



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 22

THE HANSARD

Wednesday, 22nd March 2023

The House met at 9.30 a.m.

[The Temporary Speaker (Hon. Martha Wangari) in the Chair]

PRAYERS

QUORUM

The Temporary Speaker (Hon. Martha Wangari): Order, Members. I order that the Serjeant-at-Arms rings the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Hon. Kassait Kamket walked towards the exit)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Hon. Kamket, you do not exit when the Bell is ringing. Order, Members. We have had some technological challenges. The Members who had logged in kindly do that again. Remove your card and put it back as we await the requisite numbers.

(Several Members walked towards the exit)

Order, Members. You do not exit when the Bell is ringing. Member for Narok, as per the Standing Orders, you do not exit when the Bell is ringing. Serjeants-at-Arms, stop the ringing of the Bell. We have the requisite numbers to transact the business of the day.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I beg to lay the following Papers on the Table:

Reports of the Auditor-General and financial statements in respect of the improvement of drinking water and sanitation systems in Mombasa – Mwache Project (AFD Credit Facility No. CKE 1103 01 C) – Coast Water Works Development Agency for the years ended 30th June 2020, 2021 and 2022, and the certificates therein.

Report of the Auditor-General and financial statements of the NG-CDF for Alego Usonga Constituency for the year ended 30th June 2021, and the certificate therein.

Reports of the Auditor-General and financial statements in respect of the following institutions for the year ended 30th June 2022, and the certificates therein:

- (a) Tana & Athi Rivers Development Authority (TARDA).
- (b) Tana Water Works Development Agency.
- (c) Civil Servants Housing Scheme Fund – State Department for Housing and Urban Development.
- (d) Kenya Slum Upgrading, Low Cost Housing and Infrastructure Trust Fund – State Department for Housing and Urban Development.

- (e) Kenya Institute for Public Policy Research and Analysis (KIPPRA).
- (f) Lake Victoria Water Supply and Sanitation Programme Phase II (Project No. P-Z1-EAO-004 (ADF Grant No. 2100155019967) – Lake Victoria South Water Works Development Authority.
- (g) EPC/turnkey construction of five footbridges and T-Mall flyover on Mombasa and Langata Roads (Project Loan Credit No. 001001-19 and Ken-02001-19) – Kenya National Highways Authority.
- (h) Nairobi–Thika Highway Improvement Project Lot 3 Government Concessional Loan Agreement No. (2009) 39 Total No. (290) – Kenya National Highways Authority.
- (i) Water Sector Development Programme – Lake Victoria South (Kericho, Kisii, Nyamira and Litein) Loan No. BMZ 201065861 (Grant No. BMZ 201070457) – Lake Victoria South Water Works Development Agency.
- (j) Kenya Towns Sustainable Water Supply and Sanitation Programme – CR. No. P-KE –E00-011 (AFDB Loan No. 2000200000501) – Central Rift Valley Water Works Development Agency.
- (k) Transforming Health Systems for Universal Care (THS-CS) (Project Grant IDA Credit No. 5836 – KE TFOA2561, TFOA2792 and CR. P152394) – Ministry of Health.
- (l) African Environmental Health and Pollution Management Project (AEHPMP) –National Environment Management Authority (NEMA).
- (m) Safe Roads/Usalama Barabarani Programme (EU Grant No. KE/FED/037-778) – National Transport and Safety Authority.
- (n) Eastern Africa Regional Transport, Trade and Development Facilitation Project (CR No. 5638 – KE IDA) – State Department for Infrastructure.

The Temporary Speaker (Hon. Martha Wangari): The next will be the Vice-Chairperson of the Departmental Committee on Health.

Hon. Patrick Ntwiga (Chuka/Igambang’ombe, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Health on its consideration of the Ratification of the African Union Treaty for the establishment of the African Medicines Agency (AMA).

The Temporary Speaker (Hon. Martha Wangari): Thank you. Next Order!

NOTICES OF MOTIONS

ADOPTION OF REPORT ON RATIFICATION OF THE AFRICAN UNION TREATY FOR THE ESTABLISHMENT OF THE AFRICAN MEDICINES AGENCY

The Temporary Speaker (Hon. Martha Wangari): Chairperson, Departmental Committee on Health.

Hon. Patrick Ntwiga (Chuka/Igambang’ombe, UDA): Thank you, Hon. Temporary Speaker. I beg to give Notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on its consideration of the Ratification of the African Union Treaty for the establishment of the African Medicines Agency (AMA), laid on the Table of the House on Wednesday, 22nd March 2023 and pursuant to the provision of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the African Union Treaty for the establishment of the African Medicines Agency (AMA).

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Kanduyi, Hon. John Makali.

EXPANSION OF DRUG AND SUBSTANCE
ABUSE REHABILITATION CENTRES

Hon. John Makali (Kanduyi, FORD - K): Hon. Temporary Speaker, I beg to give Notice of the following Motion:

THAT, aware that according to the National Protocol for Treatment of Substance Use Disorders in Kenya by the Ministry of Health, drug abuse has been increasing in Kenya especially among the youth with statistics indicating that more than half of the drug users are aged between 10 and 19 years; further aware, that research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December, 2022 placed Western as the leading region in alcohol and substance abuse at 23.8 per cent, followed by the Coast Region at 13.9 per cent and the Central Region at 11.9 per cent; recognising that, the high level of drug abuse in Western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments especially in Bungoma and Busia Counties with statistics indicating that two out of every five establishments in Bungoma, operate illegally; further recognising, that a majority of the consumers of illegal substances are school-going children who end up dropping out of school; and cognisant of the fact, that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to among other things, facilitate the dissemination of information on alcoholic drinks, and promote rehabilitation programmes in the country; this House urges the Government to institute intensive programmes for the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and increase the number of rehabilitation centres across the counties.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Next Order!

