

1925

121

Kenya
KENYA

C.O.
35683

5 AUG 25

203

DATE

3rd July 1925.

A.G.'S DEP NORTHCOVE.
832

DESCRIPTION:-
Boothby

TOWN PLANNING AND LOCAL DEVELOPMENT.

**Fwd's Memo prepared by Medical Dept., with
note by Director of Land Surveys. Would be glad
to receive advice from Colonial Medical and Sanitary
Advisory Committee.**

U.S. of S.
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Previous Paper

MINUTES

It will be seen from the last enclosure that the views of Mr. Unwin, the Chief Architect (Housing) of the Ministry of Health, on the note of the Director of Lands and Surveys have already been obtained. I suppose the Colonial Government would like to have some advice from the C.A.M.S. Committee in order to consider it with Mr. Jameson's report when received. I understand that the Committee will certainly have views as they have on other occasions taken considerable interest in this question of town planning, and ~~the~~ kindred matters.

print for the Committee, but before the papers are actually circulated to them, it would seem desirable for the Department to

Handwritten notes and signatures in the left margin.

Subsequent Paper

Handwritten notes and signatures at the bottom left.

put up a brief memorandum summarizing these
matters which are discursive and voluminous.

11/19/75
~~SECRET~~

agree - especially with the
last 5 words of the Allen minute
which have a basis - after reply - of
holding in mind of those bodies the
same thing to not seem contradictory
to the terms of salary re. for years, &
I suspect it would find that this point
then proceeds without further pass. A note
as to the other points were shown to
included in the memo.

Print 12/1/75 - enclosed

SBR

Duplicate of brief and memo should
be sent to P.D. to print in CANS
series. Then it should be
returned to Prod Dept for memo

Date
Dec 26
1975

JAD
2/18/76
done

Mr Allen 213
~~SECRET~~
~~SECRET~~

arrangements were made in 1970
by direct negotiation between the 3711 for
the Int. of S. Institute for the S.
Int. Term Plan (Mr. C.C. Rade) to
seconded for service for one year at a
Salary of £2000 + free maintenance.

We did not hear anything about
it until the H.C. asked for the S. of
approval to Mr Rade's service being
retained for another 3 yrs at a salary
of \$1425 p.m. (incl. 19.35 h.w.) + free maintenance.
This was approved.

His app. has now been made
permanent + permanent in the following
terms: Salary \$1050 p.m. (= £410 h.w.) +
Permanent allowance \$150 p.m. (= £210 h.w.) +
Temp allow 20% \$240 p.m. (= £296 h.w.)
Total \$1440 p.m. = £1976 h.w.

(But not free maintenance or car).
There is a copy of the 3711 1971
Planning Report for 1971 (the C.C. are
here) all G.H.C. 5/31/74 (11)
it presents the Term Planning
Dept. appears to consist of the Term

Planner with 2 Engineers seconded from
the P.W.D. 2 Surveyors seconded
from the Survey Dept & Survey class etc.

W. Horn

28/9

Extract from the Minutes of the 377th Meeting of the Colonial
Advisory, Medical and Sanitary Committee held on 20th October 1955.

12. The Committee considered a despatch from the Deputy Governor of Kenya dated 3rd July 1955, on the subject of town planning and development. The Committee had been furnished with copies of a memorandum on this subject prepared in the Colonial Office.

Sir Wilfred Beveridge supported the proposal that the Director of Land Surveys in Kenya for the institution of a Central Town Planning Board and Regional Town Planning Boards.

Mr. Bottomley said that he was inclined to think that Town Planning Boards on which local technical officers such as the Director of Public Works and Director of Land Surveys would be represented would achieve better results than the Town Planner whose appointment had been suggested. He referred to the excellent plans for the lay-out of Mombasa Island, which had been drawn up by a local Committee of this nature. He would be glad to have the opinion of the Committee on the question whether the appointment of a Town Planning Expert was really necessary. Dr. Balfour expressed the opinion that the necessity for the appointment of a Town Planner was greater when the improvement of an old town such as Zanzibar was in question.

Sir Wilfred Beveridge remarked that the Town Planning Board could always call in the services of a Town Planning Expert if necessary. Dr. Horn pointed out that Heads of Departments, such as the Director of Public Works and the Director of Land Surveys were fully occupied with other duties. He thought that it

would

would be better to appoint an officer who could devote his whole time to questions of town planning.

Sir William Prout agreed with Dr. Horn, and remarked that in the past Public Works Departments in Tropical African Dependencies had not shown themselves to be fully alive to the importance of town planning.

Mr. Bottomley asked whether local Town Planning Boards would not meet the case in so far as new areas, as opposed to old towns, were concerned. A separate Town Planning Department in Kenya would cost between £4,000 and £5,000, and if such a Department were created, economies would have to be effected on other services.

Sir William Prout said that it would not be necessary to start a new department. A town planning expert could be attached to the Public Works Department. Dr. Balfour agreed, and suggested that it would be sufficient to attach to the Public Works Department a young man who had acted as Assistant to an expert town planner.

The Committee expressed the opinion that it was important that the Government of Kenya should have one officer available, whose functions it would be to supervise town planning. They did not feel able to express any further opinion pending the report of Mr. Jameson, whose services had been obtained by the Government of Kenya for a period of six months to advise on town planning problems.

Mr. Atte. Bottomley

HAW 22/10/55

"write in the sense of the last para & say the Dept proposes to refer the matter again to the Committee. Mr. Horn's proposal what is seen as being that, if that is possible, we add topics, as he suggested, to the Committee. Another copy of the minutes and would be of interest. (in

by a job that, [unclear] in
the heavy conduct of the [unclear]
in other directions, the total double [unclear],
of a special officer & employed, the [unclear] can be
[unclear] in incurring the [unclear] & collect
[unclear] a separate Dept]

2/17/22

24/10/22

Mr. Stoughton

I should like to add in C. J. I

do not believe that they have exhausted
the usefulness of [unclear] [unclear] [unclear]
people already there, and I think that,
apart [unclear] from the [unclear] [unclear] (for
which we shall have the [unclear] [unclear]),
the other [unclear] [unclear] [unclear],
[unclear] in the right line by the [unclear] of
[unclear] [unclear] [unclear] to the [unclear] [unclear].

2/16

2/16/22

26/10

[unclear]

3
4
9



THE SECRETARIAT,
NAIROBI,
EAST AFRICA PROTECTORATE
COLONY OF KENYA AND THE

REPLYING
PLEASE QUOTE
No. 16204/7/8.
AND DATE

23rd June, 1926.

The Acting Colonial Secretary for the
Colony and Protectorate of Kenya presents
his compliments to the Under Secretary of
State, and, with reference to paragraph 3
of the Secretary of State's despatch
No. 1094 of the 30th October, 1925, has
the honour to forward 14 more copies of
Mr. Jameson's Report.

CA
35683
25
35

RR

you have 35683 with the Mombasa low learning paper & will
have 23 of these reports, should they go to the ...

12/5

(N.B. The marginal references relate to the pages of the print).

The papers consist of (1) a note by the Director of Land Surveys (2) a letter from Mr. Unwin, Chief Architect (Housing) Ministry of Health commenting on (1) (3) A memorandum prepared in the Medical Department (4) A note by the Principal Medical Officer.

A. PROBLEMS TO BE SOLVED.

The Director of Land Surveys considers that town-planning and its proper organisation and control is one of the most urgent problems that the Kenya Government has to solve. He puts these problems in three classes-

- (1) the old coast towns which should be dealt with gradually and on informal lines.
- (2) the undeveloped portion of Mombasa Island, a scheme for dealing with which has been submitted to the Secretary of State.
- (3) townships laid out from 12 to 20 years ago for which a comprehensive scheme is required before much more building takes place.
- (4) recently designed Government townships where few, if any, plots have been alienated, and the design can be improved at little cost.

The Medical Department memorandum draws attention to additional problems:-

- (1) the improvement of existing trading centres -
 - (a) on the railway line.
 - (b) in Native Reserves.
- (2) the siting of stations on new railways and the planning of towns or trading centres around them.
- (3) the planning of the towns and native trading centres in the native reserves.
- (4) the planning of native reserves where permanent housing is coming into fashion.

B. PRESENT SYSTEM OF CONTROL.

The Director of Land Surveys summarised the present system of control as follows -

(1) Government townships. All designs are submitted to a nebulous body known as the Township Board, which is purely advisory and official. The memorandum of the Medical Department points out, however, that as the designs submitted are not prepared by an Officer with special experience in town-planning, they are almost of necessity incomplete, but are the best which can be produced in the circumstances.

