

THE TECHNOPOLIS BILL, 2023
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SCHEDULE

THE TECHNOPSIS BILL, 2023

A Bill for

AN ACT of Parliament to provide for the establishment of Technopolis Development Authority; to provide a framework for the creation, management and development of Technopolises in Kenya; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Technopolis Act, 2023.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Authority” means the Technopolis Development Authority established under section 5;

“Board” means the Board of the Authority;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to information and communications technology;

“Former Authority” means the Konza Technopolis Development Authority established under the Konza Technopolis Development Authority Order, 2012”

“high technology” means the most advanced and sophisticated technology currently available for the organisation of factors of production;

“Konza Technopolis” means all that parcel of land known as Land Reference Number 9918/6 measuring 2023.6 hectares or thereabouts;

“Buffer Zone” means a defined area surrounding a Technopolis that is subject to controlled land use;

“licensee” means any person who at the material time bears a license or other authorization, as appropriate, issued by the Authority;

"Relevant Government Entity" refers to a government agency or entity that is responsible for regulatory or service provision functions in a Technopolis;

"users" includes service providers, operators, residents, and any other person that make use of the facilities and services provided within a technopolis; and

"Technopolis" means a designated geographical area established under the Act to achieve the objects of the Act including Konza Technopolis.

Objects of the Act.

3. The objects of this Act are to—

- (a) provide for establishment, development and management of a Technopolis in a designated geographical area;
- (b) create a conducive environment to attract and retain world-class talent by providing state-of-the-art infrastructure;
- (c) position a Technopolis as a premier destination for technology-driven businesses, research institutions, and innovation ecosystems;
- (d) provide for the adoption of sustainable environmental practices and technologies within a Technopolis;
- (e) offer incentives and other forms of Government support to encourage investments in a Technopolis; and
- (f) support the development of Kenya's knowledge-based economy.

PART II — THE TECHNOLIS DEVELOPMENT AUTHORITY

Establishment of the Authority.

4. (1) There is established the Technopolis Development Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and which shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) owning, taking, purchasing or otherwise acquiring, holding, charging and disposing of movable or immovable property;
- (c) entering into contracts;
- (d) receiving, borrowing and lending money; and
- (e) doing or performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Functions of the Authority.

5. (1) The Authority shall—

- (a) plan, develop and manage, a Technopolis;
- (b) allocate land to investors in a Technopolis;
- (c) establish governance structures for a Technopolis;
- (d) establish and manage science parks, information communication and Technology parks and innovation centers;
- (e) facilitate realization of Kenya’s digital economy by use of emerging technologies to support businesses within a Technopolis;
- (f) promote technology oriented creative industries;
- (g) coordinate the knowledge innovation ecosystem in a Technopolis in partnership with research institutions and innovation centres;
- (h) promote and market Technopolises to investors and users;

- (i) coordinate and administer incentives provided for operating in a Technopolis;
- (j) undertake investment in a Technopolis either by itself or through Partnerships;
- (k) administer a one-stop-shop for provision of government services required to operate in a Technopolis; and
- (l) facilitate research and implementation of innovation programmes within a Technopolis.

Powers of the Authority.

6. (1) The Authority shall have all the powers necessary for the proper performance of its functions under this Act including the power to—

- (a) make administrative by-laws and guidelines for the sustainable development and management of a Technopolis;
- (b) regulate land use in a Technopolis;
- (c) mobilise funds for the development of a Technopolis;
- (d) approve development applications, issue construction permits, and license users within a Technopolis;
- (e) charge fees and levies for proper carrying out of functions under the Act;
- (f) enter, inspect and search any premises to enforce the Act;
- (g) establish a special purpose vehicle as may be necessary for the discharge of its functions; and
- (h) grant such exemptions of fees, levies or any other charges imposed under this Act.

Board of the Authority.

7. (1) There shall be a Board of the Authority comprising—

- (a) the Chairperson appointed by the President;
- (b) the Principal Secretary of the ministry responsible for matters relating to information

communication and technology or a designated representative;

- (c) the Principal Secretary for the National Treasury or a designated representative;
- (d) the Attorney General or a designated representative;
- (e) five persons, not being public officers, appointed by the Cabinet Secretary; and
- (f) the Chief Executive Officer who shall be an *ex officio* member.