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

The Temporary Speaker (Hon. Martha Wangari): The first Question by the Member for Maragwa, Hon. Mary Wamaua will be deferred. She is bereaved, having lost her mother. It will therefore, be deferred to the next Sitting.

Question 57/2023

INABILITY OF MUSWASCO TO MEET WATER DEMAND IN MARAGWA,
KIGUMO, KANDARA AND GATANGA CONSTITUENCIES

(Question deferred)

The Temporary Speaker (Hon. Martha Wangari): Next Question will be by the Member for Kaloleni, Hon. Paul Katana.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

*Question 58/2023*CLASSIFICATION OF KALOLENI CONSTITUENCY
AS A HARDSHIP AREA

Hon. Paul Katana (Kaloleni, ODM): Hon. Temporary Speaker. Could the Cabinet Secretary for Public Service Gender and Affirmative Action:

- (a) Explain the criteria used by the Ministry to categorise and gazette areas as hardship zones in the country and the reasons why Kaloleni has not been gazetted as a hardship zone despite the adverse conditions in most parts of the constituency?
- (b) When does the Ministry intend to classify Kaloleni Constituency as a hardship area in order to compensate public servants who serve in the region under adverse conditions?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The Question will be replied to before the Departmental Committee on Labour.

Hon. John Makali.

*Question 59/2023*RELEASE OF MONEY TOWARDS RESTRUCTURING
OF NZOIA SUGAR COMPANY LIMITED

Hon. John Makali (Kanduyi, FORD - K): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for the National Treasury and Planning to:

- (a) Confirm whether the Government ever released the sum of Ksh21,782,366,530 and a further Ksh908,878,470 towards restructuring of Nzoia Sugar Company Limited as per the recommendations of Sessional Paper 12 of 2012 adopted by the National Assembly on 9th January 2013?
- (b) Provide evidence indicating when the funds were released and whether any debts were written-off?
- (c) Provide details of the current annual status of the Balance Sheet for Nzoia Sugar Company Limited?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): That Question is to be replied to before the Departmental Committee on Finance and National Planning.

Member for Turkana Central, Hon. Joseph Emathe.

*Question 60/2023*DEPLOYMENT OF KDF IN TURKANA, WEST POKOT, ELGEYO
MARAKWET, BARINGO, LAIKIPIA AND SAMBURU COUNTIES

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Defence to:

- (a) Explain the circumstances under which the Government deployed the Kenya Defence Forces to Turkana, West Pokot, Elgeyo Marakwet, Baringo,

Laikipia and Samburu Counties pursuant to Article 241(3)(b) and not Article 241(3)(c) of the Constitution?

- (b) Provide a report on the effectiveness, if any, of the operation so far, given the scope and nature of deployment contemplated under Article 243(3)(b) of the Constitution and whether any perpetrators of insecurity have been apprehended?
- (c) Urgently consider deployment of the Kenya Defence Forces to Turkana, West Pokot, Elgeyo Marakwet, Baringo, Laikipia and Samburu Counties in the manner provided for in Article 241(3)(c) of the Constitution in order to give the Forces appropriate authority, mandate and command to restore security in the affected Counties?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. That Question is to be replied to before the Departmental Committee on Defence, Intelligence and Foreign Relations. Member for Kuresoi South, Hon. Joseph Tonui.

Question 61/2023

STALLED CONSTRUCTION OF OLENGURUONE STADIUM

Hon. Joseph Tonui (Kuresoi South, UDA): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development to:

- (a) Explain the terms under which construction of the Olenguruone Stadium, which was being undertaken by the National Government through the Ministry of Public Works, Housing and Urban Development was transferred from the National Government to the County Government of Nakuru?
- (b) Provide details of the contract sum for the named project, the amount that was paid out at the time of transfer, the outstanding balance and clarify whether the corresponding contract sum was transferred to the County?
- (c) Explain the reasons why the contractor for the Olenguruone Stadium project deserted the site despite having been paid funds to start the works?
- (d) State the plans that the Ministry put in place to ensure that the abandoned Olenguruone Stadium is completed, ensure that no funds are lost and specify when construction works will resume?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. That Question to be replied to before the Departmental Committee on Housing, Urban Planning and Public Works.

Hon. Members, I have a communication to recognise a delegation from the Parliament of Namibia.

DELEGATION FROM THE PARLIAMENT OF NAMIBIA

Hon. Members, I wish to introduce to you a delegation of the Parliament of Namibia who are seated in the Speakers Row. The delegation comprises Members of the Parliamentary Standing Committee on Implementation and Coordination and they are as follows:-

1. Hon. Victoria Mbawo Kauma (MP) – Head of Delegation
2. Hon. John Likando (MP) – Member
3. Hon. Peter Kazongominja (MP)
4. Hon. Melania Ndjago (MP)
5. Hon. Hans Nambodi (MP)

6. Hon. Alfeus Abraham (MP)
7. Hon. Olivia T. Hanghuwo (MP)

Hon. Members, the delegation is accompanied by three parliamentary officers:

1. Mr. Barney Karuombe
2. Miss Muono Matengu
3. Mr. Bernard Mwira.

The delegation is on a visit to benchmark with their counterpart committee in the National Assembly. Hon. Members, on my own behalf and that of the National Assembly, I welcome them to Parliament and wish that they will have fruitful discussions and engagements during their stay in the country.