(2) Private townships. These are controlled by the Health Board which consists of the Townships Board plus one unofficial member, and is under the Chairmanship of the Principal Medical Officer. The Medical Department memorandum points out that this Board is a statutory body and has served an extremely useful purpose, but that arrangements are defective in as much as the Health Board is without sufficient technical advice and its control is limited.

(3) Subdivisions within a Township. Such divisions have to be submitted to the Township authority, which may be a Municipality, District Committee or Sites Board, and its recommendations are forwarded to the Commissioner of Lands. The Medical Department memorandum points out, however, that this statement by the Director of Land Surveys is not strictly correct, and that, if a sub-division were either in Nairobi, Mombasa or Eldoret (and possibly one or two other towns), the sub-division would require the approval of the Council or the Resident Commissioner.

C. FUTURE CONTROL.

As regards future control, the Director of Land Surveys recommends the creation of the following Town-planning Boards -

(1) Central Town planning Boards - to perform the main functions of the existing Town-planning and Health Board

Board, and in addition to advise the Crown and to ³¹⁵ have the power of settling differences between town-planning authorities, other public bodies and individual landowners.

Page 16 (2) Regional Town-planning Boards should be constituted for the chief towns of the Colony, under the chairmanship of the Resident Commissioner, and should include, in addition to official members, unofficials representing public bodies and the various interests affected. These Boards should work out schemes on broad lines but leave matters of detail to such authorities as exist. A Regional Board is most urgent in Nairobi where so many authorities are working on their own lines without proper co-ordination.

Page 17 (3) Local Town planning Boards. Such Boards as now exist, Municipalities, District Committees, Sites Boards, should continue to control operations in their present areas.

Page 17 Ministry of Health Note. Mr. Unwin expresses the opinion that the statement of the Director of Land Surveys covers the case very well, and he thinks that the general line of the organisation suggested is a good one.

Page 6 etseqq Medical Department Memorandum. It is pointed out that only one local authority employs a town engineer or town clerk, and that only two authorities the Resident Commissioner, Kisumu, and the Resident Commissioner, Nairobi District, are provided with an officer with experience of the duties of a town engineer. The memorandum states that if a board on the lines of the Central Board of Health or that suggested by the Director of Land Surveys be required the chairman should be

be the Director of the Department of Town-planning. Such a Board, however, would be unsatisfactory, since it would not necessarily be acquainted with Government policy. It is therefore, suggested that the Chief Secretary to the Government should be Chairman of the Board; the Director of Town-planning, Secretary to the Board; and the Principal Medical Officer, the Director of Public Works, Commissioner of Lands and various other persons Members, and that any new town-planning Ordinances should be so drafted that regulations under the Ordinance were made by the Chief Secretary. It is further submitted -

(1) the matter cannot be properly considered until the Government has the services of an engineer with town-planning experience, and (2) that no marked progress will be possible until there is on the permanent staff of the Government "an Officer qualified in town-planning who shall perform such duties as may be described, and such other officers as may be necessary."

Views of the Principal Medical Officer. Dr.

Gilks holds that the needs of the situation would be met by the organisation suggested by the Director of Land Surveys, and he states that the conclusions embodied in the previous paragraph of this note represent the considered opinion of his Department. He considers it exceedingly unlikely that any officer appointed will be able to function effectively or that the problems can be solved unless a new department is established and the Government Town-planning placed in complete charge of it.

(N.B. Mr. F.W. Jameson who is referred to in paragraph 2 of the Governor's despatch is the City Engineer of Kimberley who left Durban for Kenya early in July).

27

In view of the references to the Federated Malay States the following note of information supplied by the Far Eastern Department is appended:-

Town Planning in Federated Malay States.

Arrangements were made in 1920 by direct negotiation between the Federated Malay States Government and the Government of South Australia for Mr. C.C. Reade, Government Town-Planner, South Australia, to be seconded for service in the Federated Malay States for one year at a salary of £2,000 plus free quarters.

The arrangement did not come to the notice of the Secretary of State until the High Commissioner requested approval for Mr. Reade's services being retained on agreement for another three years at a salary of \$1,425 per month inclusive (= £1,995 per annum) plus free quarters and a motor car. Approval was given.

Mr. Reade's appointment has now been made permanent and pensionable on the following terms:-

	Salary	\$1050 p.m. (= £1470 p.a.)
Pensionable allowance	\$ 150 p.m. (= £ 210 p.a.)	
Temporary allowance 20%	\$ 240 p.m. (= £ 296 p.a.)	
Total	\$1440 p.m. = £1976 p.a.	

but free quarters and the use of a motor car are not given.

The latest annual Report of the Government Town Planner in the Federated Malay States is that for 1923. At the present time, the Town Planning Department apparently consists of the Town Planner, with 2 engineers seconded from the Public Works Department, 2 surveyors seconded from the Survey Department and sundry clerks, etc.

2

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but free quarters and the use of a motor car are not given.

The latest annual report of the Government Town Planner in the Federated Malay States is that at the present time, the Town Planning Department apparently consists of the Town Planner, with 2 assistants seconded from the Public Works Department, 3 surveyors seconded from the Survey Department and sundry clerks, etc.

SUMMARY OF CORRECTIVE REFS TO
TOWN PLANNING IN KENYA.

(A.B. The marginal references correlate with page of the print)

h. 15.
page 2
page 17

The papers consist of (1) a note by the ^{Land} Director of Surveys (~~Enclosure B~~) (2) a letter from Mr. Unwin, Chief Architect (Housing) Ministry of Health commenting on (1) (~~Enclosure C~~) (3) A memorandum prepared in the Medical Department (~~Enclosure A~~) (4) A note by the Principal Medical Officer. A. PROBLEMS TO BE SOLVED.

h. 3

h. 2

h. 15

The Director of Land Surveys considers that town-planning and its proper organisation and control is one of the most urgent problems that the Kenya Government has to solve. He puts these problems in three classes -

h. 15

(1) the old coast towns which should be dealt with gradually and on informal lines.

(2) the undeveloped portion of Mombasa Island, a scheme for dealing with which has been submitted to the Secretary of State.

(3) ~~the~~ townships laid out from 12 to 20 years ago for which a comprehensive scheme is required before much more building takes place.

(4) recently designed Government townships where few, if any, plots have been alienated, and the design can be improved at little cost.

The Medical Department memorandum ~~further~~ draws attention to additional problems:-

h. 3

(1) the improvement of existing trading centres -

- (a) on the railway line
- (b) ~~on~~ Native reserves.

(2) the siting of stations on new railways and the planning of towns or trading centres around them.

(3) the planning of the towns and native trading centres in the native reserves.

(4) the planning of native reserves where permanent housing is coming into fashion.

Health Board, and in addition to advise the Crown ^{and} to have the power of settling differences between town-planning authorities, other public bodies and individual landowners.

2.16

(2) Regional Town-planning Boards should be constituted ^{for} to the chief towns of the Colony, under the chairmanship of the Resident Commissioner, and should include, in addition to official members, unofficials representing public bodies and the various interests affected. These Boards should work out schemes on broad lines but leave matters of detail to such authorities as exist. A Regional Board is most urgent in Nairobi where so many authorities are working on their own lines without proper co-ordination.

2.17

(3) Local Town-planning Boards. Such Boards as now exist, Municipalities, District Committees, Sites Boards, should continue to control operations in their present areas.

2.17

Memorandum of Health Note
Mr. Unwin expresses the opinion that the statement of the Director of Land Surveys covers the case very well, and he thinks that the general line of the organisation suggested is a good one.

H. G. G. G.

Medical Department Memorandum. It is pointed out that only one local authority employs a town engineer or town clerk, and that only two authorities, the Resident Commissioner, Victoria and the Resident Commissioner, Nairobi District are provided with an officer with experience of the duties of a town engineer. The memorandum states that if a Board on the lines of the Central Board of Health is that suggested by the Director of Land Surveys be

2.14

required

In view of the references to the Federated States the
planning note of information supplied to the
Cabinet Dept is all appended:-

Town Planning in Federated Malay States

300

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KENYA
NO 832



GOVERNMENT HOUSE,
NAIROBI,
KENYA
3rd July, 1925.

321

Sir,

I have the honour to enclose a Memorandum prepared by the Medical Department of this Colony on the subject of Town Planning and Local Development in Kenya, together with a note by the Director of Land Surveys on the same subject and an opinion by Mr. Raymond Unwin on this note.

I would request that a copy of these papers be transmitted to the Colonial Medical and Sanitary Advisory Committee and would be glad to receive in due course any advice the Committee may have to offer.