(2) A person shall qualify for appointment as the Chairperson if the person—

- (a) is a citizen of Kenya;
- (b) holds an undergraduate degree from a university recognized in Kenya;
- (c) has at least Fifteen years' experience in leadership and management; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) A person shall be qualified for appointment as a member of the Board under subsection (1)(e) if the person—

- (a) holds an undergraduate degree from a university recognized in Kenya;
- (b) possesses at least ten years' experience in engineering, architecture, physical planning, information communication and technology, finance, law, social sciences or any other relevant field.
- (c) meets the requirements of Chapter Six of the Constitution.

(4) The Chairperson and the members of the Board shall hold office for a term of three years and shall be eligible for reappointment for one further term.

(5) The members of the Board shall be appointed at different dates so that the respective expiry dates of their terms of office shall fall on different dates.

Vacation
office.

of **8.** (1) A member of the Board shall cease to hold office—

- (a) upon the expiry of their term of appointment;
- (b) upon resignation;
- (c) if absent without the permission of the Chairperson from three consecutive meetings of the Board;
- (d) if convicted of an offence and sentenced to imprisonment for a term exceeding six months;
- (e) if adjudged bankrupt; and
- (f) if is incapacitated by prolonged physical or mental illness and incapable of discharging their duties.

(3) The members of the Board shall be paid such remuneration and allowances as determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.

Powers of the
Board.

9. (1) The Board shall have all powers necessary for the proper performance of the functions of the Board under this Act.

(2) Without prejudice to the generality of subsection (1), the Board shall have power to—

- (a) control, supervise and administer the assets of the Authority;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) open such bank accounts for the funds of the Authority as may be necessary; and

(e) invest any of the funds of the Authority not immediately required for its purposes;

Conduct of business of the Board.

10. (1) The conduct of the business and affairs of the Board shall be as set out in the Schedule.

(2) The Board may appoint such committees, as it may deem necessary, for efficient discharge of its functions.

(3) Subject to the Schedule, the Board may determine its own procedure and the procedure for its committees.

Seal and execution of documents.

11. (1) The common seal of the Authority shall be kept in the custody of the Corporation Secretary.

(2) The common seal shall not be affixed to any instrument or document except as may be authorized by the Authority.

(3) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer.

(4) A document that is not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson, Chief Executive Officer or any other person authorized in writing by the Board for that purpose.

(5) Notwithstanding the provisions of subsection (3), in the event that either the Chairperson or the Chief Executive Officer is absent from a particular matter, the Board shall nominate one member of the Board to authenticate the seal on behalf of the absent Chairperson or Chief Executive Officer.

(6) The common seal of the Authority when affixed to a document and duly authenticated shall be judicially noticed and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

Delegation of functions and powers.

12. (1) The Board may, in writing, delegate the exercise of any of the powers or the performance of any of the functions of the Board under this Act other than its powers to borrow money to—

(a) the Chairperson;

- (b) the Chief Executive Officer;
- (c) a committee of the Board; and
- (d) any other person that the Board may determine.

(2) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Authority.

Chief Executive Officer.

13. (1) There shall be Chief Executive Officer of the Authority, who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall determine.

(2) The Chief Executive Officer shall be responsible for—

- (a) carrying out the decisions of the Board;
- (b) management of the day-to-day business of the Authority;
- (c) general control of the officers and staff of the Authority;
- (d) preparation of strategies, policies and programs, for the consideration of the Board;
- (e) the execution of the strategies, programs and policies, of the Authority; and
- (f) perform any other function incidental to the functions of the Authority as may be assigned by the Board.

(3) The Chief Executive Officer shall be appointed for a term of four years and shall be eligible for reappointment for one further term.

(4) A person shall be qualified for appointment as Chief Executive Officer if the person—

- (a) holds a postgraduate degree from a university recognized in Kenya;
- (b) has at least ten years working experience in a senior position in matters relating to engineering, architecture, physical planning, information and communications technology,

finance, law, social sciences or any other relevant field; and

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

Corporation secretary.

14. (1) There shall be a Corporation Secretary appointed by the Board.

(2) The Corporation Secretary shall—

(a) be the secretary to the Board;

(b) record and keep minutes and other records of the Board;

(c) keep custody of the seal of the Authority; and

(d) carry out such other functions as the Board or Chief Executive Officer may assign.

Staff.