I thank you. Next Order.

BILL

First Reading

THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL (National Assembly Bill No.1 of 2023)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen Baya, what is your point of order?

Hon. Owen Baya (Kilifi North, UDA): My point of order Temporary Speaker is on the leadership in the House. As a Parliament, we have Minority and Majority and National Assembly is comprised of both. This Parliament takes care of the leadership of both sides but for the whole of this week, we have noted that one side has been permanently absent. Very important Bills are coming and we have done the Division of Revenue Bill. We have passed several very important legislations that affect the country going forward especially on the economic front. The Minority Side has not been doing their job. The Minority Side has not been in this Parliament.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Baya. We have the quorum in this House. We are well constituted to transact business. I think the leadership... You know where we meet with the two sides of the aisle.

Let us go to the next Order.

HOJA

UPIGAJI MARUFUKU UZUNGUMZIAJI, UCHAPISHAJI NA USAMBAZAJI WA TAARIFA ZINAZOKUZA MAHUSIANO YA JINSIA MOJA

KWAMBA, tukifahamu kuwa, familia ndio kiungo cha msingi cha jamii, nakutambua kwamba utamaduni wa Kiafrika unathamani sana asasi ya ndoa ambayo inahakikisha kuendelea kwa binadamu kupitia uzazi; tukizingatia ukweli kwamba Ibara ya 45(2) ya Katiba inaeleza kuwa kila mtu mzima ana haki ya kufunga ndoa na mtu wa jinsia tofauti, kwa msingi wa hiari baina ya wahusika; tukitambua pia kwamba Kifungu cha 162 cha Kanuni ya Adhabu kinamtia hatiani yeyote ambaye anashiriki tendo la

ngono lisilo la kawaida na mtu yeyote kinyume na utaratibu wa asili; tukizingatia kuwa mahusiano na ndoa za jinsia moja na ngono inayotokana na mahusiano haya ni kinyume na utaratibu wa asili; tukisikitika kwamba kumekuwa na ongezeko la mahusiano ya jinsia moja nchini Kenya kutokana na usambazaji wa vitabu na machapisho yanazokuza upotovu huo; tukitambua kwamba uchapishaji na usambazaji wa nyenzo zinazohusu mahusiano ya jinsia moja katika machapisho na vyombo vya habari una athari kali kwa maadili ya jamii kuhusu mwelekeo wa kijinsia; tukimaizi kwamba kuna haja ya kutekeleza sheria ili kulinda na kuhifadhi maadili ya mahusiano ya jinsia tofauti katika taifa; tukifahamu kwamba hakuna uwezekano wa kuzaa kutokana na mahusiano na ndoa za jinsia moja; tukihofia kwamba kuongezeka kwa mahusiano na ndoa za jinsia moja kunaitia jamii ya wanadamu nchini katika hatari ya kutoweka; Bunge hili hivyo basi linaazimia kwamba Serikali ipige marufuku mara moja uzungumzaji, uchapishaji na usambazaji wa taarifa zinazokuza mahusiano ya jinsia moja nchini na kuweka mikakati ya kudhibiti maudhui hayo kwa mujibu wa Ibara ya 45(2) ya Katiba na Kifungu cha 162 cha Sheria ya Adhabu ili kuikinga jamii, hasa watoto na vijana, dhidi ya kufikiwa na mielekeo potovu ya mapenzi na ndoa ya jinsia moja.

*(Moved by Hon. Mohamed Ali
on 15.3.2023 – Morning Sitting)*

*(Resumption of Debate interrupted
on 15.3.2023 – Morning Sitting)*

The Temporary Speaker (Hon. Martha Wangari): Hoja ilioko kwenye Ukumbi huu uliowasilishwa na Mhe. Mohammed Ali imesalia dakika kumi na saba. Mhe. wa Turkana aliyekuwa kwenye kipaza sauti amebakisha dakika sita kama anataka kuzitumia. Kama hataki kuzitumia, kuna dakika saba alafu tutampatia mwenye kuwasilisha jibu.

Vile vile ninaona kwamba kuna watu wengi wanataka kuzungumza na ni vizuri nijulishwe kama unataka kuongelea Hoja hii. Nijulishe kwenye hoja ya nidhamu ama *intervention*.

Mbunge wa Kaloleni, Mhe. Paul Katana.

Hon. Paul Katana (Kaloleni, ODM): Asante Spika wa Muda. Ninasimama kuunga mkono Hoja hii kupinga kupiga marufuku uzungumzaji, uchapaji, usambazaji wa taarifa zinazohusiana na mapenzi ya jinsia moja.

Sisi kama Waafrika tuna utamaduni wetu, desturi na mila zetu ambazo haziusiani na jinsia moja yaani wanaume waoane na wanaume na mwanawake aoane na mwanamke. Nchi hii ina sheria zake na kanuni zake ambazo ziko ndani ya Katiba. Mambo ya ushoga na usagaji yanaenda kinyume na mila na tamaduni zetu kama Waafrika. Tunapinga vikali kiini ama njia yoyote ambayo inaweza kuleta mauhusiano ya mwanaume kwa mwanaume. Hata shetani mwenyewe alipokua anamjaribu Hawa hakuenda kwa Adamu. Alijua ndoa ni ya mwanamke na mwanaume.

