



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
TUESDAY, OCTOBER 18, 2016 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As listed in the Appendix)
6. Notices of Motion (As listed in the Appendix)
7. Statements (As listed in the Appendix)
8. **MOTION** - (Chairperson Sessional Committee on Devolved Government)

THAT, the Senate adopts the Report of the Sessional Committee on Devolved Government on the Appeals for Transfer of Functions by various County Government laid on Table of the Senate on Tuesday, 18th October, 2016.

9. ***THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL)**
(AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)
(Sen. Fatuma Dullo)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)
10. ***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**
(Sen. Martha Wangari)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)
11. *****THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)

..... /Bill

12. *THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL (SENATE BILL NO. 6 OF 2016)

(Sen. Beatrice Elachi)

(Second Reading)

*(Resumption of Debate interrupted on Tuesday, 11th October, 2016)
(Division)*

13. COMMITTEE OF THE WHOLE

*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)

(Sen. Daniel Karaba)

*(Resumption of Debate interrupted on Wednesday, 5th October, 2016)
(Division)*

14. COMMITTEE OF THE WHOLE

***THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(The Senate Majority Leader)

15. *THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 7 OF 2016)

(Sen. Mutula Kilonzo Jnr.)

(Second Reading)

16. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)

(Chairperson, Standing Committee on National Security and Foreign Relations)

(Second Reading)

17. MOTION - (Sen. George Khaniri)

(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

..... /Motion

18. **MOTION** – (Sen. (Prof.) John Lonyangapuo)
(Department of Education)

THAT, whereas Article 53 (1)(b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education;

RECOGNIZING the importance of education in the alleviation of the main challenges facing Kenya’s sovereignty identified at independence, namely; poverty, illiteracy and disease;

APPRECIATING the gains made following the implementation of the free primary education program in 2003 and cognizant of the principles set out in the Basic Education Act of 2013 whose objectives include promotion and regulation of free and compulsory basic education besides providing for accreditation, registration and management of basic education institutions;

NOTING the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education;

FURTHER NOTING that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including facilitation of auditing of all basic educational institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources;

NOW THEREFORE, the House recommends to the Cabinet Secretary for Education to facilitate the creation of the office of an auditor to specifically audit the basic education institutions’ funds to enhance transparency and accountability and improve governance in the management of these institutions.

19. **MOTION** – (Sen. (Eng.) Muriuki Karue)
(Ministry of Interior and Coordination of National Government)

THAT,

CONCERNED about the numerous reports of the arbitrary arrests of innocent people by the police;

FURTHER CONCERNED that a large number of those arrested are allegedly locked up in police cells without being recorded either in the Occurrence Book or elsewhere;

DEEPLY CONCERNED that some of the arrested people disappear without a trace and that many who are subsequently traced are found dead away from where they were known to have been locked up;

ALARMED by the recent incident where three young men were locked up for hours at Syokimau Police Post without any record indicating they had been at the police post, only for them to be found days later, in another area far from the police post, having been brutally killed;

APPRECIATING that the Closed Circuit Television (CCTV) system installed by the Government in Nairobi has helped a lot in criminal investigations;

..... /*Motion*

NOW THEREFORE the Senate calls upon the National Government to-

- a) install CCTV cameras in all police stations and police posts in order to record each and every person going in and out of the station;
- b) have the CCTV system designed in such a way that it is capable of capturing the Occurrence Book entries every twelve hours; and
- c) ensure the CCTV system is connected to a central depository in order to minimize chances of subsequent tampering.