15. (1) The Board shall appoint such number of staff as may be necessary for the efficient discharge of the functions of the Authority.

PART III—ESTABLISHMENT OF A TECHNOPOLIS

Establishment of a Technopolis.

16. (1) The Cabinet Secretary, upon recommendation by the Authority, may establish a Technopolis by a notice in the Gazette.

(2) A notice establishing a Technopolis shall define the—

(a) geographical area of a Technopolis; and

(b) buffer zone of the Technopolis, if any.

Features of a Technopolis

17. A Technopolis shall—

(a) be equipped with state-of-the-art integrated infrastructure and facilities;

(b) prioritise and promote the exploration and adoption of emerging technologies and disruptive innovations;

(c) intergrate sustainable practices, green technologies and resource efficient solutions into its operations and infrastructure; and

(d) avail a variety of resources and support services including investment opportunities, mentorship programs, networking events and funding and with the aim of fostering growth of the Technopolis.

Buffer Zone of a Technopolis

18. (1) The Authority may collaborate with a relevant county government or any other government agency to:

(a) develop the physical and land use development plans of a Buffer Zone; and

(b) ensure that development within the Buffer Zone adheres to the physical and land use development plans.

Development of high technology ecosystem.

19. (1) The Authority may develop and implement a high technology innovation ecosystem.

(2) The high technology innovation ecosystem shall comprise a network of innovators, institutions and innovation hubs.

(3) In developing the high technology innovation ecosystem, the Authority shall—

(a) identify strategic fields of innovation;

(b) cause the creation of specialized institutions in high technology in a Technopolis;

(c) establish a database of innovations in high technology in a Technopolis;

(d) Adopt international best practices on high technology innovation standards; and

(e) facilitate the commercialization of innovations at a Technopolis.

One-stop-shop.

20. (1) The Authority shall administer a one-stop-shop to facilitate the provision of government services and regulatory requirements to operate in a Technopolis.

(2) The one- stop- shop shall facilitate—

(a) registration and licensing of businesses;

- (b) services related to immigration for expatriates;
- (c) processing of permits and approvals;
- (d) tax and customs administration requirements;
- (e) labour compliance obligations; and
- (f) any other service required to operate at the Technopolis.

Technopolis
small enterprise
support centre.

21. (1) The Authority may establish and operate a Technopolis small enterprise support centre.

(2) The Technopolis small enterprise support centre shall—

- (a) assist start-up entities with business support system;
- (b) provide technical assistance for new and young entrepreneurs; and
- (c) support fundraising for small enterprises in a Technopolis.

PART IV – TECHNOLIS DEVELOPMENT CONTROL.

Power
undertake
development
control.

22. The Authority shall have power within a Technopolis to—

- (a) regulate zoning in respect of use and density of development;
- (b) ensure the proper execution and implementation of approved physical and land use development plans;
- (c) reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical and land use development plans;
- (d) control or prohibit the subdivision of land;
- (e) consider and approve development applications and grant development permissions; and

(f) control or prohibit the use and development of land and buildings within the Technopolis in the interest of proper and orderly development.

Development approval.

23. (1) All development, improvements to any infrastructure, or related works within a Technopolis shall comply with a Technopolis physical and land use development plan and development codes.

(2) A person shall not carry out development, improvements to any infrastructure, or related works within a Technopolis without permission of the Authority.

Application and approval of a development permit.

24. (1) A person who seeks to carry out any development, improvements to any infrastructure or related works within a Technopolis shall apply for a development permit from the Authority.

(2) An application under sub-section (1) shall—

- (a) be in the prescribed form;
- (b) accompanied by any documents, designs, plans, particulars and the prescribed fee as may be required by the Authority.

(3) All development plans and designs for any works or improvements, and any related works shall be prepared by a licensed professional.

(4) The Authority, after considering the application may grant a development permit subject to such conditions as the Authority considers necessary.

(5) The Authority may refuse to grant a development permit if the proposed development does not comply with the relevant development code.

Development compliance.

25. (1) A person issued with a development permit under this part shall undertake such development in accordance with the conditions of the permit and the relevant development code.

(2) Where a development does not comply with the development permit or a development code for a Technopolis, the Authority may—

- (a) issue a stop work order to a person directing any work or activity to cease until the non-compliance is corrected;
- (b) require the alteration of the structure;
- (c) suspend a development permit; or
- (d) revoke the development permit.