Hii ni njia ambayo mataifa ya kigeni yanataka kutumia ili kuhakikisha ya kwamba ongezeko la wananchi katika bara la Afrika linapungua kwa kiwango kikubwa. Ni lazima kama Wakenya kupinga vikali na wale wote wanaotumika kueneza haya mambo ni lazima wachukuliwe hatia kali. Tunajua mbinu na njama, hii ni desturi ya watu wa nje kule America na katika nchi za Jumuiya ya Madola. Kama wanataka kufanya ushoga, wafanye kwao Ulaya na Amerika, watuwache sisi Waafrika tuendeleo na mila zetu, dini zetu na desturi zetu. Hatuwezi kubali mambo ya ushoga na usagaji katika taifa letu.

Asante Spika wa muda.

The Temporary Speaker (Hon. Martha Wangari): Thank you. To the visiting Namibian delegation, this is to notify them that we have three languages in this House: English, Kiswahili, which is the local language that is being used now or Kenyan Sign Language.

Nafasi hii ninampatia Mbunge wa Rabai.

Hon. Kenga Mupe (Rabai, PAA): Asante sana Spika wa Muda. Nami nasimama kuunga mkono Hoja hii ambayo ililetwa na Mhe. Mohammed Ali ambayo kwa hakika tunasimama kidete kupinga maswala ya mambo ya ushoga. Taifa letu la Kenya ni taifa ambalo tuko na misingi ya kidini. Dini zote ndani la taifa la Kenya hazikubaliani na maswala ya mambo ya mashoga na usagaji. Mimi nataka niunge mkono nikisema kwamba napinga kikamilifu. Sisi kama Wakenya, ni watu ambao tunatii dini na kama nilivyotangulia kusema, dini hairuhusu maswali ya ushoga wala usagaji.

Mimi nataka niunge mkono Hoja hii na Bunge hili la Kitaifa linapopitisha Hoja hii tuhakikishe kwamba sheria kali inatolewa kwa wale ambao watakua na matendo la ushoga ama usagaji.

Asante sana Spika wa Muda nasimama kuunga Hoja hii nikilaani vikali sana maswala ya ushoga na usagaji katika Taifa letu la Kenya. Nataka kumshukuru Rais wetu wa Jamhuri ya Kenya kwa sababu amekua mstari wa mbele kupinga ile uamuzi ambao ulitolewa na mahakama. Uamuzi ambao ulikua unasema kwamba ushoga uweze kuendelea. Nataka nisimame hapa kumshukuru Rais wetu kwa kua kwa mstari wa mbele kupinga maswala ya ushoga ndani ya Kenya yetu.

Asante sana Spika wa Muda, asante sana Mohammed Ali kwa kuja na Hoja hii.

Spika wa Muda (Mhe. Martha Wangari): Muda wa Hoja hii unaendelea kuyoyoma. Tuko na dakika moja pekee yake. Ningependa kumpa fursa Mhe. Hillary Kosgei.

Hon. Hillary Kosgei (Kipkelion West, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Motion. The West, especially America, has been engaged in a serious reengineering of the New World Order. They brought us Christianity. However, when they realised that Africans have adopted Christianity and Islam and that they are going to heaven, they are now introducing a new program of LGBTQIA+ to reengineer the world to take them back to hell. We will not accept homosexuality in our society. We have to stand firm as the African society and be counted universally as a continent that fears God and as a people who respect culture and marriage as ordained in the holy books of the Bible and Quran.

Hon. Temporary Speaker, I beg to support.

Spika wa Muda (Mhe. Martha Wangari): Najua wengi wangependa kuchangia lakini muda umetupa kisogo. Ningependa kumpa aliyewasilisha Hoja hii, Mbunge wa Nyali, Mhe. Mohammed Ali, aweze kujibu. Uko na dakika kumi.

Mhe. Mohamed Ali (Nyali, UDA): Shukran sana Mhe. Spika wa Muda. Ningependa kuwasilisha Hoja hii na kwanza kabisa ningependa kuanza kwa kuwapongeza Wabunge wa taifa kwa kujitokeza na kuweza kuunga mkono Hoja hii wa kupinga matendo ya kishetani yanayojaribu kuletwa na wazungu katika taifa hili letu. Mimi nitaendelea kusimama kidete na kusema ya kwamba hatutakubali kamwe tabia za Wamerekani ziletwe hapa ili mashoga na wasagaji waweze kutawala nchi hii.

Ningependa kumwambia Balozi wa Marekani humu nchini Bii. Meg Whitman kuwa ya kwao ayafanye Marekani na ya Kenya awaachie Wakenya. Mambo ya kutuletea mambo ya ushoga na usagaji na hata kutumia pesa kufikia viongozi mbalimbali na kutumia misaada haramu ili kuweza kuleta tabia hii mbovu humu nchini Kenya, hatutakubali. Kama wewe unajiona kama kiranja wa dunia ifahamike ya kwamba mkuu wa hii dunia ni Mwenyezi Mungu na katika dini ya Kikristo na dini ya Kiislamu na dini zingine zote, mwenyezi Mungu ameikataa.