2. As you were informed in my despatch No. 807 of 2nd June, the services of Mr. Jameson to advise on town planning problems in this Colony have been obtained for a period of 6 months and the views expressed in the memoranda have not yet been fully considered pending the receipt of Mr. Jameson's advice.

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. A. B. [Signature]
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
LT. COL. L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON S.W.

P.O. box No. 641.
Telephone No. 420.

No. 40/1177/4.

MEDICAL DEPARTMENT,

HEAD OFFICES,

NAIROBI, 18th May, 1925.

Sir,

Re: TOWN-PLANNING PROBLEMS IN KENYA.

Ref. your No. 16201/6/2 of 16th March '25,
forwarding copy of a letter No. C/17952 of
17/2/25 and enclosures for comment.

The subject of Town-planning in Kenya is, as the Director of Land Surveys notes, one of importance, and the necessity for establishing some organisation for its promotion is urgent.

2. The subject is however not only important and urgent but it is also of a highly technical nature and one which has an intimate connection with local government, development and the public health generally, and I do not consider that the needs of the situation would be met by the organisation suggested by the Hon. Director of Land Surveys.

3. As, however, a comment to the above effect would merely be destructive criticism which might not necessarily be accepted as correct and as I am most strongly of opinion that progress with regard to town-planning is one of the most urgent matters of the moment, a memorandum has been prepared in the Department in which the whole matter is reviewed in some detail and certain constructive proposals are made.

THE HONOURABLE,
THE AG. COLONIAL SECRETARY,
NAIROBI.

P.O. BOX No. 641.
Telephone No. 420.

No. 40/1177/4.

MEDICAL DEPARTMENT,

HEAD OFFICES,

NAIROBI, 18th May, 1925.

Sir,

Re: TOWN-PLANNING PROBLEMS IN KENYA.

Ref. your No. 16201/6/2 of 10th March '25,
forwarding copy of a letter No. C/17952 of
17/2/25 and enclosures for comment.

The subject of Town-planning in Kenya is, as the Director of Land Surveys notes, one of importance, and the necessity for establishing some organisation for its promotion is urgent.

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THE HONOURABLE,
THE AG. COLONIAL SECRETARY,
NAIROBI.

4. The conclusion arrived at in the memorandum is to the following effect.-"That no marked progress as regards local development will be possible until there is retained on the permanent staff of the Government of Kenya an officer qualified in Town-planning." That conclusion represents the considered opinion of this Department.

5. The exact nature of the organisation which should be established in order to enable the Government Town-Planner, if appointed, to function in an effective manner is a matter for inquiry and discussion but I would note that it would, on the evidence at my disposal, be exceedingly unlikely that any officer who might be appointed would be able to function effectively or that the problems of development with which government is now faced be solved, unless now and separate town-planning or local development department be established and the Government town-planner placed in complete charge thereof.

6. I would suggest that the whole question of town-planning be set forth in the accompanying memorandum might with advantage receive the careful attention of Government at an early date.

7. Copies of the Director of Land Surveys' note and of Mr. Raymond Upton's comment thereon are attached to the enclosed memorandum for ease of reference.

8. Four copies of the memorandum are enclosed, and it is suggested that one be forwarded for the information of the Colonial Medical and Sanitary Advisory Committee.

I have the honour to be,
 Sir,
 your obedient servant,

John V. Keir

PRINCIPAL MEDICAL OFFICER.

MEDICAL DEPARTMENT.

MEMORANDUM.

- A. Town-planning or Local Development in Kenya.
(Memorandum from the Medical Department).
- B. Town-planning in Kenya.
(Note by Director of Land Surveys referred to in the memorandum).
- C. Opinion of Mr. Raymond Urwin on the foregoing note.

A.
371

Memorandum

on

Town Planning or Local Development in Kenya.

With special reference to the Organisation required to secure the promotion ^{of} Town Planning and Local Development by modern and economical methods and to secure, where necessary, the improvement of such unhygienic conditions as may have resulted from uncontrolled development in past years.

Town Planning or matters usually comprised under that term have more particularly in recent years received a considerable amount of attention from the Kenya Government and from various Government Departments and local authorities and latterly they have given rise to not a little discussion in the local press. With the complication of conditions and the multiplication of interests which are the necessary result of the general development of the Colony and Protectorate it has become ever more difficult to arrive at decisions with regard to many of the issues which have arisen. The Mombasa Town Planning scheme is a case in point. Consideration of the history of townplanning in Kenya compared with the experience of other Colonies suggests that the difficulties which have been and are at present being experienced in Kenya are due entirely to the absence of any organisation instituted for the purpose of promoting townplanning sufficiently experienced in the matter to be able to put any particular case before Government in such a fashion that a decision either for endorsement or reference may be

may be arrived at with safety.

325

In this memorandum the whole question of Town Planning or Local Development in relation to local Authorities and the Central Government is dealt with at some length and a proposal is submitted which it is suggested would enable Government to arrive at a solution of the problem which exists.

Hitherto Government has been dependent for advice and for executive action on one or all of the following Departments.

(a) The Public Works Department,

(b) The Land Department,

(c) The Medical Department

together with various local authorities.

It is submitted that the results so far achieved do not suggest that these Departments and authorities working either singly or together have constituted an organisation which is likely successfully to solve either the problems now before them or the much more difficult problems which are likely to present themselves in the future.

As the only proposal at present before Government is that contained in the enclosure to the Director of Land Surveys letter No.C/17952 which was forwarded to Government on the 17/2/25 and on which comment was invited from the Medical Department in Secretariat letter No.S/M.16201/6/2 of 10/3/25 it would appear desirable to deal with the question with special reference to the proposal therein put forward.

The enclosures to the Director of Land Survey's letter are two,

(a) "Town Planning in Kenya" a note by the Director of Land Surveys.

(b) A note on the preceding by Mr. Raymond

Unwin/

Unwin, Chief Architect (Housing) to the Ministry of Health in Great Britain.

To facilitate reference copies of these two notes are attached to this memorandum.

The Director of Land Surveys Etc.

I. The Urgency of Town Planning.

The Director of Land Surveys states:

"I consider that Town Planning and its proper organisation and control is one of the most urgent problems that the Kenya Government has to solve". With that statement all will most heartily concur while to the remainder of the paragraph no exception is likely to be taken in principle.

II. Townplanning Problems in Kenya.

Mr. Baker mentions four types of problems. There are, however, others and of these others one is of the very greatest importance; these additional problems are as follows:

- (a) The improvement of existing trading centres,
 - (1) on the railway line,
 - (2) in Native Reserves.
- (b) The siting of stations on new railways (apart from stations established for purely railway purposes) and the planning of the towns or trading centres which may be expected to grow up around them.
- (c) The planning of the towns and native trading centres which may grow up in native reserves: Kisii and Kakamega will grow, they are situated in thickly populated areas and as the development of these areas proceeds and the standard of living of the population rises more than a Government station with a few dukas will be required. The planning of the towns or villages which may be expected to grow up at large native markets is also a matter which requires/

requires immediate consideration.

- (d) The planning of the Native Reserves. Permanent housing is coming into fashion in the Native Reserves. How should these houses be disposed in the Reserves? When villages come into existence where should they be situated? Should they be allowed to grow up haphazard? It is not suggested that a detailed plan could or should be made for each Reserve at the moment but as there are many factors to be considered in the siting of houses and villages which if ignored will lead to untoward results it is suggested that the problem is one which merits attention. Research as to present or future needs is urgently required. Two factors of particular importance may be mentioned, water supplies and facilities for drainage. It is to be hoped that funds may be forthcoming from loans advanced by Government for which local rates might provide the interest - part of the machinery is in existence e.g. the local council for the conservation of water supplies in the Reserves and the making of these supplies available - social as well as agricultural irrigation schemes. Such water supplies are essential if the infantile mortality is to be markedly reduced and if any headway is to be made towards producing a healthy adult population. Are the farm houses and villages of the Reserves to be built where they can have a piped water supply or not? It is more than probable that the intelligent native would welcome advice as to where best he might build his home, or the community their village and advice as to the construction of the house and the layout of the village would be welcomed also. There is a deal to be done in this direction.

III. The Present System of Control.

In commenting on this Section it is to be noted,

- (a) That Town Planning should cover much more than the layout of roads and open spaces, the subdivision of land and the reservation of plots or areas for special purposes - though even for this purpose specially trained staff is required.
- (b) that control is not the only action that is required, equally important are improvement of the bad results of past development and the promotion of new development.

(1) Government Townships.

