

# REPUBLIC OF KENYA

## MURANG'A COUNTY ASSEMBLY

### THE HANSARD

Tuesday, 30<sup>th</sup> July 2024

The House met at 2:53 p.m.

*[The Speaker (Hon. Johnson Mukuha) in the Chair]*

#### PRAYER

#### PAPERS

REPORT ON THE FIRST QUARTER BUDGET IMPLEMENTATION REVIEW  
REPORT FOR FINANCIAL YEAR 2023 -2024 FROM THE CONTROLLER OF BUDGET

**Hon. Charles Machigo:** I beg to lay the following Paper; -

That, the Report of the Budget and Appropriations Committee on the First Quarter Budget Implementation Review Report financial year 2023-2024 from the Controller of Budget, be laid on the Table of the Assembly.

#### NOTICE OF MOTION

ADOPTION OF BUDGET AND APPROPRIATIONS COMMITTEE ON THE  
FIRST QUARTER BUDGET IMPLEMENTATION REVIEW REPORT FINANCIAL YEAR  
2023- 2024

**Hon. Charles Machigo:** I beg to give the following notice of Motion; -

That, this Assembly adopts the Report of the Budget and Appropriations Committee on the First Quarter Budget Implementation Review Report FY 2023-2024 from the Controller of Budget, laid on the Table of the Assembly on Tuesday, July 30, 2024. Thank you.

#### MOTION

ADOPTION OF REPORT OF LAND, HOUSING AND PHYSICAL PLANNING  
COMMITTEE ON COUNTY URBAN INSTITUTIONAL DEVELOPMENT STRATEGY

**Hon Gerald Wambugu:** I beg to move the following Motion; -

That, this Assembly adopts a Report of the sectoral Committee on Land, Housing and Physical Planning Committee on the County Urban Institutional Development Strategy, laid on the Table of the Assembly on Tuesday July 30, 2024.

Mr. Speaker, the Report makes a case for the development of a strategy to align the identification, delineation, conferment, development and management of urban areas in Murang'a County as per the Urban Areas and Cities Act, 2011 (UACA), the Amendment Act of 2019 (Urban Areas and Cities (Amendment) Act, 2019 and the National Urban Development Policy (NUDP).

Kenya is experiencing unprecedented urbanization which profoundly impacts how people live, work, socialize and do business. According to 2009 census the level of urbanization was at around 34 percent and it is projected to be at least 50 percent by year 2030. The rapid urban transition is likely to present potential social and economic opportunities across all 21 Counties and significant challenges to all of us.

Urbanization offers a chance to bring about concentration and socio-economic benefits that can spur economic development and eradicate poverty. In the last Assembly, the Committee initiated plans that created two new municipalities i.e. Kangari and Kenol municipalities and several towns across the County. However, if urbanization in municipalities and towns is not well managed, it may pose governance, infrastructure, housing, environmental and resource challenges that can hamper development.

Murang'a County is predominately a rural County, however, the urban population growth curve indicates that the County is fast urbanizing owing to its strategic location and accessibility to the capital city of Nairobi, as a result of urban population growth trends continue to rise as more people migrate to towns in search of employment opportunities and established service infrastructure.

Chapter 4 provides for the Bill of Rights, Article 42 and 43 of the Constitution provides as follows; Article 42 provides for the Environment. Article 43 of the Constitution talks about economic and social rights. Article 176 and 184 of the Constitution of Kenya 2010 makes a provision for devolved governance and management of urban areas and cities Act whereby Article 184 of the Constitution states that;

The national legislation shall provide for the governance and the management of urban areas and cities and shall in particular –

- a) Establish criteria for classifying areas as urban areas and cities.
- b) Establish principles of governance and management of urban areas and cities.
- c) Provides for participation by residents in the governance of urban areas and cities.

This set the course for the preparation and enactment of the various legislations e.g. Urban Areas and Cities Act 2012.