Ningependa pia kuchukua fursa hii niweze kumpongeza sana Rais Yoweri Kaguta Museveni. Mungu akupe afya na akuongezee umri kwa sababu jana ulitia sahihi ya kuhakikisha

mashoga na wasagaji kule hawatambi na hawatapewa nafasi. Pia nataka nimpongeze Rais wa Jamhuri ya Kenya Daktari William Samoei Ruto kwa kusimama kidete na kumwambia Mwanasheria Mkuu (*Attorney General*) aangalie maamuzi yale yaliyofanywa na Mahakama Kuu na kuhakikisha kwamba hayo maneno yamebatilishwa na yaende vile ambavyo Wakenya, Katiba ya Kenya na dini ya Mwenyezi Mungu inataka. Kumbuka wiki iliyopita nilikuwa katika Bunge hili na nikaweza kutoa vitabu vitakatifu. Nilikuja na Bibilia na Quran. Kwa wale ambao hawakuwa, nilitoa hata Aya katika Bibilia na katika Korani. Katika Bibilia tume onywa. Katika Walawi 20:13 Mwenyezi Mungu anasema mwanamume yeyote akilala na mwanamume mwenzake kama alalavyo na mwanamke, basi wote wawili ni lazima wauwawe. Haya sio maneno yangu bali ni Mwenyezi Mungu. Sikilizeni maandiko vizuri: kwani wamefanya jambo lililo chukiza na watawajibika kwa umwagikaji wa damu yao wenyewe. Ukifanya ushoga na usagaji, Mungu anasema muuwawe. Hatutabembeleza nchi, tutafuata Katiba ya Mungu. Koran Anisa Sura ya kumi na sita inasema kuwa: Na wale wanaume wawili wanaofanya uchafu yaani wanaume kwa wanaume miongoni mwenyu, waadhibuni wote. Kwa lugha ya Kimombo, *discipline them*. Marekani inakuja kusema kuwa ni demokrasia wanaume kupandana kama mbuzi ama wanawake kupandana. Hiyo sio demokrasia ila ni ushetani. Viongozi msiogope. Nimewaambia kuwa mkitaka mchukue viza yangu. Viza tunayotafuta duniani ni viza ya ufalme wa mbinguni. Tusiogope hivi vijikaratasi vidogo na sheria zao. Wazungu walikuja hapa Afrika wakatutoa katika utamaduni wetu, wakatudhulumu, wakatufanya wakimbizi wa ndani kwa ndani na kuwaua wazee wetu. Wakawanyanganya ardhi na kuwatesa hata na kuwafanya maabusu na kuwauza kama mifugo katika mataifa ya nje ili Waafrika waende wafanye kazi chafu chafu.

Leo, hata mfano ukitokewa katika sinema na vitabu, huwa wanaonyesha kuwa watu weupe ni malaika na watu weusi ni mashetani. Jamani fungueni macho nyinyi Waafrika! Alama ya shetani ni nyeusi. Hakuna siku utaona shetani mweupe. Hata katika sinema, mwizi, muuaji, mbakaji na mtu mbaya ni Mwafrika. Hawawezi weka mwizi au shetani mzungu kwa sababu wamedharau hata ngozi yetu. Ukienda saa hii kule kwao, wanabagua Waafrika. Mnaitwa *monkeys, gorilla* na kila aina ya majina na mnachekeka mkisema wazungu. Eti mzungu akitoa hewa ni marashi na Mwafrika akitoa hewa ni uchafu. Amkeni kumekucha! Mkatae haya ya wazungu na mwaite kwa majina yao.

Mimi leo namtaja Balozzi wa Marekani ambaye wiki iliyopita alifanya mikutano na mashoga na wasagaji na akasema katika lugha ya Kimombo kuwa ni *Democracy and Human Rights*. Hakuna haki za binadamu pale. Muende mfanye usagaji huko kwenyu. Chukueni hao mashoga na mwapatie viza, greencard na hizo haki za binadamu katika mataifa yenyu. Nchi hii ya Marekani imeharibu dunia nzima na milki za Kiarabu kwa vita za mafuta. Imeharibu mataifa mengine kwa sababu ya madini. Imeharibu kila nchi Afrika.

Hon. Caroli Omondi (Suba South, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Caroli Omondi, what is your point of order?

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, while I agree with a lot of things that the Member is saying, is it in order for him to make statements that imply hostility towards a friendly country, the United States of America? Is he in order?

The Temporary Speaker (Hon. Martha Wangari): What is that Standing Order?

Hon. Caroli Omondi (Suba South, ODM): Without a substantive Motion.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mohamed Ali, I would want you to also be careful not to go against our Standing Orders. You are not supposed to expressly discuss matters pertaining to an elected official resident. Let us adhere with that in mind.

Mhe. Mohamed Ali (Nyali, UDA): Mhe. Spika wa Muda, wajua Marekani ikitajwa kuna watu matumbo yanaingia joto. Mimi sizungumzii Wamarekani kwa jumla ila nazungumzia anayetaja kwa sababu yule Balozzi ameita mashoga wa Kenya. Hajawaita

mashoga wa Marekani. Amezungumzia swala linalotuhusu sisi Wakenya. Kwa hivyo, kwa sababu ya kidiplomasia na heshima ya mataifa, tutaheshimiana lakini ukienda kinyume na Katiba ya nchi yetu, hatutaheshimiana. Kwa hivyo Mhe. Spika wa Muda, sijamtaja kwa njia mbaya ila nimeamtaja kwa sababu yeye anajaribu kufanya mambo kinyume na Katiba ya nchi. Sisi tunaheshimu Katiba yao na wao pia waheshimu Katiba yetu, dini na utamaduni zetu kama Wakenya na Waafrika.