(3) Where a development permit has been revoked, the Authority may require—

- (a) the discontinuance of any use of land or the construction of the structure;
- (b) demolition of the structure or works at the owner's expense; and
- (c) restoration of the land to its original condition or as near to its original condition within ninety days at the cost of the developer.

Review and
Appeal.

26. Any party aggrieved by the decision of the Authority under this part, may seek a review by the Authority or appeal to the Tribunal in accordance with this Act.

Offence.

27. A person who—

- (a) uses or permits to be used any land or building in contravention of any conditions imposed in the development permit; or
- (b) commences, undertakes or carries out a development where —
 - (i) a development permit has been revoked;

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

(iii) the building works are inconsistent with the designs or plans approved by the Authority.
commits an offence.

PART V— LICENSING PROVISIONS

License to
operate in a
Technopolis.

28. (1) A person shall not operate or carry out business activities in a Technopolis without a license issued by the Authority.

(2) A person who contravenes sub section (1) commits an offence.

Application and
issue of license.

29. (1) A person may apply to the Authority for a license to operate or conduct business in a Technopolis.

(2) The Authority may —

(a) issue different classes of licenses; and

(b) specify different validity periods for each class.

(3) An application for a licence shall be—

(a) in a prescribed form; and

(b) accompanied by a fee and any other particulars as may be required by the Regulations.

(4) Upon consideration of the application and where the applicant meets the licensing requirements, the Authority may—

(a) grant a license unconditionally; or

(b) grant a license subject to conditions.

(5) A licence issued under this section shall specify —

(a) the validity period;

- (b) the business to be carried on under the license;
and
- (c) conditions applicable to the license.

Refusal to issue
a license.

30. (1) The Authority may refuse to issue a licence where the applicant—

- (a) has submitted false or misleading information in the application;
- (b) does not meet the requirements for licensing prescribed under this Act or under any other written law; or
- (c) fails to provide any other information required to grant a license.

(2) The Authority shall notify the applicant of its decision to refuse the application.

Renewal of a
License.

31. (1) A licensee shall apply to the Authority for the renewal of the license before expiry of the validity period specified in the license.

(2) An application for renewal shall be accompanied by a renewal fee.

(3) The Authority shall consider an application for renewal and may, if satisfied that the application meets the requirements of this Act, renew the licence.

(4) Where a licensee does not meet the requirements for renewal, the application shall be rejected.

Suspension or
revocation of a
license.

32. (1) The Authority may suspend a license, for such a period as the Authority may specify, if a licensee—

- (a) has contravened any of the conditions of the licence;
- (b) has conducted business in a manner that is detrimental to the interest of a Technopolis;
- (c) fails to comply with a written direction of the Authority; or

(d) fails to comply with the provisions of this Act.

(2) The Authority may revoke a license if a licensee—

(a) ceases to carry on the business with respect to which the licence was issued;

(b) is wound up, liquidated or otherwise dissolved;

(c) requests the Authority in writing to revoke the license; and

(d) has not remedied the reasons for suspension under subsection (1).

Notice of non-compliance.

33. (1) The Authority shall, before suspending or revoking a licence, issue a compliance notice to a licensee.

(2) A compliance notice issued under subsection (1) shall—

(a) be in writing; and

(b) notify the licensee of the identified breach and the steps required to remedy the breach.

(3) The Authority shall lift suspension where the licensee has remedied the breach within the specified period.

Effect of revocation of license.

34. (1) The Authority may require a licensee whose licence has been revoked to—

(a) surrender the sub-lease and possession of the land to the lessor within ninety days; or

(b) surrender the sub-lease and possession of the land to the Authority within ninety days if, it has leased or been allocated land by the Authority.

(2) A person who fails to surrender the sub-lease within the period specified under subsection (1) commits an offence.

Variation of conditions of a license.

35. (1) The Authority may vary the conditions upon which a licence is issued under this Act.

(2) The Authority shall before varying the conditions attached to a licence issue a notice in writing of the intention to vary.

(3) A notice under subsection (2) shall—

- (a) specify the variation intended to be made with respect to the licence;
- (b) set out the reasons for such variation;
- (c) specify the time within which the variation shall take effect; and
- (d) allow the licensee to submit any representations on the variation; and
- (e) set out such further information as the Authority may consider necessary.