The facts are as stated, there is however an omission. It is important to note that as the designs submitted are not prepared by an Officer with special experience in townplanning, they are but the best which can be produced under the circumstances, they are usually the result of much labour and thought but they are never the most suitable, convenient or economical designs which could be produced and as town plans they always of necessity are incomplete in numerous important respects.

(2) Private Townships.

The facts are as stated. The Health Board which is a statutory body serves and has served an exceedingly useful purpose in preventing undesirable developments and also in assisting development. The arrangement is however defective in many respects, e.g.

- (a) The Board is without sufficiently specialised technical advice, it is dealing with urban or suburban development but no municipal engineering/

engineering advice is at its disposal, while legal advice can only be obtained after a somewhat lengthy procedure has been gone through.

- (b) The Board's control is limited to subdivisions into plots of 3 acres or less and then only when the land to be subdivided is within 5 miles of a gazetted township or a railway station.

Subdivision of agricultural land into townships might therefore take place at any point in the Colony uncontrolled so far as the Board is concerned provided the point is over 5 miles from an existing township or railway station. Equally subdivision into 3½ acre plots would anywhere be ~~entirely~~ within the control of the Board. Undesirable eventualities can readily be foreshadowed.

(3) Subdivisions within a Township.

The paragraph is not strictly correct. Subdivisions within the township if of peasant land must be submitted to the Commissioner of Lands but if the subdivisions were in either Nairobi, Mombasa or Eldoret (and possibly one or two other towns) the subdivision would require by law to receive also the approval of the Council or the Resident Commissioner and the Council or the Resident Commissioner could prevent a subdivision under certain circumstances.

IV. Proposals for Future Control.

The note under reference is headed "Town Planning in Kenya". What is Town planning? If confusion is to be avoided it is of the utmost importance that this matter should be made clear. Firstly what is a Town? A town is more than land divided into building plots, it is more even than building plots and buildings and streets and open spaces. A town for the purposes of this memorandum may best perhaps be defined as a community of persons living on a comparatively small area which can be more or less definitely demarcated the area.

the area on which it lives together with all the buildings, conveniences and appurtenances which may exist within that area and a town may be considered a good town in so far as the community which is part of it and the facilities which it possesses are such as best serve the economic and other needs of the producers and consumers of the district in which it is situated and the economic needs of those more distant - they may be in another Country - with which trade is carried on. The town which will best serve the above purposes is one with regard to which the following conditions will be fulfilled:-

- (a) The town will have been situated so that it may provide economic services, i.e. the collection and distribution of raw materials or manufactured goods both inwards and outwards with a minimum loss of time and energy.
- (b) The town will have been suitably situated as regards the needs of the population in respect of water supplies for domestic use or purposes of manufacture, fuel for either purpose, drainage, recreation and health.
- (c) The town will have been suitably designed with a view to internal transport and communication and the supply of water to the homes of the town and the removal of refuse therefrom.
- (d) The land will have been subdivided into building plots which are of the size and arrangement which will best meet the needs of the inhabitants as regards residence, manufacture, trade, commerce, education and recreation; these plots must be neither too large nor too small, if too large land is wasted, if too small effort will have been wasted.
- (e) Proper provision will exist for regulating the health

health order and good government of the town. There must be an efficient administration which is aimed not only at controlling but at facilitating development. To be efficient the administration must be experienced it must realize that it's business is to help the individual and the community and to protect the community from individuals and individuals from sections of the community. It must be part of the business of the administration to prevent ignorant individuals from dissipating their energies on the erection of bad and in the long run uneconomical buildings or in prosecuting development on unsound lines.

- (f) The population must be healthy and efficient.
- (g) The population should be of such a size and so constituted and trained as to be the kind of population which best serves the purposes for which the town exists.
- (h) The town will have been so designed as to allow of growth without distortion.

Town planning therefore if it is to have any meaning worth the name means planning aimed at the production of such a town as has been described above. Further town planning is not limited to the production of a town where there was no town before but it includes the production of a good town where now there is a bad or defective one. The term therefore covers not only "control" but also improvement of past development and the promotion of new development. A town plan is therefore a scheme which if carried into effect would produce a good town.

Why is a Town Plan required and why today is town planning "urgent"? Town planning is no new thing. Town planning is as old as towns, though in the first instance the plans and schemes were neither as comprehensive nor as extensive/

extensive as they must be today; nor was it formerly a matter of urgency that such schemes and plans should be prepared. Why? What has made the production of complete and comprehensive town planning schemes a matter of urgency? Steam, mechanical transport and the remarkable increase of the world population which has taken place in the past century supply the answer. Previous to the end of the eighteenth century towns were of slow growth, the increase of the population was gradual, the chief industry of the world was agriculture and the majority of the manufacturing industries were carried on in villages, the capitals of countries were then but little larger than modern county towns since the populations of countries were then less than that of many a county today. Increase was unappreciable over years and there was no urgency for conscious planning. Then came the discovery of the steam engine, mechanical transport, mechanical manufacture and the increase of population. Folk herded perforce into the towns and these grew at a pace hitherto undreamed of; development outstripped the capacity to control it and there was no previous experience on which to rely, the tradition of custom which had produced the pleasing towns of yesterday had never been codified, to the new inhabitants and to the new rulers of the towns the tradition was unknown and the colossal slums which still exist in London, Liverpool, Glasgow and Bombay came suddenly into being. And only later there came into being also the municipal engineer, the Medical Officer of Health and the Sanitary Inspector, creatures of an emergency. And the second and the third of these indicated the defects to the first and the first set to to remedy them. The improvement schemes of London, Liverpool, Glasgow and Bombay accomplished or in process of being carried into effect are in great part the work of the municipal engineer. But working on the improvement/

improvement of slums is a tiresome and unpleasant business more particularly if while slums are being removed or improved in one area, new slums are arising in the neighbourhood. The Augustin stable is not attractive to the engineer who is by training a progressive nor is it attractive to the city fathers to whom leisure for reflection may have suggested that prevention is better than cure. Methods of control aimed at the prevention of ill results and unconsidered development were evolved and these methods were codified as township law - the building byelaws of the last century are the outstanding example. But these byelaws were aimed at the control of development rather than at promotion and during the breathing space which resulted for the municipal engineer the need for development did not disappear, rather it became ever more urgent and as no lines for future development had been laid down, the friction was considerable. But the engineer's tendencies are towards progress and friction his training had taught him to abhor; housing was an urgent need as also was improvement and economy but private enterprise, not infrequently free lack of experience, was not able to meet the demand and the municipal engineer became perforce a townplanner, a producer of designs so comprehensive and complete that the community and the individual could proceed to build and develop just so rapidly as might be necessary but always with convenience to themselves and to their neighbours, and without friction since the new laws which had been produced to facilitate town planning had been designed with as their chief object the promotion of development rather than its control.

Administration, Organization and Execution of
Town Planning.

In the note under reference the following Town Planning Boards are suggested,

1. A Central Town Planning Board,
2. Regional Town Planning Boards,
3. Local Town Planning Boards.

It is suggested that the Central Town Planning Board should be instituted to perform the main functions of the existing Town Planning and Health Boards. But it was stated earlier in the note under reference that the functions of the first were purely advisory while the functions of the second were definitely limited to the control of isolated divisions, and it has been noted in this memorandum that both are without staff. The Central Board suggested in the note is a large one and it is stated that "such a body would be able to give to Government the best technical advice procurable in the Colony." Doubtless the Board might provide advice on certain points but it is to be noted that the Board itself ^{will} be without any technical advice on the exceedingly technical and specialised subject of town planning. But what would be the functions of the Board suggested? Presumably its chief function would be to advise Government with regard to town planning schemes for various kinds of towns and with regard to regional plans. But by whom are these schemes and regional plans to be prepared? It would appear from a perusal of the remainder of the ^{note} memorandum that these plans and schemes are to be prepared by the new Regional Town Planning Boards and by such local boards as now exist, e.g. the Municipal Council of Nairobi and District Committees and Sites Boards. Of these Bodies the new Regional Councils would be without any technical officers with special experience in regional planning and the District Committees and Sites Boards without any technical officers with municipal or town planning experience, while it is a noteworthy fact that the much more experienced Municipal Council of Nairobi, the only body in the

in the country which employs or has at its service a technical officer experience in Municipal Engineering and therefore with some knowledge of what town planning involves, has for some time past been well aware of the urgent necessity which exists for their obtaining without delay the advice and assistance of some officer specially experienced in the art and practise of planning a town. It is further a noteworthy fact the only local Authority in Kenya which has so far been entrusted with the work of producing a town planning scheme, has not so far succeeded in producing a complete road plan while the scheme which accompanies the plan is so drafted that it is unlikely that it could be carried into effect. But it is further suggested that the Central Town Planning Board should also be a Court of Appeal. Is it desirable that a board which is without technical or legal assistance should serve as a Court of Appeal more particularly when the issues which might be at stake would not uncommonly be large, technical and complicated, such as would usually require to be dealt with in accordance with very specialised law which is not as a rule easy of interpretation by Doctors, Civil Engineers, Architects or Surveyors?