Mhe. Spika wa Muda, naona muda unanipa kisogo na Wabunge wenzangu wanataka kuchangia. Nitamwachia dada yangu dakika zilizosalia ili aweze kuchangia lakini ningeomba uwape muda kidogo wangwana hawa ili waweze kuzungumzia haya maswala. Naomba Bunge hili lipitisha Hoja hii tukisubiri Mswada wa Mhe. Kaluma.

Asante sana, Mhe. Spika wa Muda. Langu la mwisho ni kuwaomba Wabunge waweze kupasisha Hoja hii na kuhakikisha kwamba hizi tabia hazikaribii watoto wetu na kizazi kijacho. Wahakikisha kwamba hakuna uchapishaji wa taarifa zinazokuza mahusiano ya jinsia moja, na uonyeshaji wa uchafu wa wanaume kwa wanaume au wanawake kwa wanawake katika vipindi vya runinga. Haya yote yanafaa kuzuliwa na Serikali ya Kenya ili tulinde kizazi kijacho. Nawasilisha Hoja na kuomba Wabunge waweze kupitisha Hoja hii tunaposubiri Mswada wa Mhe. Kaluma ambayo itapelekwa kwa Rais wa Jamuhuri ya Kenya aitie kidole ili tusahau haya mambo mara moja tulinde vizazi vyetu.

Asanteni sana na Mungu awabariki.

The Temporary Speaker (Hon. Martha Wangari): Hoja kutolewa iamuliwe itafanywa katika kikao kijacho.

(Putting of the Question deferred)

(Technical hitch)

The Temporary Speaker (Hon. Martha Wangari): Hon. Edwin Gichuki.

Hon. Edwin Gichuki (Mathioya, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I take this opportunity to welcome St Angela Kiriaini Girls to Parliament. Indeed, this is the first school from Mathioya Constituency that has visited Parliament since 9th August 2022. Kiriaini Girls is one of the best performing schools in Murang'a County and Mathioya Constituency. I want to ask the girls not to disappoint Mathioya and to continue working hard. A word of advice to the girls and to the rest of the schools is, one, they equip themselves with knowledge, wisdom and obedience; two, to keep themselves a way from damaging habits and relationships; and, lastly, to live within their means. They should make sure they do not live beyond their means. They should work hard.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Next Order.

MOTION

REDUCTION IN COST OF ELECTRICITY IN THE COUNTRY

The Temporary Speaker (Hon. Martha Wangari): Member for Laikipia County, Hon. Jane Kagiri. We have issues with our system. Walk to the Dispatch Box.

Hon. Jane Kagiri (Laikipia County UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, aware that the cost of electricity has been at an all-time high affecting the cost of living and doing business; acknowledging that, the Kenya Power and Lighting Company PLC (Kenya Power) procures electricity from the

Kenya Electricity Generating Company PLC (KenGen), a government-owned company, and from Independent Power Producers (IPPs); recognizing that, Kenyan Power has entered into Power Purchase Agreements (PPAs) with both KenGen and the IPPs and procures power from them at unregulated rates; noting that, there is need to regulate all IPPs in the country and publicize their locations, stakeholders, directors, management and their addresses and agreements entered into with Kenya Power; cognizant that, recommendations from past taskforce reports relating to power purchase and rates have not been implemented; deeply concerned that, Kenya Power has in the past procured a larger quantity of power from the IPPs at a greater cost, rather than from KenGen, leading to higher cost of power; cognizant of the fact that, there is need to put in place policies, strategies and regulatory measures for better planning to moderate the cost of electricity and enable access to energy by all particularly in the manufacturing sector to ease the cost of production and doing business; this House therefore resolves that:

1. the Departmental Committee on Energy undertakes an inquiry into the operations of Kenya Power in relation to agreements entered into with IPPs, factors affecting the cost of electricity, including over-reliance on IPPs against available renewable and other energy sources, and measures to reduce it and submits a report to the House within one hundred and twenty (120) days;
2. in the meantime, the Ministry and Kenya Power should not enter into new contracts with any IPPs until the House makes a resolution on the matter;
3. informed by the reports of previous task forces on the matter, the Ministry engages in negotiations with power producers with a view to reducing the cost of power; and
4. the Ministry and Kenya Power develop suitable strategies for engagements with the IPPs, in order to provide relief for electricity consumers and ensure the long-term viability and sustainability of the energy sector.

According to world best practices, any business or enterprise allows an acceptable loss of between 2 and 6 per cent. That means that the average is 4 per cent. If I may put it with a better example, a woman who buys a sack of cabbage from *Marikiti* Market will give herself an acceptable loss of between one and two cabbages that could be rotten. A greater example is a bodaboda person who delivers trays of eggs in a local town. The rider will give himself an acceptable loss of around one tray or 10 eggs that will crack in between the deliveries of eggs to customers.

According to the global best practices in the energy sector, the acceptable loss is 13.5 per cent. However, the Kenya Power and Lighting Company has an acceptable loss of 25 per cent. To put it in simpler terms, what that means is that in every four units the Kenya Power and Lighting Company purchases, one unit is lost. In the year 2022, the Kenya Power and Lighting Company encountered a loss of 22.43 per cent. Looking at those figures, you would assume that it is a small percentage. The Kenya Power and Lighting Company went ahead to request the Energy and Petroleum Regulatory Authority (EPRA) to allow it to pass on 19.9 per cent of that loss to consumers; this was up from 14.5 per cent in the previous year. The 22.43 per cent we are talking about translates to around Ksh35.7 billion per year lost at the Kenya Power and Lighting Company. Again, this is a figure that we need to put into perspective.