NOTICE

The Senate resolved on 10th February, 2016 as follows:-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

- ****** - Denotes a Majority /Minority Party Bill
- ***** - Denotes a National Assembly Bill
- **** - Denotes a Committee Bill
- *** - Denotes any other Bill

NOTICES OF AMENDMENTS

A. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)

(Sen. Daniel Karaba)

NOTICE is given that Senator Danson Mwazo intends to move the following amendment to the County Governments (Amendment) Bill, 2016, at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be deleted and substituted with the following new clause-

Amendment to the Third Schedule of No.17 of 2012

- 2. The Third Schedule of the County Governments Act is amended-
 - a) in paragraph 6 by deleting the words "Wundanyi Urban Area" and substituting therefor the words, "Mwatate Urban Area".
 - b) in paragraph 20 by deleting the words "Kerugoya Urban Area" and substituting therefor the words, "Kutus Urban Area".

B. *THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**

(The Senate Majority Leader)

a) **NOTICE** is given that Sen. Lenny Kivuti, the Chairperson to the Standing Committee on Lands and Natural Resources, intends to move the following amendments to the Physical Planning Bill, 2015, at the Committee Stage-

CLAUSE 9

THAT clause 9 be amended-

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph-
 - (c) approval of national physical development plans on recommendation of Parliament; and
- (b) in paragraph (e) by inserting the words "in consultation with National Land Commission and county governments." immediately after the words "levels of planning".

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

- (b) advising the Cabinet Secretary on formulating national physical planning policies, guidelines and standards.

CLAUSE 13

THAT clause 13 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) approving county physical development plans on recommendation of the county assembly;

CLAUSE 22

THAT clause 22 of the Bill be amended by deleting sub-clause (3) and substituting therefore the following new sub-clause-

(3)Upon incorporation of the proposed changes by the National Physical Planning Consultative Forum, the plan shall be submitted to the Cabinet Secretary who shall cause it to be placed before Parliament for approval.

CLAUSE 29

THAT clause 29 of the Bill be amended by deleting sub-clause (1) and substituting therefore the following new sub-clause-

(1)The National Director of Physical Planning shall, with the approval of the Cabinet Secretary and in consultation with the county governments prepare regional plans and part development plans for national projects and programmes.

CLAUSE 37

THAT clause 37 of the Bill be amended by deleting sub-clause (2) and substituting therefore the following new sub-clause-

(2)The county executive committee member in charge of physical planning shall submit the completed county physical development plan to the governor who shall cause it to be laid before the county assembly for approval.

CLAUSE 45

THAT the Bill be amended in clause 45 by-

- (a) numbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after the new sub-clause (1)-

The county executive committee member in charge of physical planning shall submit a copy of the approved local physical development plan to the national land commission for their record.

CLAUSE 68

THAT clause 68 of the Bill be amended by inserting the following new paragraph immediately after paragraph (l)-

(m)National Director of Physical Planning.

CLAUSE 71

THAT clause 71 of the Bill be amended in paragraph (c) by deleting the words "Kenya Institute of Planners" appearing immediately after the words "physical planner nominated by the" and substituting therefor the words "Physical Planners Registration Board".

CLAUSE 87

THAT the Bill be amended by deleting clause 87.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence-

"amenity" means physical attributes which contribute and enhance quality of the environment and enjoyment of the permitted use;

"base map" means a plan that delineates the planning area that depicts the spatial representation of natural and man made features;

"county physical development plan" means a plan for the area or part thereof of a county and has the same meaning as the County Spatial Plan contemplated under section 107(1) (c) of the County Government Act 2012;

"land" has the meaning assigned to it under Article 260 the Constitution;

"local physical development plan" means a plan for the area or part thereof of a city, municipal, town or urban council and includes a plan with reference to any trading or marketing centre;

"national physical development plans" means a plan prepared to provide a national spatial development framework for the territory of Kenya as defined in Article 5 of the Constitution and includes regional physical development plans;

"regional physical development plan" means a plan prepared to provide spatial development framework for two or more counties and includes part development plans for national projects and programmes.