But what ought the functions of a central advisory board to be? Speaking generally perhaps the most important function of a Central Advisory Board where no other functions have been given to it under statute is to advise Government as to whether the programme or scheme which has been prepared by Government's Executive technical Officer appears to the Board to be a programme or scheme which will give effect to the policy laid down by Government without injury to these interests in the Country with which the members of the board may be particularly acquainted and also where the scheme of programme is one which does not apparently promote any of these interests when in their opinion it should or might well do so, to note the fact and to make suggestions

for the remedy of the defect should the Board feel itself competent to do so. A further function though it overlaps somewhat the preceding is to assist in the securing the co-ordination of the activities of various Government Departments, of local Authorities and of various public and private interests in accordance with the existing policy of Government.

But how is a board constituted as suggested in the note to become acquainted with Government's policy? There is no person on the board who is necessarily acquainted with Government's general policy. Further, co-ordination requires direction. The Board is not competent to direct, it is only advisory. Co-ordination is however essential. But if the Chairman of the Board has only the status of the head of a Department he cannot well direct the heads of other Departments. Further there is no person on the board who is necessarily acquainted with the economic needs of any particular community or with the probable economic development of all parts of the country; trade which is intimately bound up with general policy is unrepresented.

That no board on which Government is not represented and which is without technical advice can possibly function even in an advisory capacity was well shown at a recent meeting of the present "townships board" when with regard to seven items on an agenda of thirteen, it found itself unable to give a decision, with regard to four because Government's policy was unknown to it, while with regard to the other three items it was unable to come to any decision because there was not before the board either a definite proposal nor the material which would have enabled it to suggest on what lines a scheme should be drawn up. At the meeting in question no numerous points of economic importance which had not received previous consideration were raised only/

only by the sanitary member: it is only to be expected under the circumstances that there were many other matters important not only from the economic point of view but from the municipal, social and educational points of view which are unlikely to be raised until experience shall have demonstrated their existence and it is too late to make an alteration in the so called town plans.

What is Required?

It is ~~out~~ the province of the ~~Medical~~ department as at present constituted to devise in detail the organisation which is necessary if local improvement, control and development is to be promoted. It may, however, be of use to consider what has been experienced elsewhere and to enquire whether among the organisations which have been devised and built up in other countries there is not one which might usefully serve as a model for use in Kenya.

In the first place it might be well to consider the organisation which exists in England.

The organisation which in England had been established for the purpose of local improvement, control and development was previous to the passing of the Ministry of Health Act, 1919, as follows:-

- A Central Organisation = the local Government Boards.
- Local Organisations = County Councils, Municipal Councils, Borough Councils and Urban and Rural District Councils.

Local Organisations or Authorities.

The duties imposed on a Municipal or County Borough Council in England comprise among others the control either in full or in part of the following matters,

- Roads and Bridges,
- Streets,

Sewerage,
Fire Brigade,
Baths,
Parks,
Markets,
Gas,
Water,
Electricity,
Education (Higher and Elementary)
Police,
Housing and Town Planning,
Hospitals and other matters of Public
Health,
Shop Hours Acts,
Weights and Measures,
Employment of Children,
Licensing of Motor Cars,
and all other Municipal Services including the Collection
of Rates and the raising and financing of loans.

The Central Organisation or Authority.

The Central Organisation established for the purpose of assisting, controlling and co-ordinating the activities of the local organisations with regard to most of the above matters was previous to 1919 termed the Local Government Board which dealt more particularly with the matters indicated on the next page and was constituted somewhat as follows:—

- Secy.**
Public Health Division
- a. **Industrial Maternity and Child Welfare.**
Tuberculosis, venereal disease and other infectious diseases.
Provision of Hospitals, vaccination etc.
(National Health Insurance Medical benefits)
(National Health Insurance, cash benefits for sickness, disablement and maternity)
- b. **General - water supply, drainage and general sanitation.**
Purity of food and drugs adulteration, slaughter houses, baths and wash-houses, etc.
- c. **Housing and Town Planning**

Secy.
Post Law Administration
Incorporating part of Board of Guardians.

not under I.C.E.
but included in
Ministry of Health.

Secy.
Local Government
Department of Local Accounts
(I) Supervision of Local Administration by Provisional Orders, sanctioning of loans, Securing of bye-laws under the Public Health Acts, Etc.
(II) Provision of libraries, Buses.
Administration of Unemployed Workmen Act, and a variety of minor duties.

Secy.
Miscellaneous.
(I) Old Age Pensions
(II) The Minister of Health is also responsible for the work of the Registrar General which includes not only the decennial census, the figures of births, deaths and marriages, but also the care of records at Somerset House and consideration of questions relating to civil marriages.

Other Ministries concerned with functions of Local Government in England are the following:-

Ministry of Agriculture.
County Agricultural Committees
Small Holdings,
Allotments.

Lord Chancellor.
Justices of the Peace.

Board of Education.
Education,
Libraries,
Primary Schools,
Schools for Mothers.

Home Office.
Food and Drugs,
Factories,
Police,
Protection of Children.

Board of Trade.
Profit-sharing,
Gas,
Coal.

Ministry of Pensions.
Pensions War.

Ministry of Transport.
Electricity,
Light Railways,
Buses.

Treasury.
Loans.

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(a) It is to be noted that the table given above has been drawn chiefly with the object of showing the various classes of activities with which the old Local Government Board was concerned, it is not submitted as showing accurately what the internal organization of the "Local Government Board" may have been as the necessary detailed information is not available at the moment.

(b) It is further to be noted that though the old Local Government Board was nominally a Board it did not act as such but was in fact a department of state consisting of a number of sub departments or divisions and the powers were exercised in the name of the president alone.

(c) A third point of importance is that in 1919 following on the passing of the Ministry of Health Act a Ministry of Health was established to exercise in England and Wales powers with respect to HEALTH AND LOCAL GOVERNMENT. This act states that

(a) It shall be the duty of the Minister to take all such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures conducive to the health of the people, etc. etc.

(b) There shall be transferred to the Minister all the powers and duties of:-

- (I) The Local Government Board,
- (II) The English and Welsh Insurance Commission
- (III) The Board of Education with respect to the health of expectant and nursing mothers, and of children, etc.
- (IV) The Board of Education with respect to the medical inspection and treatment of children and young persons, etc.
- (V) The Privy Council and of the Lord President of the Council under the

Midwifery Acts of 1902 and 1918.

- (VI) Such powers of supervising the administration of Part I of the Children's Act, 1908 (which relates to infant life protection) as have hitherto been exercised by the Secretary of State.
- (VII) His Majesty may from time to time by Order in Council, transfer to the Minister all or any of the powers and duties of any Government Department relating to the health of the people or transfer from the Minister to any other Government Department any powers or duties of the Minister which do not relate to matters affecting the health of the people.
- (VIII) That Consultative Councils may be appointed.

As a result therefrom of the passing of the Ministry of Health Act, 1919 the old Local Government Board Department was taken over and absorbed in a Department of State with still wider powers, the Ministry of Health.

There were probably three chief reasons for effecting the change.

- (I) The old Local Government Board as such had been closely associated in the past with the Boards of Guardians ^{and} a very unsatisfactory system of Poor Law Relief, a change of name was desirable.
- (II) It had become recognised that most matters of Local Government affected more or less directly the Public Health and further that the promotion of the Public Health in the widest sense was the primary duty of local authorities.

authorities.

(III) It had become recognised that the promotion of the Public Health was ^{also} one of the primary functions of the Central Government and that it was very definitely the duty of the Central Government not only to control local authorities, and if necessary to take steps to compell them to carry out their duties where there was omission, but also to assist them and to correlate their activities. It had further been recognised that Government itself should continually be actively engaged in promoting development.

(IV) It is of particular importance to note that in the Scheme of the Ministry of Health of England which has been detailed above there are among others the two following divisions

- a. Public Health Division.
- b. the Local Government Division.

A perusal of the functions of these divisions shows that while the three subdivisions of the Local Government Division are chiefly concerned with supervision, scrutiny and control the functions of the three subdivisions of the Public Health Division are all much more dynamic in character in as much as they are concerned with the prevention of disease, the building of hospitals, the provision of medical relief, the provision of pure water supplies and lastly the provision of housing and the promotion of development by TOWN PLANNING.