Recently in this House, we approved the budget estimates. It is good to take this honourable House through what the Ksh35.7 billion can do for us. In the State Department for

Early Learning and Basic Education, and the Technical and Vocational Education and Training (TVET), this honourable House approved for them a budget of Ksh33 billion. We approved a budget of Ksh32 billion for the State Department for Correctional Services that involves all the prisons we have in this country. We approved Ksh33 billion for the State Department for Social Protection and Senior Citizens Affairs which includes the 1.183 million elderly persons who are under the cash transfer programme. We approved Ksh33 billion for them. This means that Ksh35.7 billion is money that is enough to run a State Department successfully in this country and even give us change to keep.

When we compare ourselves with our neighbours, Kenya's electricity tariff remains very expensive. We pay Ksh23 per unit in Kenya. Ugandans pay Ksh20 per unit for electricity. Tanzanians pay Ksh12 per unit for electricity. Ethiopians are doing much better because they pay Ksh6 per unit for electricity. Egyptians pay Ksh3.75 per unit for electricity. This tells us that our country, Kenya, charges seven times the cost of electricity as compared to Egypt.

Hon. Temporary Speaker, this remains a very heavy outcry from our consumers, businesses and even individuals in this country on the high cost of electricity. There have been four taskforces created in the last four years to try and solve this issue. Unfortunately, it is still not concluded. It is my hope and prayer that this Motion is the one that will help us resolve this issue for the rest of our time as Kenyans.

We cannot speak about the cost of electricity without seeing the challenges Kenya Power and Lighting Company (KPLC) encounters. One of them is Kenya Electricity Generating Company (KenGen) and Independent Power Producers (IPPs) who are supposed to be generators of electricity. Kenya Electricity Transmission Company (Ketraco) was supposed to be the transmitter of that electricity. KPLC is supposed to be the distributor of that electricity. As it stands today, KPLC is a distributor as well as a transmitter of electricity. If we are reminded of the losses that I have just mentioned earlier...

(Loud consultations)

When we look at the current situation, it will be very difficult to tell if it is Ketraco or KPLC which needs to take responsibility for the losses that we encounter in transmission. It is important to also note that KPLC handles a very high budget burden. This is caused by high operational costs, low cost collection efficiency, significant increase of power purchase costs and investment in political pet projects like the Last Mile Connectivity which eventually became commercially inviable. This has contributed greatly to KPLC not being able to upgrade its infrastructure that causes losses which are later on transferred to the consumer.

I would also like speak on KPLC's billing system. It is important to note that KPLC still does the manual reading of meters and bill approximation which is highly inefficient. It is prone to inaccurate approximation of bills. When losses are counted, they are transferred to consumers at that wrong approximation. On this note, I want to remind this honourable House that when I was a young girl, we had companies called Kenya National Assurance and Telkom which were great giants in this country. Nobody thought that they would ever be felled by anybody. Today, we no longer speak about them. I would like to remind KPLC that it is not a giant big enough that it cannot be felled. Currently, we have complaints of underserved clients, frustrated demand and unreliable supply. All these will force our consumers to look for a more reliable alternative.

Let me speak on KPLC generation of electricity. Unfortunately, it highly depends on thermal producers for its production of electricity. We must remember this is something that is affected by global fluctuations and in turn when market prices change, the effect is felt by our consumers greatly.

At this point, I would like to mention that in the year 2020, KPLC paid Ksh44 billion to IPPs who only produced 25 per cent of the electricity in this country. KPLC went ahead and paid Ksh38 billion to KenGen which had produced 72 per cent of the electricity in this country. This explains to us the high cost we incur for us to buy electricity from these IPPs.

Allow me to move onto the IPPs factor and mention that they generate electricity using various technologies: geothermal, hydro, solar and wind. They enter into long-term contracts with KPLC which run from 20 to 30 years. The single off taker which is KPLC is mandated by law, through the agreements, to take or pay for the capacity of the power plant. When I say take or pay, it means whether we take it or not, we have to pay. My further research moved me to realise the prices that we get from KenGen and IPPs. This was a shocker to learn that at KenGen, we buy one unit of electricity at Ksh5.30. On the other hand—the IPPs, especially the thermal producing ones—sell to us a unit of electricity at Ksh195. This answers the cost of our electricity bills.

Let me further explain about the fixed agreements that KPLC has with the IPPs. It has to buy a fixed amount of power from these IPPs. These contracts often have fixed costs which are not affected by demand or market. This forces KPLC to pay for power that it does not need.

(Hon. Edwin Gichuki crossed the Floor without bowing)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. Hon. Member for Mathioya, you do not just cross the Floor. You know what the Standing Orders say.

Hon. Jane Kagiri (Laikipia County, UDA): Hon. Temporary Speaker, this forces KPLC to pay for energy that it does not need which contributes further to the consumer paying high electricity bills. It is important to note that the dominance of IPPs has equally affected us because they limit competition. Number two, it also makes it difficult for KPLC to negotiate prices. Number three, lack of competition also gives them higher bargaining power and we have to go by their terms.