Long title

THAT the Bill be amended by deleting the long title and substituting therefor the following new title-

A Bill for an Act of Parliament to give effect to Article 66(1) and the Fourth Schedule of the Constitution and to make provisions for planning, use, regulation and development of land and for connected purposes.

b) **NOTICE** is given that Sen. Mutula Kilonzo Junior intends to move the following amendments to the Physical Planning Bill, 2015, at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended –

- (a) in paragraph (b) by deleting the word “physical” appearing immediately after the words “and management of” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “and management of” and substituting therefor the words “land use”;
- (c) in paragraph (c) by deleting the words “physical planning and” appearing immediately after the words “the regulation of”;
- (d) in paragraph (g) by deleting the words “planning authorities” appearing immediately after the words “the relationship between” authorities responsible for regulating land use in Kenya”.

CLAUSE 4

THAT clause 4 of the Bill be amended in the introductory clause by deleting the words “physical planning or” appearing immediately after the words “engaged in”.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT the Bill be amended by deleting clause 6.

CLAUSE 7

THAT the Bill be amended by deleting clause 7.

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

The National Land Commission shall, in relation to the matters set out in this Act –

- (a) pursuant to Article 67(2)(h) of the Constitution, monitor and have oversight responsibilities over land use planning throughout the country;
- (b) prepare and submit to Parliament, reports on the status of land use planning;
- (c) prepare general principles and guidelines on land use planning and coordinate planning by counties;
- (d) recommend a national land use policy to the cabinet secretary;
- (e) publish and publicize the status of national land use planning report pursuant to Article 35(3) of the Constitution;

- (f) encourage use of traditional dispute resolution mechanisms in land use planning; and
- (g) conduct research related to land use planning and natural resources.

CLAUSE 9

THAT clause 9 of the Bill be amended –

- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;
- (c) by deleting paragraph (d).

CLAUSE 10

THAT the Bill be amended by deleting clause 10.

CLAUSE 11

THAT the Bill be amended by deleting clause 11.

CLAUSE 12

THAT the Bill be amended by deleting clause 12.

CLAUSE 13

THAT the Bill be amended at clause 13 by-

- (a) deleting the word “physical” appearing immediately after the words “policy on” in paragraph (a);
- (b) deleting paragraph (b); and
- (c) deleting paragraph (c).

CLAUSE 15

THAT the Bill be amended by deleting clause 15.

CLAUSE 16

THAT the Bill be amended by deleting clause 16.

CLAUSE 17

THAT clause 17 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause-
 - (1) The Cabinet Secretary shall be responsible for the preparation of the National Land Use Plan.
- (b) in sub-clause (2) by deleting the words “Physical Development” appearing immediately after the word “the” in the introductory clause and substituting therefor the words “Land Use”.

CLAUSE 18

THAT clause 18 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “Physical Development” appearing immediately after the word “the” in the introductory clause and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by -
 - (i) deleting the words “Physical Development” appearing immediately after the word “the” in the introductory clause and substituting therefor the words “Land Use”;
 - (ii) deleting the words “physical development” appearing immediately after the words “of national” in paragraph (e) and substituting therefor the words “land use”.

CLAUSE 19

THAT clause 19 of the Bill be amended in sub-clause (1) by-

- (a) deleting the introductory clause and substituting therefor the following new clause –

In preparing a National Land Use Plan, the Cabinet Secretary shall –
- (b) deleting paragraph (c).

CLAUSE 20

THAT clause 20 of the Bill be amended-

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) A Land Use Plan shall include –

 - (a) an objective of the plan;
 - (b) situation analysis including –
 - (i) an analysis of the state of land development in Kenya; and
 - (ii) the relevant studies and reports concerning land use in Kenya;
 - (c) policies, strategies and measures necessary to optimize opportunities and potentials and resolve challenges relating to land use planning in Kenya;
 - (d) maps and plans showing current and anticipated land use patterns;
 - (e) an implementation framework;
 - (f) a monitoring and evaluation strategy; and
 - (g) such other information as may be necessary.