In this connection it is of interest to note that the Public Health Ordinance of Kenya No. 38 of 1921 states in Part II thereof of "Sanitation and Housing", Section/

Section 126, that

"The Governor on the advice of the Board
"(The Central Board of Health) may make regulations
"and may confer powers and impose duties in con-
"nection with the carrying out and enforcement
"thereof on local authorities, magistrates, owner
"and others as to among other things

" (b) The construction of buildings, the
"provision of proper lighting and ventilation and
"the prevention of overcrowding.

" (d) The drainage of land, streets or premises,
"the disposal of offensive liquors and the removal
"and disposal of rubbish, refuse, manure and waste
"matters.

" (h) the subdivision and general layout of
"land intended to be used as building sites, the
"level construction, number, direction and the
"width of streets and thoroughfares, the limitation
"of the number of dwellings or other buildings to
"be erected on such land, the proportion of any
"building site which may be built upon and the
"establishment of zones within which different
"limitations, shall apply, and of zones within
"which may be prohibited the establishment or con-
"duct of occupations or trades likely to cause
"nuisance or annoyance to persons residing in the
"neighbourhood."

The other subsections of Section 126 all deal with matters
which are a part of or intimately connected with town
planning while the Section as a whole covers a very large
part of what is intended by Town planning in the wide sense.
It is therefore recognised by the law of Kenya that Town
planning is one of the matters which it is to be expected
will require the attention of Government more particularly
in connection/

in connection with the promotion of the Public Health. But is the organisation or machinery at present at the disposal of the Government of Kenya such as can enable the Government adequately to deal with or to promote town planning and local development either directly by means of the Town Planning Ordinance or indirectly through that Department - the Medical Department - which was established by the only other Ordinance which takes cognisance of the existence of the need for town planning?

A comparison with English conditions may be suggestive.

Local Organisation.

The local authorities concerned with town planning and local government in England are,

- I Urban and Rural District Councils,
- II. Municipalities and Borough Councils,
- III. County Councils.

In all cases these bodies employ officers specially trained and experienced in the work which they are required to perform e.g. -

- Town Clerks,
- Town Engineers,
- Medical Officers of Health
- and other subordinate staff.

What is a town Engineer? A town or Municipal Engineer is an engineer with special training and experience of the kind of work which has been shown to be required in towns and he holds as a rule a special qualification, he has further acquired knowledge and has had experience without which no civil engineer, no railway engineer, no mining engineer however eminent could carry out the particular duties which fall to the lot of the Municipal Engineer. That is to say the Municipal Engineer is a specialist and as a /

as a matter of course knows more or less about a large number of the matters which are covered by the term town planning and to that extent at least he will know what town planning means and be able to assist in the production of a town planning scheme and later in its execution. Put in other words a Municipal Engineer is a civil engineer who has specialised in municipal engineering and administration.

Central Organisation.

But the Government of England established a Department of State among the functions of which were the promotion of town planning and the control and assistance of local authorities. If that Department is to function effectively in the control and assistance of local authorities which are provided with expert engineers and lawyers it would appear to be necessary that the Department should itself possess not merely expert engineers and lawyers but more expert engineers and more expert lawyers than those usually retained by the local authorities.

What are the facts?

There are retained on the staff of the Ministry of Health

Townplanning Engineers and Architects,

Municipal Engineers,

Architects (Housing etc.)

Lawyers,

Health Officers,

Inspectors,

all officers with special training in particular branches of Engineering, Architectural, legal, Health and inspection work.

The Ministry is therefore in a position to assist and control/

and control local authorities. It is to be presumed that if each of the hundreds of local authorities in England consider it necessary to retain at least the part time services and in the case of the larger authorities the whole time services of officers skilled in a particular type of work that they do so because experience has amply justified the procedure.

What is the position in Kenya as regards local authorities?

Only one local authority employs a town engineer or a town clerk. Only two authorities, the Resident Commissioner Kisumu and the Resident Commissioner Mombasa District are provided by Government with an officer with any special experience of any of the duties which are usually performed by the Department of the Town Engineer. Probably no local authority in Kenya is provided by Government with an officer with any special experience of the legal side of local government work or of the local government custom as codified in the law of England and except in the instances above mentioned no local authority is provided by Government with any technical legal or engineering staff trained in municipal work. Further it is probable that the local authorities themselves i.e. the Resident and District Commissioners are in all cases both without experience of local government administration as carried on in any place where such administration has reached a higher stage of development than is the case in Kenya and in most cases it would appear that they have no intimate acquaintance with English local government law, custom or practice. As a result Resident Commissioners acting as local authorities in Kenya are continually being faced with problems the solutions of which are unknown to them and an immense amount of unnecessary work is performed in searching for a way out. Occasionally

process of finding a way out is for an officer unprovided with technical staff a worrying one, occupies a great deal of time, distracts his attention from other matters and does not always result in a successful issue, as a consequence the local Authority finding himself unable to administer the area or township under his control in an efficient manner, that is to promote the development either of the town or the inhabitants, gives up the attempt and does his best to maintain such order as they may be by the exercise of tact alone with the inevitable result that the population either stagnates or becomes discontented.

There are in existence innumerable books on the subject of Local Government and Local Government Organisation and Law in England. Experience suggests that these works have not as a rule come to the notice of the Local Authorities in Kenya even if they are at their disposal. Such being the case it would appear to be the more necessary that the Central Authority in Kenya should be very adequately provided with staff expert in the control and assistance of Local Authorities and more particularly in the giving of such assistance as might tend to the promotion of development not only of the district under the Local Authorities control but of the organisation of the Local Authority itself. What is, however, the actual position? Where does the Central Authority with regard to Public Health and Local Government rest in Kenya. Statute law may be of assistance. In England it is the Minister of Health who makes regulations. Under the Kenya Public Health Ordinance of 1921 it is the Governor who makes regulations, therefore taking the statute law of the Colony as a guide it would appear that the Governor is the Central Authority as regards the Public Health, that is Public Health in sense restricted of the Public Health Ordinance and of the first division of the Ministry/

Ministry of Health of England. Under the Kenya Townships Ordinance which deals with the health, order and good government of townships it is also the Governor who makes regulations. Presumably therefore the Governor is also the Central Authority as regards Local Government generally and the Governor would therefore appear to include among his functions these a Minister of Health in the broader sense as understood by the Ministry of Health of England i.e. functions with regard to both Public Health (in a sense restricted) and Local Government Control.

What organisation and what staff exist in Kenya that the Governor may carry out the functions of a Minister of Health?

In England the Ministry has a division termed the Division of Public Health which deals among other things with town planning. In Kenya there is a Medical Department which according to the Public Health Ordinance, since the Principal Medical Officer is chairman of the Central Board of Health, would appear to be concerned with town planning. But the Public Health Division of the Ministry in England retains on its staff

Town planners,

Municipal Engineers,

Sanitary Engineers,

Architects,

Lawyers experienced in Municipal and
Town planning law.

The Medical Department of Kenya has, however, no town planners, municipal engineers, Sanitary Engineers, architects or lawyers on its staff.

Since these essential officers are not to be found in the place where English practice and Kenya statute law would suggest that they should be retained, are they to be found anywhere else? Are such officers retained on the staff/

the staff of any other Department of Government? It would not appear that there is retained on the staff of any Government Department any officer with special experience in regard to either

Town planning,
Municipal Engineering,
Sanitary Engineering,
Architecture,

or

Municipal or Town planning law.

Doubtless there are on the staff of the Public Works Department officers who have obtained qualifications in municipal or sanitary engineering but such qualifications in themselves will not ensure that the officer who has obtained them can be of great assistance in municipal engineering work. Long practical experience is necessary as well as a diploma or degree.

The possession of a Diploma in Public Health alone does not turn a Medical Officer into a Medical Officer of Health.

Even however if there are on the staff of the Public Works Department officers who have not only obtained a qualification in municipal ^{or sanitary} engineering but have also had long experience in such work it does not follow that an organisation exists for assisting or controlling local authorities. If there are such officers they are not retained for the performance of the particular duties under discussion but for the performance of the duties appertaining to the post of Executive Civil Engineer i.e. of a local and not for a Central appointment while the sanctioned establishment of the Public Works Department is not such as to allow of their being permanently posted to the controlling or administrative division.

