;

(b) has a distinguished career in a medium level management position in either the private or public sector;

(c) holds at least ten years' post-qualification professional experience;

(d) satisfies the requirements of Chapter Six of the Constitution;

(e) is ordinarily resident or has a permanent dwelling in the municipality; and

(f) carries on business in the municipality or has lived in the municipality for at least five years.

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

(a) holds at least a diploma from an institution recognized in Kenya;

(b) has a distinguished career in a medium level management position in either the private or public sector;

(c) holds at least five years' post-qualification professional experience; and

(d) satisfies the requirements of Chapter Six of the Constitution;

(e) is ordinarily resident or has a permanent dwelling in the municipality; and

(f) carries on business in the municipality or has lived in the municipality for at least five years.

(8) A person shall not be appointed as a member of the Board if that person—

(a) is an undischarged bankrupt;

(b) has been removed from office for contravening the Constitution or any other law;

(c) is not a citizen of Kenya; or

(d) has in the conduct of his or her affairs not met any statutory obligations.

[Act No. 3 of 2019, s. 11.]

Section 20 of the Urban Areas and Cities Act which it is proposed to amend —

20. Governance and management functions of a board

(1) Subject to the provisions of this Act a board of a city or municipality shall—

(a) oversee the affairs of the city or municipality;

(b) develop and adopt policies, plans, strategies and programmes, and may set targets for delivery of services;

(c) formulate and implement an integrated development plan;

(d) control land use, land sub-division, land development and zoning by public and private sectors for any purpose, including industry, commerce, markets, shopping and other employment centres, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the city or municipality as may be delegated by the county government;

(e) as may be delegated by the county government, promote and undertake infrastructural development and services within the city or municipality;

(f) develop and manage schemes, including site development in collaboration with the relevant national and county agencies;

(g) maintain a comprehensive database and information system of the administration and provide public access thereto upon payment of a nominal fee to be determined by the board;

(h) administer and regulate its internal affairs;

(i) implement applicable national and county legislation;

(j) enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this Act or other written law;

(k) monitor and, where appropriate, regulate city and municipal services where those services are provided by service providers other than the board of the city or municipality;

(l) prepare and submit its annual budget estimates to the relevant County Treasury for consideration and submission to the County Assembly for approval as part of the annual County Appropriation Bill;

(m) as may be delegated by the county government, collect rates, taxes levies, duties, fees and surcharges on fees;

(n) settle and implement tariff, rates and tax and debt collection policies as delegated by the county government;

(o) monitor the impact and effectiveness of any services, policies, programmes or plans;

(p) establish, implement and monitor performance management systems;

(q) promote a safe and healthy environment;

(r) facilitate and regulate public transport; and

(s) perform such other functions as may be delegated to it by the county government or as may be provided for by any written law.

(2) Deleted by Act No. 3 of 2019, s. 12(b).

[Act No. 18 of 2012, 1st Sch., Act No. 3 of 2019, s. 12(b).]

Section 28 of the Urban Areas and Cities Act which it is proposed to amend —

28. City or municipal manager

There shall be a city or municipal manager for every city or municipality established under this Act, who shall implement the decisions and functions of the board and shall be answerable to the board.

Section 30 of the Urban Areas and Cities Act which it is proposed to amend — **30. Qualifications for appointment of city or municipal manager**

(1) Subject to Article 232 of the Constitution, a person shall qualify to be appointed as city or municipal manager if the person—

(a) is a citizen of Kenya;

(b) holds a degree from a university recognised in Kenya or its equivalent; and

(c) has proven experience of not less than ten years in administration or management either in the public or private sector.

(2) In appointing a manager under subsection (1) the body responsible for county public service shall

ensure—

(a) gender equity;

(b) the inclusion of minorities and marginalised communities; and

(c) the person satisfies the requirements of Chapter six of the Constitution.

[Act No. 3 of 2019, s. 17.]

Section 31B of the Urban Areas and Cities Act which it is proposed to amend —

31B. Appointment of an administrator

(1) There shall be an administrator for every town established under this Act who shall be appointed by the county public service board established under section 57 of the County Governments Act (Cap.265).

(2) The administrator of a town shall perform such functions as the town committee, appointed under section 31, may determine.

(3) A person shall be qualified to be appointed as an administrator under subsection (1), if that person—

(a) holds a degree from a university recognised in Kenya or its equivalent;

(b) has proven experience of at least three years in administration or management either in public or private sector;

(c) is a citizen of Kenya; and

(d) satisfies the requirements of Chapter Six of the Constitution.