Mr. Speaker, according to Physical and Land Use Planning Act, No. 13 of 2019, it provides for the classification of plans as well as the process of preparing and approving the various types of local, physical and land use development plans. The Act also provides for the processes of development control and enforcement.

Then we have another Act Mr. Speaker called the County Governments Act 2012 which provides that the services of each County Government shall be decentralized to the urban areas within the County as established per the Urban Areas and Cities Act. Section 104 further Mr. Speaker it provides that the County Government shall designate urban areas as planning authorities of the County. It also specifies the types of plans to be prepared including urban area plans.

Mr. Speaker there is another Act which is called Urban Areas and Cities Act 2011 which provides for classification, governance, and management of urban areas and cities across the Country. In addition, it provides for the criteria for establishing urban areas as well as principles of governance and participation of residents in matters of urban management.

Thirdly Mr. Speaker, it provides provisions for creation of urban management Boards and Committees which are responsible for management of urban areas. The Act emphasizes the preparation of an integrated urban development plan which is meant to bid, guide and inform all planning for development and decision making and ensure comprehensive inclusion of functions.

Mr. Speaker, the other Act is Public Finance Management Act of 2012 which provides for financial management in urban areas, sources of funding to the urban area, and criteria for revenue sharing within the urban areas. The Act also provides for the enactment of County criteria reflecting fair allocation of funds to the urban areas taking cognizance of the service demand and responsibilities.

The other Act Mr. Speaker is National Land Act 2012 that provides powers to the County Government to control the use and development of land and buildings in the interests of proper and orderly development of its area. It also prohibits the subdivision of land or existing plots into smaller areas. It also reserves and maintains all the land planned for open spaces, parks, urban forests and green belts by the approved physical development plan.

Mr. Speaker, the preparation of the Urban Physical Plans across the various counties are in line with the provisions of various national policies. These policies include:

1. The Kenya Vision 2030
2. National Land Use Policy
3. National Urban Development Policy (NUDP)

4. National Spatial Plan
5. The National Land Policy, Sessional paper No.3 of 2009
6. County Integrated Development Plan that is the (CIDP)
7. County-Wide Planning and Urban Development
8. Sustainable Development Goals which are commonly called (SDGs)

Mr. Speaker, the major land uses within the major urban towns include residential, commercial, institutional, recreational, industrial, public purpose, transportation, agricultural and public utilities. The residential land user takes the largest share (57.3%) of land within the towns with no proper distinction of classes due to lack of zoning. It takes the form of unplanned mixed development. Commercial land use activities account for 8.1%. However, well established modern commercial enterprises are mainly found along the highway thus forming a linear pattern due to enhanced accessibility and include hotels/restaurants, and retail outlets among others.

Mr. Speaker, in the Report, the members were informed that 11% of the population live in urban areas, however, infrastructure service is in dire state. The urban centres in agricultural areas have poor road network which become impassable during wet seasons like currently been witnessed across the country. There is therefore need for enhancing infrastructural development and accelerating the speed of completion of infrastructure programmes and projects so as to ensure that they play a catalytic role in the County's development. Major urban areas in Kenya like Nairobi, Mombasa, Kisumu, Nakuru, and Eldoret have several factors in common that contribute to the severity of their transport problems. Overall population growth and increasing urbanization have led to the especially rapid growth of towns in Kenya, which have contributed to the sudden surge in urban travel demand.

The supply of transport infrastructure and services, by comparison, has lagged behind the travel demand. Public sector finances, in general, are limited that funding for transport improvements is often not a top priority within urban areas compared to water supply, provision of health services and payment of staff salaries. Funding for transport infrastructure improvements is therefore often inadequate compared to the demand. This has resulted into a situation where most transport facilities are in use far beyond their design capacity and life. Moreover, the concentration of wealth and decision-making among economic and political elite has distorted transport policies in Kenya, in the same way as other developing countries. While the poor suffer the most from severe and worsening transport problems in cities, government policies generally focus on serving the needs of an elite minority, often below

10% of the travel demand. For example, a disproportionate share of government funds is spent facilitating the ownership and use of private cars through road infrastructure investments, while the transport needs of mostly low-income pedestrians and cyclists are ignored. Similarly, public transport infrastructure does not get the funding it needs because its role in the transport supply market is not appreciated, while the provision of transport services is left to the private sector.