- (b) in sub-clause (2) by deleting the words "National Director of Physical Planning" appearing at the beginning of the sub-clause and substituting therefor the words "Cabinet Secretary";
- (c) in sub-clause (3) by deleting the words "Physical Development" appearing immediately after the words "preparation of the" and substituting therefor the words "Land Use";
- (d) in sub-clause (4) by deleting the words "Physical Development" appearing immediately after the words "within which a" and substituting therefor the words "Land Use";

CLAUSE 21

THAT clause 21 be amended –

- (a) in sub-clause (1) by deleting the words "Physical Development" wherever they appear in the sub-clause and substituting therefor the words "Land Use";
- (b) in sub-clause (2) by deleting the words "Physical Development" appearing immediately after the words "about the National" and substituting therefor the words "Land Use".

CLAUSE 22

THAT clause 22 of the Bill be amended–

- (a) in sub-clause (1) by deleting the words "National Physical Planning Consultative Forum for comments" appearing immediately after the words "Plan to the" and substituting therefor the word "Cabinet for approval".
- (b) by deleting sub-clause (2);
- (c) by deleting sub-clause (3);
- (d) by inserting the following new subclause immediately after subclause (3) –
 - (3A) The Cabinet Secretary shall, within thirty days of approval by the Cabinet, submit the land use plans to Parliament for consideration and approval.
- (e) by deleting the sub-clause appearing immediately after sub-clause (3) and substituting therefor the following new sub-clause-
 - (4) The Cabinet Secretary shall, within fourteen days the approval of the plan by Parliament, publish the approved plan in the *Gazette* and in at least two newspapers of national circulation.

CLAUSE 23

THAT clause 23 of the Bill be amended-

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) The national government and county governments shall base the preparation of inter-county land use plans, integrated county land use plans, city land use plans, urban area land use plans and sectoral plans on the National Land Use Plan.

(b) In sub-clause (2) by deleting the words "Physical Development" appearing immediately after the words "lack of a National" and substituting therefor the words "Land Use".

CLAUSE 24

THAT clause 24 of the Bill be amended –

(a) in sub-clause (1) by deleting the words "Physical Development" appearing immediately after the words "implementation of a National" and substituting therefor the words "Land Use";

(b) in sub-clause (2) by deleting the words "Physical Development" wherever they appear in the sub-clause and substituting therefor the words "Land Use".

CLAUSE 25

THAT clause 25 of the Bill be amended -

(a) in sub-clause (1) by deleting the words "regional physical development" appearing immediately after the words "formulate a regional" and substituting therefor the words "an inter-county land use".

(b) in sub-clause (2) by deleting the words "Regional Physical" appearing immediately after the words "shall form a" and substituting therefor the words "Inter-County Land Use".

(c) in sub-clause (3) by-

(i) deleting paragraph (a) and substituting therefor the following new paragraph-

(a) A person nominated by the Cabinet Secretary with knowledge and experience in matters relating to land use planning.;

(ii) deleting the word "physical" appearing immediately after the words "responsible for" and substituting therefor the words "land use".

(d) by inserting the following new paragraph immediately after clause (4)-

(4A) The members of the Inter-County Land Use Development Committee shall elect a chairperson from amongst themselves.

(e) in sub-clause (4) by deleting the words "regional joint physical" appearing immediately after the word "the" and substituting therefor the words "inter-county land use".

(f) in sub-clause (5) by deleting the words "The National Director of Physical Planning" appearing at the beginning of the sub-clause and substituting therefor the words "The Cabinet Secretary".

CLAUSE 26

THAT clause 26 of the Bill be amended by deleting the words “A Regional Physical Development” appearing in the introductory clause and substituting therefor the words “Inter-County Land Use”.

CLAUSE 27

THAT clause 27 of the Bill be amended by –

(a) deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) The Inter-County Land Use Planning Committee preparing an inter-county land use plan shall publish a notice of intention to prepare a plan in the gazette and in at least two newspapers of national circulation.

