

REPORT ON THE KPDA CEO MORNING LEARNING SESSION, TUESDAY 30TH JULY 2019 AT THE VILLA ROSA KEMPINSKI HOTEL, NAIROBI

THEME: “KNOW YOUR REGULATORS”

In general, compliance means conforming to a rule, such as a specification, policy, standard or law. Regulatory compliance describes the goal that organizations aspire to achieve in their efforts to ensure that they are aware of and take steps to comply with relevant laws, policies, and regulations. In the Kenyan construction industry, businesses interact with numerous bodies both from national and county government and the general public sentiment is that there is a lack of clear information on what the correct statutory requirements for construction are.

On Tuesday 30th July 2019, KPDA organized a **CEO Morning Learning Session** aimed at allowing for in-depth interaction between members and various regulatory bodies. The following were the speakers and panelists during the event;

1. **Mr. Augustine Masinde** - Director for Physical Planning at the Ministry of Lands and Physical Planning
2. **Mr. David Nyandoro** - Principal Land Registration Officer at the Ministry of Lands and Physical Planning
3. **Mr. Justus Kathenge** - The Chief Officer - Urban Planning Department at the Nairobi City County Government
4. **Eng. Maurice Akech** - Actg. Executive Director at the National Construction Authority (NCA)
5. **Mr. John Mwendwa** - Chief of Staff & Head of Business Reforms & Transformation at the Ministry of East African Community & Regional Development



The objectives of the event were to:

1. Discuss the progress on improving efficiency at the Ministry of Lands and Physical Planning;
2. Understand the approvals process in the Lands and Urban Planning Departments at the Nairobi City County Government; and
3. Understand the construction industry’s compliance requirements with the National Construction Authority.

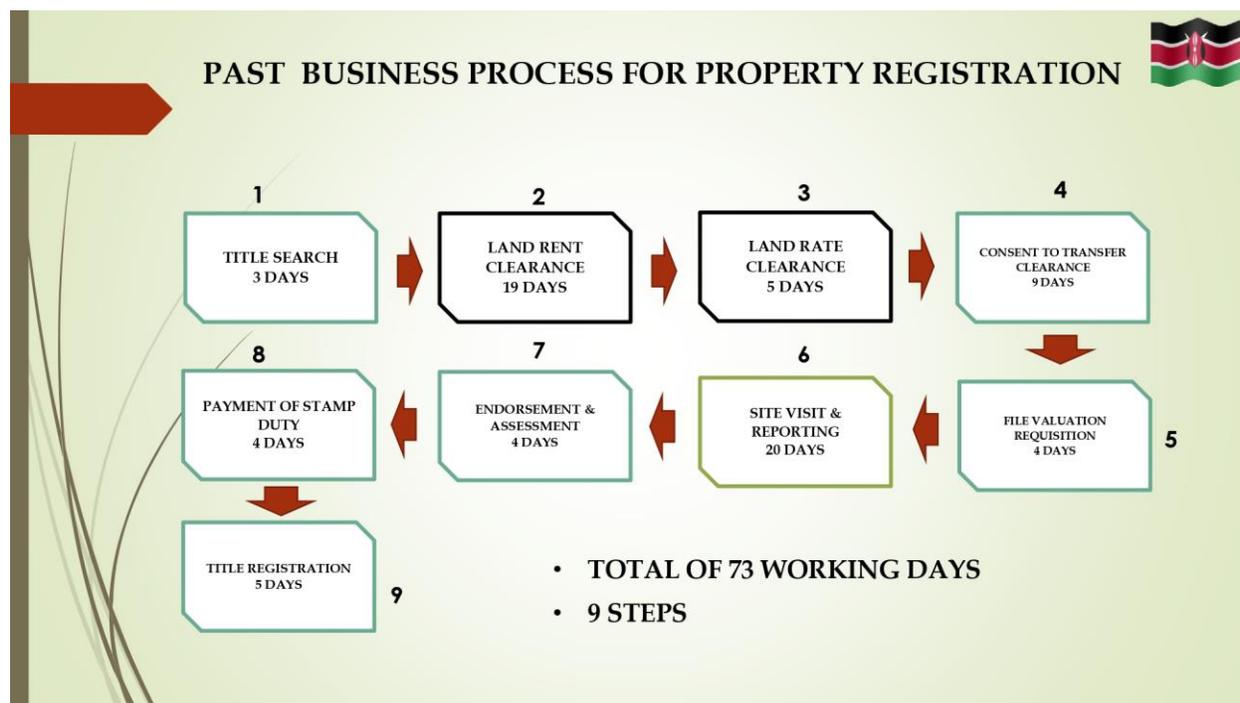
The MC for the event was KPDA Board Director, Gikonyo Gitonga who is also the Managing Director of Axis Real Estate Ltd. He was assisted by Jacqueline Wangui who is a Partner at MMC Africa Law in moderating one of the forum's sessions.