The County has several informal settlements like in most urban areas in Kenya. In recent years, there has been dramatic growth in the number of human populations in urban towns at an average annual growth rate mainly attributed to natural increase and rural-urban migration. However, its growth and expansion has been associated with inadequate infrastructure, social services which pose planning and environmental problems.

Mjini is the largest slum in Murang'a town and has approximately over 1000 households exhibiting both a nucleated and linear type of settlement. It has a mixture of housing topologies ranging from temporary, semi-permanent to permanent structures but the dominant being the semi-permanent ones in which most of the houses are predominantly single-rooms and the building materials include mud walls, iron sheets, and earthen or cemented floors. Hon. Machigo can bear me witness.

These structures are built in such a way that there is virtually no space between them. Clusters of shelters are just separated by a corridor or verandah. In this type of housing, a single room acts as a bedroom, sitting room, store and so on. Pathetically, four people and in some circumstances, more than four persons may share a single room. The foundation of the dwelling units is poor, leading to many houses assuming slanting postures, without ventilators, and characterized by breaking walls and wearing away.

Other small slums in the County, in these slums are predominately semi-permanent single-room with poor sanitation and solid waste management and lack decent toilets, bathrooms, and water drains.

The Committee observed the following; in institutional development for the County urban areas, as envisaged under Article 48 (1) of the County Governments Act, 2012, the County Government of Murang'a shall establish and decentralize the provision of services to the urban areas under the Urban Areas and Cities Act. In the second Assembly, Mr. Speaker, the Committee on Land, Housing Urban and Physical Planning approved the creation of three municipalities namely; Murang'a, Kenol, and Kangari as proposed by the County Executive, thereafter the Committee Tabled a Report that was deliberated and approved by the House that saw the conferment of the municipal status of the three municipalities, in addition to this

several urban areas in the County met the criteria as laid down in the UAC Act for the establishment of urban towns.

In compliance with the provisions of Article 104 (3), the Urban Areas shall be designated as planning authorities, and the management of the municipalities and town administrations shall be vested in the County Government and administered on its behalf by a board or committee respectively.

For the municipalities Mr. Speaker, the administration will also include a manager and staff as appointed by the County Public Service Board. The County or municipalities and town administrators will have an agency relationship that shall operate within a framework of integrated development planning which shall strive to achieve the urban objectives of the County Government.

The Integrated Development Plan otherwise called IDP prepared by the board shall be the basis of preparation of the annual strategic plans for municipalities. The adopted municipalities' integrated plans shall be submitted to County cabinet for approval or amendments.

Every financial year Mr. Speaker, the municipal boards or the committees shall prepare, adopt and approve estimated revenue and expenditure for the year. The approved annual estimates shall be submitted to the executive for onward submission to the County Assembly for approval. At the same time Mr. Speaker, the board or committee shall keep records of accounts of its income, expenditure, assets and liabilities. The record of accounts shall also be submitted to the County executive for transmission to auditor general for preparation of financial audit, quarterly statements that are then forwarded to County Assembly.

The Boards Mr. Speaker and Committees once formed will serve as independent entities which can prepare their budgets and have separate budgets as sub-votes in the County budget. This implies that the Boards and County executive should operate as separate entities but in a tandem relationship where the Governor and his executive committee will be part and parcel of the proceedings within the County Urban Boards.

Mr. Speaker, on legal and regulatory reform at the County level, the Committee during its deliberation noted that to strengthen the urban governance and management, development planning, urban investment and delivery of social and physical infrastructure within the urban areas throughout the County, the following legal and regulatory reforms are proposed;

- 1) Formulation and adoption of objective standards for distributing funding to urban areas in line with constitution and Public Finance Management Act.
- 2) Creation and Tabling of Murang'a County Development Control Policy.
- 3) Preparation and endorsement of County valuation and rating legislation.
- 4) Creation of solid waste management policy tailored to each municipality and urban town.
- 5) Formulation and approval of unique framework and policies for public participation in municipalities and urban areas.
- 6) Completion of integrated strategic development plans which we will call it ISUDPS for municipalities and urban towns.