[Act No. 3 of 2019, s. 18.]

Section 38 of the Urban Areas and Cities Act which it is proposed to amend —

38. Preparation of integrated city or urban development plans

A city or urban area shall prepare an integrated city or urban area development plan in accordance with

the Third Schedule to this Act.

[Act No. 12 of 2012, Sch.]

Section 40 of the Urban Areas and Cities Act which it is proposed to amend —

40. Contents of integrated city and urban area development plan

An integrated urban area or city development plan shall reflect—

(a) a boards or committee's vision for the long-term development of the city or urban area with special emphasis on the boards or committee's most critical development needs;

(b) an assessment of the existing level of development in the city or urban area, including an identification of communities which do not have access to basic services;

(c) the determination of any affirmative action measures to be applied for inclusion of communities referred to under paragraph (b) to access funds from the equalization funds;

(d) the board's development priorities and objectives during its term in office, including its economic development objectives, community needs and its determination on the affirmative action in relation to the marginalised groups access to services;

(e) a board's development strategies which shall be aligned with any national or county sectoral plans and planning requirements binding the city or municipality;

(f) a spatial development framework which shall include the provision of basic guidelines for land use management system for the city or municipality;

(g) a board's operational strategies;

(h) applicable disaster management plans;

(i) a regulated city and municipal agricultural plan;

(j) a financial plan, which shall include budget projection for at least the next three years; and

(k) the key performance indicators and performance targets.

Third Schedule to the Urban Areas and Cities Act which it is proposed to amend —

THIRD SCHEDULE [s. 38]

PREPARATION OF AN INTERGRATED PLAN

In the preparation of the integrated urban area or city development plan a city or urban area shall provide for—

(a) an assessment of the current social, cultural, economic and environmental situation in its area of jurisdiction;

(b) a determination of community needs and aligning them to the requirements of the Constitution;

(c) protection and promotion of the interests and rights of minorities and marginalized groups and communities;

(d) a shared vision for its development and that of the county as a whole;

(e) an audit of available resources, skills and capacities;

(f) prioritization of the identified needs in order of urgency and long-term importance;

(g) integrated frameworks and goals to meet the identified needs;

(h) strategies to achieve the goals within specific time frames;

(i) specific implementation programmes and projects to achieve intended goals; and

(j) performance management tools to measure impact and performance and make appropriate corrections;

(k) linkage, integration and coordination of sector plans;

(l) development control; and

(m) any other necessary matter.

Section 59 of the County Governments Act which it is proposed to amend—

59. Functions and powers of a County Public Service Board

(1) The functions of the County Public Service Board shall be, on behalf of the county government, to—

(a)establish and abolish offices in the county public service;

(b)appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;

(c)exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;

(d)prepare regular reports for submission to the county assembly on the execution of the functions of the Board;

(e)promote in the county public service the values and principles referred to in Articles 10 and 232;

(f)evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;

(g)facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;

(h)advise the county government on human resource management and development;

(i)advise county government on implementation and monitoring of the national performance management system in counties;

(j)make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

(2) In appointing a person as a secretary to a board of a city or an urban area under subsection (1)(b), the County Public Service Board shall ensure that such person is a certified public secretary of good professional standing.

(3) The reports under subsection (1)(d) shall contain the details of persons appointed including gender, persons with disabilities, persons from the minority and marginalized communities.

(4) In the performance of its functions under subsection (1)(e), the County Public Service Board shall have powers to—

(a)inform and educate county public officers and the public about the values and principles;

(b)recommend to the county government effective measures to promote the values and principles;

(c)assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;

(d)advise the county governments on their obligations under international treaties and conventions on good governance in the county public service;

(e)visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;

(f)investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of any values and principles;

(g)recommend to the relevant lawful authority, any necessary action in view of the violation of the values and principles by any person or public body;

(h)cooperate with other institutions working in the field of good governance in the public service; and

(i)perform any other functions as the Board considers necessary for the promotion of the values and principles.

(5) The report by the County Public Service Board under subsection (1)(f) shall—

(a)be delivered each December to the county assembly;

(b)include all the steps taken and decisions made by the board;

(c)include specific recommendations that require to be implemented in the promotion and protection of the values and principles;

(d)include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended against them;

(e)include any impediment in the promotion of the values and principles; and

(f)include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.