Review process

36. (1) A person who is aggrieved by a decision of the Authority under this part may request the Authority for review of the decision.

(2) The Authority shall consider, determine and communicate its decision on request for review made under subsection (1) within thirty days of receipt of the request.

Register of the Licenses

37. (1) The Authority shall maintain a register of licences issued under Act.

(2) A licensee shall notify the Authority in writing within twenty-one days of—

- (a) any change of registered particulars of the licensee; or
- (b) cessation of business.

PART VI—ENFORCEMENT PROVISIONS

Inspections and enforcement.

38. (1) The Authority may undertake inspections in a Technopolis to ensure compliance with this Act.

(2) If the Authority determines that a person has failed to comply with any provision of this Act, the Authority

shall issue a compliance order that requires the person to take the necessary steps to comply within a specified period.

(3) If the person fails to comply with the order issued under subsection (2), the Authority may impose the necessary sanction.

Sanctions.

39. (1) Whenever the Authority becomes aware that a person has committed a violation, omission, or breach of this Act, the Authority may impose a sanction that is proportional to the severity of the violation.

(2) A sanction issued may include—

- (a) issuing a written reprimand with a defined period of time for the person to correct the violation, omission, or breach;
- (b) directing a licensee to refrain from engaging in a specified activity in a Technopolis;
- (c) restricting a licensee from engaging in specified activities in a Technopolis;
- (d) directing a licensee to remedy the breach;
- (e) levying administrative penalties and fines;
- (f) suspending a license; and
- (g) revoking a license, permit, certificate or any other approval.

(3) The financial penalties imposed by the Authority under this Act shall be paid to the Authority.

Fair
Administration.
Act No. 4 of
2015

40. The Authority shall, before taking any enforcement action against any person under this Act, comply with the provisions of the Fair Administrative Actions Act.

Coordination
with
government
agencies

41. The Authority may coordinate its investigation and enforcement function with any relevant government agencies.

PART VII - FINANCIAL PROVISIONS

Funds of the
Authority.

42. (1) The funds of the Authority shall consist of—

- (a) such monies as may be appropriated by Parliament;

- (b) such monies as may accrue or vest in the Authority in the course of the exercise of its powers or the performance of its functions;
- (c) monies borrowed by or lent to the Authority;
- (d) grants, donations or gifts to the Authority; and
- (e) any monies accruing to the Authority from any other source.

(2) Subject to the provisions of this Act or any other law, the Authority shall have the power to use the funds of the Authority in its discretion to carry out its objectives and functions.

Annual estimates.

No. 18 of 2012

43. The Board shall, at least three months before the commencement of each financial year, cause to be prepared the annual budget estimates of the Authority for that financial year in accordance with the Public Finance Management Act.

Accounts and audit.

44. (1) The Board shall cause to be kept proper books and records of account of income, expenditure, assets and liabilities of the Authority.

(2) Within a period of three months from the end of each financial year, the Authority shall submit to the Auditor-General the accounts of the Authority together with—

- (a) a statement of the income and expenditure of the Authority during that year; and
- (b) a statement of the assets and liabilities of the Authority as at the last day of that year.

(3) The accounts of the Authority shall be audited and reported in accordance with the Public Audit Act, 2015.

No. 34 of 2015.

Expenditure.

45. The Board shall defray out of the funds of the Authority for any financial year the expenditure of the Authority, including—

- (a) the remuneration and allowances of the Board;
- (b) the salaries, remuneration, fees and allowances, pensions and gratuities of the staff of the Authority;
- (c) all expenses related to the management of the Authority; and

(d) any other related expenditure;

Annual reports. **46.** The Authority shall, three months after the end of each financial year, prepare and submit to the Cabinet Secretary an annual report relating to the operations of the Authority.

Financial year. **47.** The financial year of the Authority shall be the period of twelve months ending on the thirtieth of June in each year.

PART IX — THE TECHNOLIS DISPUTE RESOLUTION TRIBUNAL

Establishment of the Tribunal. **48.** (1) There is established the Technopolis Dispute Resolution Tribunal comprising of —

- (a) a chairperson who is a person qualified to be a judge of the High Court;
- (b) an advocate of the High Court of Kenya with at least ten years' experience;
- (c) five persons who have demonstrated competence in, engineering, urban development, property management, information technology or finance; and
- (d) a secretary to the Tribunal.