Of officers with special town planning experience there/

there are probably none, of architects there are none and of lawyers with special experience of Municipal and Town planning law there are none. How then can the Central Government function? How can it be of assistance to local authorities? Presumably older colonial governments have at one time or another found themselves in a similar position to that in which the Kenya Government would appear to be today. If so what did they do and what has been their experience of the expedient which they adopted?

The experience of the Federated Malay States is of interest. From the information available it would appear to have been somewhat as follows.

In 1917 "The Town Improvement Enactment, 1917" was passed just as in Kenya there was passed in 1919 "the Town Planning Ordinance, 1919". Apparently in the Federated Malay States as in Kenya there was an absence of technical staff and difficulties arose. Further it became evident that organised effort directed towards local improvement and development was necessary. In 1920 therefore a Town planning Department under a Government Town Planner was established. The following extract from the Report of the Department for 1921 is of interest.

"The position in the F.M.S. in respect of
"Town planning at the present time is analogous
"to that in other British Dominions where prior
"to town planning legislature the absence of co-
"ordination between central and local government
"forces was responsible for a large amount of inter-
"departmental reference, delays in passage of
"plans, complaints of owners, etc. This, at first,
"was used as an objection to Town Planning legis-
"lation on the ground that the Act would merely
"lead to further complications. Experience has
"however shown directly the contrary. With the
"creation/

"creation of statutory Town Planning authorities
"and the application of expeditious methods of
"dealing with building and subdivisional plans
"considerable time and expense has been saved.
"Having been responsible for the Organisation of
"Town Planning operations and the carrying out of
"legislation elsewhere and knowing what the results
"are in practise, I am confident, not without
"reason, that the remedy for delays in future is to
"give effect to the proposed Town Planning Legis-
"lation in as simple and direct a form as possible.
"Recourse to clumsy safeguards or legal expedients
"contrary to existing practise in other British
"Dominions, I would add, can but hinder expedi-
"tious working and become a source of delay, ir-
"ritation, and undue expense for all concerned.
"To make early relief possible, it follows that
"the proposed legislation be ratified without
"further delay."

The proposed Legislation referred to above became
law as "Enactment No. 19 of 1923". It is of interest to
note that it is described in the preamble as "An Enactment
to provide for the improvement and development of towns and
and other areas". The Organisation and the method of
procedure which this Enactment lays down provided the
solution to the difficulties which are referred to in the
Town Planners Report and an organisation on somewhat
similar lines should provide the solution of many of the
difficulties which are at present experienced in Kenya both
by local authorities, the general public, the Medical
Department and the Central Government.

The method of the Enactment can be appreciated
from a/

from a recital of extracts from the principal sections as follows.

Section 2. "Government Town Planner" means the Government Town Planner appointed under this Enactment.

Section 3. (1) "The Resident may from time to time with the approval of the Chief Secretary by notification declare any area within the State to be a Town Planning area for the purpose of this Enactment".

Section 4. (1) The Resident may from time to time by notification appoint a Town Planning Committee to give effect to the purposes of this Enactment within the area mentioned in such appointment... provided that -

- (b) the Government Town Planner shall be ex-officio a member of all Town Planning Committees.

Section 10. The duties of a Committee shall include -

- (a) the modification and adoption of any General Town Plan as hereinafter provided.....
- (c) carrying out and enforcing the observance of any General Town Plan provided that no other responsible authority has been appointed.....

Section 12. The Chief Secretary may appoint an officer qualified in Town Planning, to be called the Government Town Planner who shall perform such duties as may be prescribed, and such other officers as may be necessary for the purposes of this Enactment.

Section 13. The Government Town Planner acting with the consent of the Committee, shall prepare a General Town Plan of the area or part thereof in respect of which the Committee is empowered to carry out the provisions of this

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this Enactment.

Section 37. (iii) Appeal lies to the Resident.

Section 64. (i) The Chief Secretary may

make rules.

It is to be noted that

- (a) The committees referred to are local committees.
 - (b) That the town plans in the Federated Malay States are prepared by a Central Department but in consultation with local opinion.
 - (c) That a Central Town Planning Department exists and is
 - (d) under the direction of an officer qualified in town planning who again
 - (e) is provided with the necessary staff.
 - (f) That rules are made by the Chief Secretary who therefore corresponds in that respect to a Minister in England.
 - (g) That no mention is made in the enactment of a Central town planning committee or Board.
 - (h) That appeal lies to the Resident.
- (Provision for the appointment of an Arbitrator is also made.)

From one of the Town Planner's Reports it would appear that in 1922 a Central Advisory Town Planning Committee existed, but whether it was then statutory or not is not clear, nor is it clear whether it still exists. That such a committee or Board would in Kenya serve a useful purpose is probable, but any Board appointed should not be expected to. Further it is submitted that the constitution of the Board suggested in the Director of Land Surveys note would be unsuitable. Earlier in this memorandum it was stated that

(1) A Board should be acquainted with Government's policy.

(2) that

- (2) that one of the functions of a Board was co-ordination.

Later it was noted that Town Planning was one of the subdivisions of the Public Health Division of the Ministry of Health in England and that the Kenya Public Health Ordinance of 1921 recognised the connection between Town Planning and the Public Health. Under these circumstances could not the Kenya Central Board of Health as at present constituted not serve also as the Central Town Planning Board? There are two reasons against such a procedure

- (I) The Central Board of Health is not so constituted as to be acquainted with Government's policy.
- (II) Town planning though essentially a function of a Public Health Department is largely though not wholly a matter for the Engineer. development as regards communications, buildings, water supplies and sewers is the basis, such development is certainly guided by sanitary research and assisted by land survey but it would hardly appear desirable that so specialised and technical a branch of engineering work as town planning should be dealt with by a Board the Chairman of which is the head of a technical but not an engineering department.

If a board on the lines of the Central Board of Health or of that suggested in the Director of Land Survey's note be required the chairman should be the Director of the Department of Town Planning.

Such a Board would however still be unsatisfactory in that it would not necessarily be acquainted with Government's policy.

It is/

It is suggested that the most correct and satisfactory constitution would be one under which the Chief Secretary to Government became Chairman of the Board and the Director of Town Planning Secretary to the Board, and the Principal Medical Officer, the Director of Public Works, the Commissioner of Lands and various other persons members, and that any New Town Planning Ordinance should be so drafted that regulations under the Ordinance were made by the Chief Secretary.

The whole matter is of course one which will require very careful consideration and not a little research.

Conclusion.

It is submitted that the subject matter of this note required very careful consideration by Government at an early date.

It is further submitted that two points stand out most clearly:

- (I) That the full and careful consideration which the importance of the subject merits will not be possible until Government has at its disposal the services of an Engineer with Town planning experience.
- (II) That no marked progress as regards local development will be possible until there is retained on the permanent staff of the Government of Kenya "an officer qualified in Town Planning who shall perform such duties as may be prescribed, and such other officers as may be necessary....." as has been done in the Federated Malay States and as is suggested by Mr. Edwin Chief Architect (Housing) to the Ministry of Health of England/

of England in the 3rd and 4th lines ³⁵⁶ of the
2nd page of the opinion which is attached
to the note which was submitted to Govern-
ment by the Director of Land Surveys.

TOWN PLANNING IN KENYA.

referred to in foregoing memorandum

1. URGENCY OF TOWN PLANNING.

I consider that Town Planning and its proper organization and control is one of the most urgent problems that Kenya Government has to solve.

It will be argued that Kenya is a small agricultural country, and that therefore the situation is never likely to become acute.

In spite of the counteracting influence of the motor car it appears that the tendency of modern civilization is for people to drift into towns, and there is no reason to believe that this tendency will not operate in Kenya.

It may require a vivid imagination to picture a country village like ELDORET as a large town, but, if the Colony continues to prosper, it will assuredly become one some day.

Australia is mainly an agricultural country, but yet half of its population lives in the six big cities,

Again it will be argued that the Colony cannot afford such a luxury.

Town Planning is not a luxury, but a good investment, as it contributes so largely to the health, safety and convenience of the people.

Town Planning does not necessarily involve great expenditure, but is rather an insurance against such expenditure by the provision of a comprehensive scheme for the control of future development.

The sooner such a scheme is introduced, the less money will have to be spent in the long run on the correction of mistakes.

II. TOWN PLANNING PROBLEMS IN KENYA.

There are four distinct types of problems to be considered, each requiring different treatment.

(1) The old oriental towns at the Coast, where the streets are only from ten to fifteen feet wide. Open spaces do not exist and housing is appallingly congested. Such towns must be dealt with gradually and on informal lines, so as not to destroy their character and charm.

(2) The undeveloped portion of MOMBASA ISLAND, which consists of a conglomeration of 300 to 400 irregularly shaped freehold plots, most of them without access to a road.