(b) deleting the words “Regional Physical Planning Joint” appearing immediately after the words “constitution of the” in sub-clause (2) and substituting therefor the words “Inter-County Land Use;

(c) deleting the words “Regional Physical Development” appearing immediately after the words “complete the” in sub-clause (3) and substituting therefor the words “Inter-County Land Use;

(d) deleting the words “Regional Physical Development” appearing immediately after the words “preparation of the” in sub-clause (4) and substituting therefor the words “Inter-County Land Use.

CLAUSE 28

THAT Clause 28 of the Bill be amended by-

(a) deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) Within thirty days of the completion of an inter-county land use plan, the inter-county land use committee shall public a notice in the gazette and in at least two newspapers of national circulation informing the public that the plan is available at the places and times designated in the notice for inspection and that any interested person may comment on the content of the plan

(b) in sub-clause (2) deleting the words “Regional Physical Planning Joint” appearing immediately after the words “constitution of the” in sub-clause (2) and substituting therefor the words “Inter-County Land Use;

(c) deleting sub-clause (3); and

(d) in sub-clause (4) by deleting the words “National Physical Planning Liaison Committee” appearing immediately after the words “decision of the” and substituting therefor the words “Inter-County Land Use Committee”.

CLAUSE 29

THAT clause 29 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

- (1) The County Executive Committee members of all counties participating in the inter-county land use plan shall separately approve the plan and submit the same to the respective county assemblies.

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

- (2) within thirty days of the approval of the Inter-County Land Use Plan by the respective county assemblies, the Governors of the relevant counties shall jointly publish the approved Inter-County Land Use Plan in the *Gazette* ;

- (c) by deleting sub-clause (3); and

- (d) by deleting sub-clause (4) and substituting therefor the following new sub-clause-

- (4)The published Inter-County Land Use Plan shall be deposited with the relevant County Executive Committee Member.

CLAUSE 30

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

- (1) In addition to the national land use plan, the inter-county land use plan shall inform the preparation of a county land use plan or urban area plan for the county governments within the planning area covered by the inter-county land use plan.

- (2) Where the National Land Use Plan and an Inter-County Land Use plan have not been approved, county governments may prepare other land use plans which will be incorporated into the National Land Use Plan or the relevant Inter-County Land Use Plan after they have been prepared and approved.

CLAUSE 31

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

31. At least three months before the end of a financial year, every county executive committee member responsible for land use planning in a county covered by an inter-county land use plan shall submit a report on the implementation of the inter-county land use plan to the National Land Commission and the Cabinet Secretary for their purposes.

CLAUSE 32

THAT clause 32 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “physical development” appearing immediately after the words “prepare a county” and substituting therefor the words “land use”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause –
 - (2) Each county land use plan shall be in conformity with the National Land Use Plan and any relevant Inter-County Land Use plan.
- (c) in sub-clause (3) by deleting the words “physical development” appearing immediately after the words “in charge of” and substituting therefor the words “land use”;
- (d) in sub-clause (4) by deleting the words “physical development” appearing immediately after the words “the county” and substituting therefor the words “land use”

CLAUSE 33

THAT the Bill be amended by deleting clause 33.

CLAUSE 34

THAT the Bill be amended by deleting clause 34.

CLAUSE 35

THAT the Bill be amended by deleting clause 35.

CLAUSE 36

THAT the Bill be amended by deleting clause 36.

CLAUSE 37

THAT the Bill be amended by deleting clause 37.

CLAUSE 38

THAT the Bill be amended by deleting clause 38.

CLAUSE 39

THAT the Bill be amended by deleting clause 39.

CLAUSE 40

THAT the Bill be amended by deleting clause 40.

CLAUSE 41

THAT the Bill be amended by deleting clause 41.

CLAUSE 42

THAT the Bill be amended by deleting clause 42.

CLAUSE 43

THAT the Bill be amended by deleting clause 43.

CLAUSE 44

THAT the Bill be amended by deleting clause 44.

CLAUSE 45

THAT the Bill be amended by deleting clause 45.

CLAUSE 46

THAT the Bill be amended by deleting clause 46.