(2) The Judicial Service Commission shall appoint the chairperson, the members and the secretary of the Tribunal.

(3) The Chairperson and members shall hold office for a term of three years and shall be eligible to be appointed for one further term.

(4) The Tribunal shall hear and determine appeals from a decision of the Authority in relation to licensing, issuance of permits and enforcement under the Act.

(5) The Chairperson and the members of the Tribunal shall serve on such terms and conditions as determined by the Judicial Service Commission.

(6) The Tribunal shall regulate its own procedure.

(7) For the purposes of hearing and determining any cause or matter, three members of the Tribunal shall constitute a quorum.

Appeals to the Tribunal.

49. (1) Any person aggrieved by a decision of the Authority in relation to licensing, issuance of permit or enforcement decisions under the Act may appeal to the Tribunal, within Thirty days from the date on which the decision was communicated to the person.

(2) the Tribunal shall have all the powers of the Magistrates Court.

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(3) In exercise of its jurisdiction, the Tribunal shall not be bound by the strict rules under the evidence Act.

(4) A party may be represented before the Tribunal by an advocate or by any other person on behalf of such party.

(5) Upon hearing an appeal, the Tribunal may—

(a) confirm or set aside the order or decision of the Authority in question; or

(b) make such other order, as it may deem just.

(6) The Chief Justice may make rules for proper governance of the Tribunal.

(7) Any party to proceedings before the Tribunal who is dissatisfied with a decision of the Tribunal may, within thirty days of the decision, appeal to the High Court.

PART X—GENERAL PROVISIONS

Incentives.

No. 16 of 2015.

50. (1) An incentive granted for special economic zone under the Special Economic Zones Act or any other written law shall apply to the Authority and any operator in a Technopolis.

(2) The Cabinet Secretary may, by notice in the gazette, grant investors in a Technopolis exemptions for the carrying into effect the provisions of this Act.

Regulations.

51. (1) The Cabinet Secretary may make such regulations as may be necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may provide for—

- (a) planning, development, control and governance of a Technopolis;
- (b) complaint procedures and general enforcement of the Act;
- (c) levying of fees, costs, levies and any other charges; and
- (d) any other matters to give full effect to the provisions of the Act.

Offences.

52. (1) Any person who—

- (a) knowingly provides false information to the Authority in making an application or during enforcement;
- (b) fails to comply with a directive of the Authority within the specified period;
- (c) obstruct the Authority in exercise of its functions;

commits an offence and shall be liable on conviction be liable to imprisonment term not exceeding two years or fine not exceeding two million shillings or both.

General Penalty

53. A person who commits an offence under this Act for which no specific penalty is provided, shall be on conviction liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both.

PART XI—TRANSITIONAL AND SAVING PROVISIONS

Transitional and saving.

54. (1) The Authority shall be the successor to the former Authority.

(2) On the Commencement date of this Act—

- (a) all contracts, rights, duties, obligations, assets and liabilities of the former Authority shall vest to the Authority;
- (b) any licence, permit or any approval given by the former authority in exercise of its functions shall be taken to have been issued by the Authority under this Act;
- (c) all actions, suits or legal proceedings pending by or against the former Authority shall be carried on or prosecuted by or against the Authority;
- (d) a member of the Board of the former Authority in office on the Commencement date shall continue to be a member of the Board of the Authority as though appointed under this Act and shall serve the remainder of their term;
- (e) the Chief Executive Officer of the former Authority in office on the Commencement date shall continue to serve as the Chief Executive Officer of the Authority as though appointed in accordance with this Act and shall serve the remainder of their term;
- (f) the staff of the former Authority shall transition to be the staff of the Authority on the same terms and conditions of service; and
- (g) the pension scheme established by the former Authority shall be the pension scheme of the Authority.

Revocation of
L.N 23 of 2012

55. The State corporations (The Konza Technopolis Development Authority) Order, 2012 is revoked.

SCHEDULE

(S.

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings.

1. (1) The Board shall meet not less than four times in every financial year and not more than three months shall lapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the Chairperson may, on their own motion, or upon requisition in writing by at least three members of the Board shall, convene a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

(3) The quorum for the conduct of the business of the Board shall be two thirds of the total members of the Board.