A scheme for dealing with this area has been submitted to the Secretary of State, by which it is proposed to institute a proper road system by an uniform reduction in area of 20% and to reinstate each plot with a road frontage and of a shape suitable for subsequent subdivision or immediate development.

(3) Towns such as NAIROBI, MAKURU and ELDORET, where the Government township was laid out from 12 to 20 years ago, and private townships have since been laid out adjoining them with little coordination of design.

A comprehensive scheme for these areas is urgently required before much more building takes place, so that improvements can thus be more cheaply made and future development may be on the right lines.

(4) The recently designed Government townships such as KITALE AND NANYUKI, where few if any plots have been alienated, and so the design can be reconsidered and improved at little cost.

III. THE PRESENT SYSTEM OF CONTROL.

(1) GOVERNMENT TOWNSHIPS.

All designs are submitted to a nebulous body known as the Townships Board, before they are forwarded to the Governor for his approval. This Board is purely an advisory official body and is supposed to consist of the following officers:- Commissioner of Lands (Chairman), Principal Medical Officer, Director of Public Works, Chief Sanitation Officer, and Director of Land Surveys.

(2) PRIVATE TOWNSHIPS.

The Health Board, which consists of the officers mentioned above with the addition of one unofficial member, and is under the chairmanship of the Principal Medical Officer is constituted under the Public Health Ordinance, and has definite functions assigned to it.

It controls the subdivision into plots of less than 3 acres of all lands within a certain distance of a gazetted Township or Railway Station.

The subdivisions of lands into larger plots, and of lands beyond the prescribed distance from a Township or Station, if such lands are leasehold, are submitted to the Commissioner of Lands, and then to the Governor in Council. Most of the land in the Highlands is leased from the Crown.

(3) SUBDIVISIONS WITHIN A TOWNSHIP.

Such subdivisions have to be submitted to the Township Authority, which may be a Municipality, District Committee, or Sites Board, and its recommendations with regard to leasehold plots are forwarded to the Commissioner of Lands.

IV. PROPOSALS FOR FUTURE CONTROL.

I recommend the creation of the following Town Planning Boards:-

(1) CENTRAL TOWN PLANNING BOARD.

This Board should be instituted to perform the main functions of the existing Town Planning and Health Boards.

It should consist of the following:-

Commissioner of Lands (Chairman), Principal Medical Officer, Director of Public Works, Director of Land Surveys and a leading unofficial member of the following professions, Medical, Civil Engineer, Architect, Land Surveyor and Land Agent. Such a body would be able to give to Government the best technical advice procurable in the Colony.

In addition to its task of advising the Crown it should be given the power of settling differences between Town Planning Authorities, other public bodies and individual land owners.

In other words it should be a Court of Appeal.

Only some such special Board can possess the knowledge and experience necessary for quick and correct jurisdiction in such complicated matters.

(2) REGIONAL TOWN PLANNING BOARDS.

Such Boards should be constituted for the Chief towns of the Colony, NAIROBI, MOMBASA, NAKURU and Eldoret to control the town planning not only of existing townships, but of all development within 10 miles of the centre of the townships. They should be under the Chairmanship of the Resident Commissioner, and should consist of the district Officers of the Government departments interested with the addition of unofficial members representing the public bodies and the various interest affected.

It should be the duty of such Board to work out

a scheme

a scheme as broad lines for the future development of the area, and to leave matters of detail to such authorities as exist.

It is a moot point whether all local plans should be submitted to the Regional Board for its approval, but undoubtedly the Board should receive notice of all such plans and should be able to lodge objections against them with the Central Board, if it considers that the plans conflict with its scheme.

This difficulty is not likely to arise in a young country like Kenya except in the case of NAIROBI, as elsewhere the personnel of the Regional and local boards will probably be much the same.

The need for a Regional Board is most urgent in NAIROBI, where so many authorities are working on their own lines without proper co-ordination.

(3) LOCAL TOWN PLANNING BOARDS.

Such Boards as now exist, Municipality, District Committee, Sites Board, should continue to control operations in the areas over which they now have jurisdiction.

(Signed) A. G. Baker,
DIRECTOR OF LAND SURVEYS.

COPY.

C.

Mr. A. G. Baker.

With reference to your memorandum on Town Planning in Kenya, I think what you there set out covers the case very well and it would be difficult, without more knowledge of the local conditions to do more than make a few suggested comments for your consideration.

The Urgency. I quite agree that Town Planning is urgent at the small beginnings, and partly because it is when the growing town is small that planning and regulation can be most effective. When the town has already grown up and it is often too late to secure many of the benefits which care and forethought could have secured by means of planning at an earlier stage, usually with very little cost (if any) beyond the making of the plan; for Town Planning is not expensive in itself as it mainly consists in laying down lines which development shall follow if and when it takes place. If expenses are incurred in the making of roads or the carrying out of other similar works, they are incurred because they are needed and profitable, and not because these roads are provided for in the plan. Usually in new countries Town Planning saves expenses by making provision when land etc. are cheap for needs which would arise when land and obstructive buildings have both become costly to buy or remove.

2. I agree with your view that it is frequently possible to provide alternatives to cutting up an old settled area with a lot of new traffic roads. Generally, something of the nature of a bye-pass road can be provided to deal with the traffic, and sometimes pressure on the old part can be removed by providing more attractive sites for business or industry, or other development likely to cause increased traffic. The provision of taking 20% of land for road requirement is reasonable. In some of the States in Germany up to 30% or even 40% of the area

can be claimed without compensation for providing roads, etc.

3. I think the general lines of the organisation you suggest is a good one. It may be that the full Board proposed would be rather large for considering questions of appeal, at any rate in the first instance; but a small Committee of the Board would easily meet this point. No doubt there would be some executive officer with Town Planning experience. I think that all local Plans should be submitted to a Local Board, and you might find it possible for some time to have Local or Regional Boards, according to which would best fit in with the conditions in the district. Ultimately it may be necessary to have both Regional Boards, and Local Boards for the different areas within the region; but this is a complication which I should think you would be better to avoid, if possible, at present. For dealing with plans, particularly plans for the lay-out of roads where considerable expert knowledge is required to judge them properly it would be wise in new country to keep the bodies as few as possible, in view of the scarcity of officers with the necessary skill and experience to deal with the matters. I should think that important planning proposals for the present should always be referred to the Central Board, even where you had Local or Regional Boards, and that you might have some arrangement by which you could give discretion in comparative simple and small matters to these Local Boards, but require confirmation from the Central Authority in reference to the schemes involving large areas or heavy outlay. All this will depend upon the local circumstances, which I do not know enough about to make any useful practical suggestions upon. In regard to our big Housing Scheme, when we had District Commissioners we had a somewhat similar arrangement by which a Commissioner was authorised to approve lay-out schemes up to a certain size and for a large number of houses, and any larger scheme he was required to submit with his recommendation to headquarters for confirmation before giving his decision. This arrangement was found to be of value.

Generally/

Generally speaking, I am delighted that Kenya Colony is taking up this question of Town Planning at an early stage. I am sure that the Colony will have grounds for congratulation later on when the advantages of foresight in this matter become apparent.

(signed) R. Unwin.

Chief Architect (Housing)

Ministry of Health,
Whitehall,
London, S.W.1.

26th November, 1924.

Re 28.10.25.

en 29

R 29 OCT
D 29

Handwritten signature

Downing Street,
30 October, 1925

Sir,

I have the honour to acknowledge the receipt of Mr. Northcote's despatch No. 832 of the 3rd of July, on the subject of Town Planning and Local Development in Kenya.

2. The Colonial Advisory Medical and Sanitary Committee, to whom the despatch and its enclosures have been referred, consider it important that there should be one officer available in Kenya whose function it would be to supervise town-planning; but the Committee does not ~~however~~ feel able to express any further opinion pending the receipt of Mr. Jones's report. In view, however, of the ~~del~~ commitments

FT.

Handwritten initials

10.9.25

Grigg.

I. P. Dept. F. M. S. 424

commitments of the Colonial Government
in other directions, I doubt whether, even
if a special officer is employed, the
Government would be justified in setting
up a separate Department.

3. I propose to refer the matter
again to the Committee when Mr. Jameson's
report is received; and if ^{his} ~~the~~ report
is printed, I should be glad if you would
furnish 14 additional copies for circula-
tion to the Committee.

4. The enclosed copies of the Report
of the Department of Town Planning, Federated
Malay States for 1924 will no doubt be of
interest to you.

I have, etc.

(Signed) L. S. AMERY