CLAUSE 47

THAT clause 47 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words "or the National Physical Planning Consultative Forum" appearing immediately after the words "National Government";
- (b) in sub-clause (2) by deleting the words "physical development" appearing immediately after the words "area until a" and substituting therefor the words "land use";
- (c) in sub-clause (3) by deleting the word "planning" wherever it appears in the sub-clause and substituting therefor the words "land use";
- (d) in sub-clause (4) by deleting the word "planning" wherever it appears in the sub-clause and substituting therefor the words "land use";
- (e) by deleting sub-clause (6) and substituting therefor the following new sub-clause -

(6) A land use plan prepared for special land use area shall undergo the process of approval in accordance with section 112 of the County Governments Act"

CLAUSE 49

THAT clause 49 of the Bill be amended-

- (a) in paragraph (a) by deleting the word "physical" appearing immediately after the words "ensure orderly" and substituting therefor the words "land use";
- (b) in paragraph (e) by deleting the word "physical" appearing immediately after the words "participation in" and substituting therefor the words "land use".

CLAUSE 50

THAT clause 50 of the Bill be amended–

- (a) in paragraph (d) by deleting the word “physical development” appearing immediately after the words “of approved” and substituting therefor the words “land use”;
- (b) in paragraph (f) by deleting the word “physical development” appearing immediately after the words “the approved” and substituting therefor the words “land use”.

CLAUSE 51

THAT clause 51 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word “planning” wherever it appears and substituting therefor the words “land use”;
- (b) in sub-clause (3) by deleting the word “planning” appearing immediately after the word “the” and substituting therefor the words “land use”;
- (c) in sub-clause (4) by deleting the word “planning” appearing immediately after the words “sub-section (3) the” and substituting therefor the words “land use”;
- (d) in sub-clause (5) by deleting the word “planning” appearing immediately after the word “the” and substituting therefor the words “land use”;
- (e) in sub-clause (6) by deleting the word “planning” appearing immediately after the word “the” and substituting therefor the words “land use”;

CLAUSE 52

THAT clause 52 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word “planning” wherever it appears and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the words “required by the” and substituting therefor the words “land use”;
- (c) in sub-clause (4) by deleting the word “planning” appearing immediately after the words “consent to the” and substituting therefor the words “land use”;
- (d) in sub-clause (5) by deleting the word “planning” appearing immediately after the words “granted by” and substituting therefor the words “land use”.

CLAUSE 53

THAT clause 53 of the Bill be amended in –

- (a) in sub-clause (1) by deleting the word “planning” appearing immediately after the words “provided to the” and substituting therefor the words “land use”;

- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the words “so by the” and substituting therefor the words “land use”.

CLAUSE 54

THAT clause 54 of the Bill be amended in sub-clause (2) by deleting the word “planning” appearing immediately after the words “permission from the” and substituting therefor the words “land use”;

CLAUSE 55

THAT clause 55 of the Bill be amended in –

- (a) in sub-clause (1) by –

- (i) deleting the word “planning” appearing immediately after the words “development permission a” appearing in the introductory clause and substituting therefor the words “land use”;

- (ii) deleting the words “physical development” appearing immediately after the words “relevant approved” in paragraph (a) and substituting therefor the words “land use”;

- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the words “development permission the” appearing in the introductory clause and substituting therefor the words “land use”;

- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause –

- (3) An applicant or an interested party that is aggrieved by the decision of the land use authority regarding an application for development permission may appeal to the Environment and Land Court

CLAUSE 56

THAT clause 56 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word “planning” appearing immediately after the word “a” at the beginning of the sub-clause and substituting therefor the words “land use”;

- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the “a” at the beginning of the sub-clause and substituting therefor the words “land use”;

- (c) in sub-clause (3) by deleting the word “planning” wherever it appears in the sub-clause and substituting therefor the words “land use”.