The forum was attended by seventy-eight (78) participants both members and non-members of KPDA.

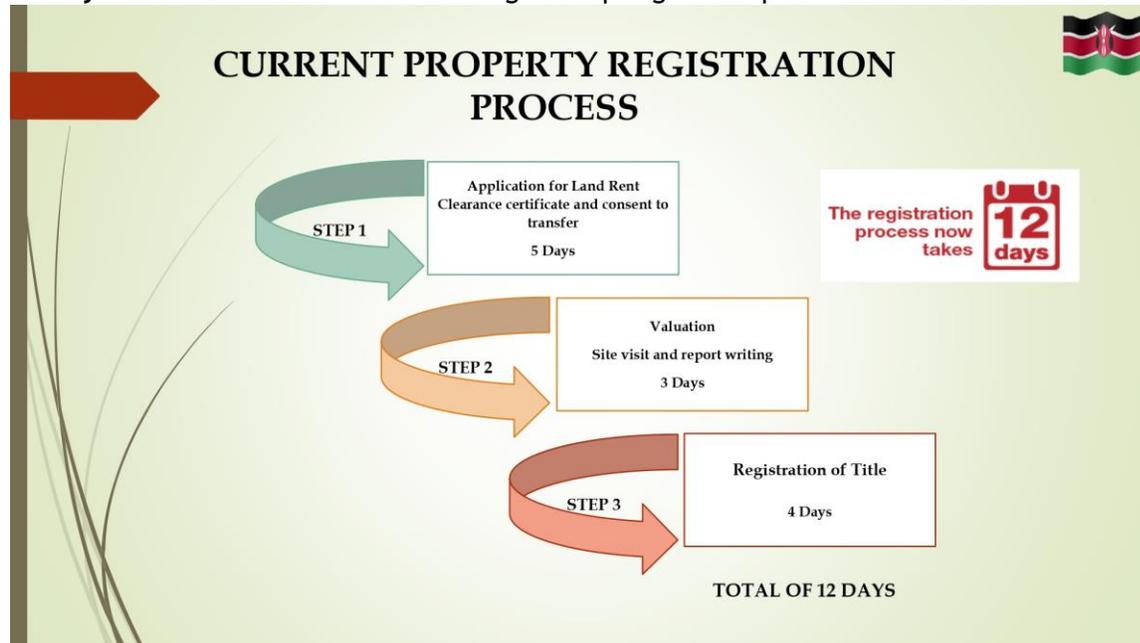
During his presentation, Mr. Masinde highlighted that the World Bank's Ease of Doing Business rankings puts Kenya among the top five countries in Sub Saharan Africa. The Ease of Doing Business ranking attempts to measure:

- ❖ Property acquisition and subdivision
- ❖ The simplicity and cost of processes and procedures
- ❖ The strength of established facilitating institutions
- ❖ The quality of regulatory measures in place and
- ❖ The level of compliance to world class best practices

The Ministry interacts with property developers in various areas which include the registration of properties.



It is the Ministry's intention to **reduce the entire process of property registration from 73 days to 12 days** and this will be achieved through collapsing the steps that need to be taken into 3 steps.



During the plenary session, the Ministry encouraged KPDA to formally request the Cabinet Secretary for Lands and Physical Planning to have quarterly meetings to allow for periodic interaction and for both parties to table any issues that require action.