On capacity building actions Mr. Speaker, the County executive ought to aim and strengthening the abilities, skills, knowledge and resources of individuals working in municipalities and urban centres to achieve their goals effectively and sustainably. This action can take various forms depending on context and objectives. Often includes training programs, workshops, monitoring, coaching, knowledge sharing initiatives, infrastructure development, and institutional strengthening.

Capacity building is essential for fostering development, resilience, and empowerment, particularly in areas such as education, healthcare, governance, and economic development. By enhancing capacities, individuals and groups can better address challenges, adapt to change, and seize opportunities for growth and improvement.

At the institutional level Mr. Speaker, capacity enhancement will include continuous implementation of various legislative Acts, policies and plans and formulation of requisite policies and proposals for the improved implementation and delivery of urban service infrastructure.

Specific capacity building actions for Murang'a Urban Management will entail inventory and case studies of existing urban management policy and legislative measures and the development of appropriate policies and legislation for Murang'a County Urban Management.

Other capacity development areas Mr. Speaker include; one, development and strengthening of the capacities of indigenous and local communities for participation in decision-making, policy formulation and implementation of urban management institutions

Two, strengthening of inter-institutional linkages and processes with a view to ensuring more effective coordination of urban management institutions in the County. Three, formation of community or neighborhood urban management associations which will be

registered to take an active role in matters relating to their urban areas such as security, waste management, street lighting and maintenance.

Mr. Speaker, the Committee made the following recommendations; the County Executive Committee Member (CECM) for Lands, Urban and Physical Planning should liaise with the state department of Housing and Urban Development which currently oversees urban development in the country. The State department, through the National Urban Development Policy (NUDP) provides support services to the County Governments on urban development issues in the following key areas;

One, co-ordination of urban development at the national level. Two, development and regularly review criteria for classification, governance, and management of urban areas. Three, on technical assistance, e.g.; (a) training and building capacity in governance, (b) project management, (c) resource mobilization, (d) enforcement of legislation, (e) monitoring and evaluation.

Mr. Speaker, the next recommendation is on development of various policies like public-private partnerships. The next one is to conduct civic education on the urban development process. The next one is facilitate research and training on urban development issues in the country, develop criteria, standards, and guidelines for planning and development of urban areas. Then the other one is monitor compliance with the developed criteria for the classification and management of urban areas. Finally, facilitating implementation of the criteria, standards, and guidelines on planning and development of urban areas and to facilitate monitoring and evaluation. I now call my seconder, Hon. Alex Ndunda, to second. Thank you, Mr. Speaker.

**Hon. Alex Ndunda:** Thank you, Mr. Speaker, I am a Member of Lands Committee and I stand to support and second this Motion. Thank you, Mr. Speaker.

**The Speaker (Hon. Johnson Mukuha):** Thank you, Hon. Members, I now propose the Question.

*(Question proposed)*

**The Speaker (Hon. Johnson Mukuha):** Honorable members the Floor is open for debate.

*(No debate arose)*

**The Speaker (Hon. Johnson Mukuha):** Hon. Gerald respond to yourself.



**Hon. Gerald Wambugu:** Thank you Mr. Speaker, I am very sure that members are satisfied with the Report and thank you Mr. Speaker for the good work that your office and the office of the clerk are doing for the support of what the Committee is doing. I know all these legislations will be a reality and of much use and will be very helpful to the generations to come. Thank you.

**The Speaker (Hon. Johnson Mukuha):** Thank you I hope you are all awake.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Speaker (Hon. Johnson Mukuha):** Honorable members there being no further Business this House now stands adjourned until Wednesday 31<sup>st</sup> July 2024 at 9:30 a.m.

*The House rose at 3:25 p.m.*