(6) The Board shall publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the county assembly. [Act No. 7 of 2016, Sch.]

59A. Independence of the county public service board

In the performance of its functions under this Act, the county public service board shall—

(a)be independent and shall not be subject to the direction or control of any other person or authority; and

(b)adhere to the Constitution, this Act and any other relevant law.

[Act No. 11 of 2020, s. 19.]

Section 105 of the County Governments Act which it is proposed to amend—

105. Planning in the county

(1)A county planning unit shall be responsible for—

(a)coordinating integrated development planning within the county;

(b)ensuring integrated planning within the county;

(c)ensuring linkages between county plans and the national planning framework;

(d)ensuring meaningful engagement of citizens in the planning process;

(e)ensuring the collection, collation, storage and updating of data and information suitable for the planning process; and

(f)ensuring the establishment of a GIS based database system.

(2) The designated planning authority in the county shall appropriately organise for the effective implementation of the planning function within the county.

Section 107 of the County Governments Act which it is proposed to amend—

107. Types and purposes of county plans

(1) To guide, harmonize and facilitate development within each county there shall be the following plans—

(a)county integrated development plan;

(b)county sectoral plans;

(c)county spatial plan; and

(d)cities and urban areas plans as provided for under the Urban Areas and Cities Act (Cap. 275).

(2) The County plans shall be the basis for all budgeting and spending in a county.

Section 110 of the County Governments Act which it is proposed to amend—

110. County spatial plans

(1) There shall be a ten-year county GIS based database system spatial plan for each county, which shall be a component part of the county integrated development plan providing—

(a)a spatial depiction of the social and economic development programme of the county as articulated in the integrated county development plan;

(b)clear statements of how the spatial plan is linked to the regional, national and other county plans; and

(c)clear clarifications on the anticipated sustainable development outcomes of the spatial plan.

(2) The spatial plan, which shall be spatial development framework for the county, shall—

(a)give effect to the principles and objects contained in sections 102 and 103.;

(b)set out objectives that reflect the desired spatial form of the county taking into account the development programme of the county as articulated in its county integrated development plan;

(c)contain strategies and policies regarding the manner in which the objectives referred to in paragraph (b), which strategies and policies shall—

(i)indicate desired patterns of land use within the county;

(ii)address the spatial construction or reconstruction of the county;

(iii)provide strategic guidance in respect of the location and nature of development within the county;

(iv)set out basic guidelines for a land use management system in the county taking into account any guidelines, regulations or laws as provided for under Article 67(2)(h) of the Constitution;

(v)set out a capital investment framework for the county's development programs;

(vi)contain a strategic assessment of the environmental impact of the spatial development framework;

(vii)identify programs and projects for the development of land within the county; and

(viii)be aligned with the spatial frameworks reflected in development the integrated development plans of neighbouring counties;

(d)shall indicate where public and private land development and infrastructure investment should take place;

(e)shall indicate desired or undesired utilization of space in a particular area;

(f)may delineate the urban edges of the municipalities within its jurisdiction and mechanisms of dealing with the rural urban interfaces;

(g)shall identify areas where strategic intervention is required;

(h)shall indicate areas where priority spending is required;

(i)clear clarifications on the anticipated sustainable development outcomes of the spatial plan; and

(j)shall indicate the areas designated to conservation and recreation.

(3) Each county spatial plan shall be developed by the county executive committee and approved by the respective county assemblies in accordance with procedures approved by the respective county assembly.

(4) Each county spatial plan shall be reviewed every five years and the revisions approved by the respective county assemblies.

Section 111 of the County Governments Act which it is proposed to amend—

111. City or municipal plans

(1) For each city and municipality there shall be the following plans—

(a)city or municipal land use plans;

(b)city or municipal building and zoning plans;

(c)city or urban area building and zoning plans;

(d)location of recreational areas and public facilities.

(2)A city or municipal plans shall be the instrument for development facilitation and development control within the respective city or municipality.

(3)A city or municipal plan shall, within a particular city or municipality, provide for—

(a)functions and principles of land use and building plans;

(b)location of various types of infrastructure within the city or municipality;

(c)development control in the city or municipality within the national housing and building code framework.

(4) City or municipal land use and building plans shall be binding on all public entities and private citizens operating within the particular city or municipality.

(5) City or municipal land use and building plans shall be the regulatory instruments for guiding and facilitating development within the particular city or municipality.

(6) Each city or municipal land use and building plan shall be reviewed every five years and the revisions approved by the respective county assemblies.