He also highlighted that the review of the Physical Planning Bill 1996 would impact planning in Kenya by (amongst others) resulting in the establishment of the National Physical and Land Use Consultative Forum. The forum would be made up of representatives from national and county government as well as private sector and they would be engaging in policy dialogue. The Forum will be headed by a Director General who will be responsible for the development of national and inter county physical plans and developing a strategy for planning for the country.

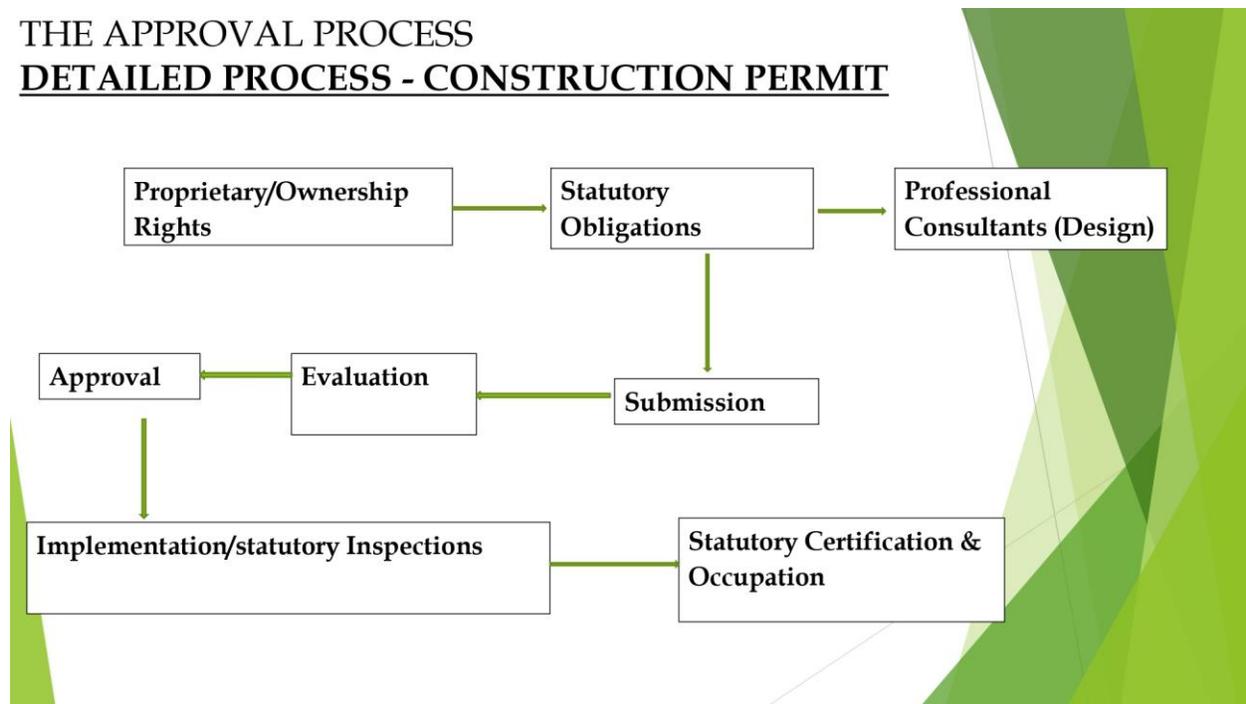
It was also noted that the National Land Use Policy shall address concerns related to development on riparian areas by **having one single definition for riparian land**. This definition shall be used by all government agencies.

Mr. Kathenge shared with the audience the Nairobi City County's development approval process which has four (4) steps:

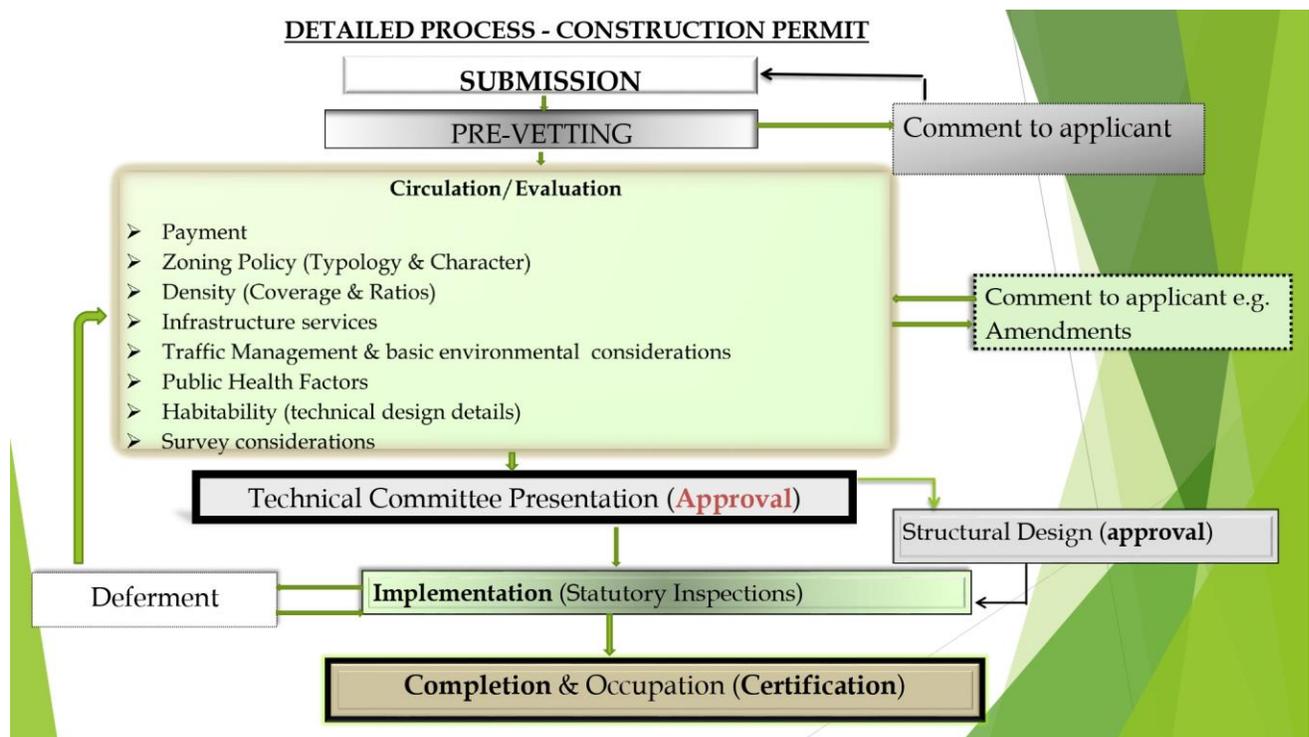
- ❖ **Step One:** Establishment of proprietary (ownership) rights over subject parcel of land (plot) by way of documentary evidence i.e. title (copy) to the plot and survey plans etc.
- ❖ **Step Two:** Compliance with statutory obligations
- ❖ **Step Three:** Engaging professional consultant (Architect, structural engineer, geotechnical engineer etc.)
- ❖ **Step Four:** Submission of development application to the Nairobi City County Government for evaluation and approval

THE APPROVAL PROCESS

DETAILED PROCESS - CONSTRUCTION PERMIT



The above process was further expounded and members of the audience were also informed that NCCG has introduced a QR code to remove manual submissions and also allow for online inspections to be carried out.



In his remarks, Mr. John Mwendwa encouraged for KPDA to identify 3 pain areas that require urgent action from government. He informed the crowd that an annual plan was being developed by the Ministry of East African Community & Regional Development which could include KPDA's issues.

Members of the audience also shared their issues that they would wish for regulators to address which included the need for more civic education forums on regulatory processes, the need for the integration of systems, the introduction of more digital platforms and client apps and the need for a decrease in human interaction during processes which would in turn reduce corruption.

Finally, the regulators were challenged by the audience to make processes easy and friendly as is the case in Rwanda, a country ranked as second best in World Bank's Ease of Doing Business rankings.

For more information on this report, kindly contact the KPDA CEO through the email address ceo@kpda.or.ke or by telephone numbers 0725 286 689 or 0737 530 290.

To access the KPDA 2019 Calendar of Events, please visit <http://www.kpda.or.ke/2019-kpda-calendar-of-events>