CLAUSE 62

THAT clause 62 of the Bill be amended in sub-clause (1) by deleting the words “physical development” appearing immediately after the words “by the relevant” and substituting therefor the words “land use”;

CLAUSE 63

THAT clause 63 of the Bill be amended in sub-clause (2) by deleting the words "physical development" appearing immediately after the words "any regional" and substituting therefor the words "land use";

CLAUSE 64

THAT clause 64 of the Bill be amended in sub-clause (2) by deleting the words "physical development" appearing immediately after the word "All" at the beginning of the sub-clause and substituting therefor the words "land use".

PART VI

THAT the Bill be amended by deleting Part VI.

CLAUSE 86

THAT the Bill be amended by deleting clause 86 and substituting therefor the following new clause-

Dispute resolution **86.** Unless otherwise provided in this Act, all disputes relating to land use planning shall be heard and determined by the Environment and Land Court.

CLAUSE 87

THAT the Bill be amended by deleting clause 87.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule.

SECOND SCHEDULE

THAT the Second Schedule to the Bill be amended-

- (a) in the heading by deleting the word "INTER-COUNTY" appearing immediately after the word "NATIONAL" and substituting therefor the word "REGIONAL"; and
- (b) in paragraph 12 by deleting the words "county director" appearing immediately after the words "refer it to" appearing in paragraph (2).

THIRD SCHEDULE

THAT the Third Schedule to the Bill be deleted.

FOURTH SCHEDULE

THAT the Fourth Schedule to the Bill be amended -

- (a) by deleting the heading and substituting therefor the following new heading-

DEVELOPMENT CONTROL

- (b) in paragraph 2(a), by deleting the word " physical" appearing immediately after the words " by approved" and substituting therefor the words " land use";
- (c) in paragraph 5(a), by deleting the word " physical" appearing immediately after the words "an approved" and substituting therefor the words " land use";
- (d) in paragraph 6(e), by deleting the word " physical" appearing immediately after the words "relevant approved" and substituting therefor the words " land use";
- (e) in paragraph 7(b), by deleting the word " physical" appearing immediately after the words "relevant approved" and substituting therefor the words " land use";

CLAUSE 2

THAT Clause 2 of the Bill be amended by-

- (a) by deleting the definition of the term "land use planning" and substituting therefor the following new definition –
 - "land use planning" refers to the discipline which seeks to order and regulate land use in an efficient and ethical way;
- (b) deleting the definition of the word "local physical planning development plan";
- (c) deleting the definition of the word "National Director of Physical Planning";
- (d) deleting the definition of word "physical planning";
- (e) in the definition of planning authority by deleting the word "planning" and substituting therefor the word "land use".

CLAUSE 1

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

APPENDIX

1. PAPER

Report of the Sessional Committee on Devolved Government on the Appeals for Transfer of Functions by various County Government.

(Chairperson Sessional Committee on Devolved Government)

2. NOTICE OF MOTION - (Chairperson Sessional Committee on Devolved Government)

THAT, the Senate adopts the Report of the Sessional Committee on Devolved Government on the Appeals for Transfer of Functions by various County Government laid on Table of the Senate on Tuesday, 18th October, 2016.

3. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement regarding the disappearance of children in Chesuwe area, Nandi County (Sen. Stephen Sang);
- b) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on persistent traffic congestion along the Naivasha-Nakuru Road and possible expansion of the road (Sen. Christopher Obure);
- c) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on street families and urchins in Kenya (Sen. Sammy Leshore);
- d) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on dismissal from service of Private Abdirahman Omar Madey, an infantryman at the 3rd Battalion of the Kenya Rifles (Kenya Army), service No. 55662 (Sen. Ali Bule);
- e) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on the fate of tea farmers who lost money in the collapse of Imperial Bank and Chase Bank (Sen. (Prof.) Wilfred Lesan);
- f) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the murder by police of Mr. Musa Koech, a resident of Aldai, Nandi County on 23rd September, 2016 (Sen. Stephen Sang);
- g) The Chairperson, Standing Committee on Education to issue a statement on leadership crisis at Moi University (Sen. Stephen Sang).