(4) Unless at least two thirds of the members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(5) The Chairperson shall preside at every meeting of the Board but the members present shall elect one of their numbers to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) A written resolution signed by two thirds of the members of the Board shall constitute a valid resolution of the Authority as if it were duly passed at a validly constituted meeting of the Board.

(h) Subject to subparagraph (3), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

Committees.

2.(1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Board shall appoint the chairperson of a committee established under subparagraph (a) from amongst its members.

(3) The Board may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (a) shall be subject to approval by the Board.

Disclosure of Interest.

3. (1) A member of the Board who has an interest in any contract, or other matter present at a meeting of the Board shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (a) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (a) commits an offence and is liable to a fine not exceeding Kenya Shillings five hundred thousand and removal from the Board by the appointing authority.

Minutes.

4. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board and the Board committees to be entered in books kept for that purpose.

MEMORANDUM OF OBJECTS AND REASONS

The objective of this Bill is to provide a framework for establishing a Technopolis in Kenya and to establish the Technopolis Development Authority that shall be responsible for the development, governance, planning, management, improvement and maintenance of every Technopolis established.

The Kenya Vision 2030 articulates the Kenya's strategic intent to transition into a knowledge- based economy. In order to achieve this, seamless flows of information and knowledge between academia and enterprise need to be established and the government has undertaken to take a leadership role in establishing and nurturing this flow.

Upon enactment and operationalization of the Bill, a Technopolis shall become an ecosystem that will combine integrated state of the art infrastructure, enabling policies and legal framework with all the factors of production and maximize Kenya's competitiveness in high technology. The sharing of knowledge, skills, services and utilities as well as the incubation of innovations in high technology which will set a foundation for Kenya's transition into a knowledge economy.

PART I (Clause 1-3) of the Bill contains preliminary provisions.

PART II (Clause 4-15) of the Bill establishes the Technopolis Development Authority which is to develop and manage a Technopolis. A Board of the Authority is established to serve for a term of three years, renewable once. The part establishes the office of Chief executive officer who is to be competitively recruited by the Board to serve for a term of three years, renewable once. Lastly, the part requires the Board to appoint a Corporation Secretary as a Secretary to the Board and the staff of the Authority.

PART III (Clause 16-21) of the Bill contains provisions on the establishment of a Technopolis. The mode of establishing a Technopolis is by the Cabinet Secretary through a notice in the Gazette. The part provides for the development of a high technology innovation system at a Technopolis by the Authority.

PART IV (Clause 22-27) of the Bill contains provisions for the development control in a Technopolis. The part further provides for the application, approval and revocation of a development permit.

PART V (Clause 28-37) contains licensing provisions. The part further provides for the application, approval and revocation of a license to operate in a Technopolis.

PART VI (Clause 38-41) of the Bill contains enforcement provisions. The part further provides for sanctions for non-compliance with the Act.

PART VIII (Clause 42-47) of the Bill contains financial provisions, including sources of monies to the Authority, annual estimates and financial reporting mechanisms.

PART IX (Clause 48-49) of the Bill contains provisions relating to the Technopolis Dispute Resolution Tribunal. The Tribunal is established to determine appeals from decisions of the Authority on licensing, development control and any enforcement decision. The part allows appeals to be made from decisions of the Tribunal to the High Court within thirty days.

PART X (Clause 50-53) contains general provisions. These includes provisions relating delegating power to the Cabinet Secretary to make regulations to operationalize the provisions of the Act, incentives applicable to a Technopolis, and general offences as well as penalties.

PART XI (Clause 54-55) contains transitional and saving provisions. The clause transits the assets, liabilities and staff of the existing Konza Technopolis Development Authority to the Authority established under the Act. It saves the terms of office of the current Board and chief executive officer who are to be deemed as appointed under the Act upon commencement and are to serve for the unexpired period of their respective terms.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill delegates legislative powers to the to the Cabinet Secretary responsible for matters relating to information and communications technology to make regulations to operationalize the provisions of the Bill upon enactment. The Bill does not contain any provisions limiting any fundamental rights or freedoms.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is a Money Bill in terms of Article 114 of the Constitution. The enactment of this Bill will occasion additional expenditure of public funds as it seeks the appropriation of monies by the Parliament towards the funds of the Authority.

Dated....., 2023.

Legislative Proposal by:

Eliud Owalo

The Cabinet Secretary,

Ministry of Information Communication and Digital Economy