(Loud consultations)

We also have to speak of the regulator, Energy and Petroleum Regulatory Authority (EPRA), which ensures tariffs reflect the cost of providing electricity to the consumer. Unfortunately, this is not the case because EPRA also seems to be moved by the political situation in the country, and eventually does not do as expected. It is in this precedence that we find KPLC transferring the high cost of electricity to the consumers and in turn everybody pays very high electricity bills. For electricity bills to come down in this country, it is in my humble opinion that we need to create a Negotiation Commission that will competitively procure and negotiate with these IPPs on behalf of KPLC and change the IPP agreement from take or pay to take and pay. This means that we only need to pay for what we take.

The second thing is that we must lower the acceptable system losses at KPLC. Somebody has to take responsibility for anything that is lost above the acceptable loss given by the country. This will reduce inefficiencies and losses at KPLC.

My third point is that we need to allow Ketraco to wholly handle transmission and leave KPLC to handle distribution, marketing as well as billing. We need to create an IPP office which will be self-sustaining. It will have its stakeholders, engineers, developers, investors, lenders and legal minds who can decide on the lowest cost, monitor output, oversee the fidelity of all these agreements and eventually the consumer will get a better deal from what KPLC will offer.

We, as a country, have also come of age to realise what global warming causes. Thermal production of electricity is a high contributor to that. We need to reduce it and make it to be on standby but not our main stream source of energy production.

Procuring cheaper and renewable energy will also be a positive effect to the consumer and will reflect on the bill. Every Kenyan yearns for a country that we can make better for ourselves and even future generations. For Kenya to become globally competitive, KPLC must lower the cost of electricity. For our country to become an industrial hub but not just the gateway to Africa, KPLC must lower the cost of electricity. For our country to become middle-income by the year 2030, KPLC must lower the cost of electricity. For our food prices to come down, KPLC must lower the cost of electricity. For His Excellency the President and our Kenya Kwanza Government to keep the promise of providing employment to young people in this country, Kenya Power must lower the cost of electricity. For the cost of production to come down, Kenya Power has to lower the cost of electricity. Finally, for us to make this country better in terms of ease of doing business, Kenya Power has to lower the cost of electricity.

Thank you, Hon. Temporary Speaker. I beg to move and request Hon. Caroli Omondi to second.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. With a lot of pleasure, I rise to second the Motion. Let me begin by invoking the words of an African-American writer, James Baldwin. He once said that ignorance allied with power is the most ferocious enemy of justice. I paraphrase him by saying that beauty allied with brain, as the fine lady from Laikipia has just demonstrated, is probably what the doctor ordered for Kenya's economic problems today.

There is something called 'State capture'. It is where a decision-making authority is appropriated by individuals who exercise that authority not for public gain, but for private interest. The issue of power supply in Kenya is a classic case of State capture. I want to talk about the problem of Power Purchase Agreements (PPAs) and recommend some solutions as we discuss this important matter. The greatest problem that we face in Kenya today with respect to PPAs, is conflict of interest. The decision-makers who have been awarding these PPAs are the beneficial owners of the entities that have been given the contracts to supply power. So, there is no arm's length in the transactions. We cannot clearly say that there are fair dealings on these matters. There is no transparency because those who are making the decisions are the ones who are benefiting and they are not serving public interests, but private interests.

Bribery and corruption are very apparent in the PPAs that we have signed as the Republic of Kenya. I speak from historical experience as the person who wrote the law that separated Kenya Power and Lighting Company (KPLC), Energy and Petroleum Regulatory Authority (EPRA) and the rest. I was the first Chief Executive Officer (CEO) of EPRA and I have a bit of deep domain knowledge on these matters. The procurement processes have not been competitive. We have something called Feed-In Tariff in Kenya, where you just walk in, negotiate a deal, and you are given a contract to supply power. It is not based on competition. It is good to indicate what the tariffs will be, but it must be competitive to get competent suppliers. That is not the case and there is no competition in most of these things. So, we have very expensive sources of fuel instead of using very cheap alternatives like Liquefied Natural Gas (LNG), which should have been procured over the years.

There are some things that we may not understand because we are laymen, for example, the long-term nature of PPAs. If you get it wrong at the beginning, you will pay for it dearly. There is something called Capacity Charge or Take-or-Pay Principle. Those are normal and they are not bad, but the problem is we are not matching the established demand with the supply. We, therefore, have excess supply and limited demand, but we still have to pay the Capacity Charge. The reason is that when somebody puts up a power plant, they must guarantee

that their power will be consumed. If you mismatch your demand with supply, then you will be paying for power that you are not consuming. Those are the problems.

Let me go to the solutions. It is established that there is conflict of interest and corruption in the way the PPAs have been procured over the years. We have a very classical case in this country, the duty-free case. A gentleman called Nasir Ibrahim Ali came and set up a duty-free company and then he was kicked out. He went to International Centre for Settlement of Investment Disputes (ICSID), which is a World Bank Entity. He pleaded that he bribed a former president and gave him a briefcase full of maize. The maize was \$3 million. Now, ICSID said that because his contract was tainted with corruption, they could not enforce it, but they acknowledged that it was unfairly terminated. That is the correct position in law. It is time, therefore, that this inquiry looked into the PPAs to find out where there is corruption or conflict of interest, so that we vitiate such PPAs. Kenya cannot be burdened to pay all those expensive PPAs when we know clearly, and it is demonstrable, that there was corruption and conflict of interest.

We should also retire the fuel fired PPAs like the one in Koru, which is the most expensive in the Republic of Kenya. We should retire it because to continue supplying power from there at very expensive tariffs is simply to burden industries and the local consumers. Twenty years ago, we tried to separate transmission from distribution. That is how Kenya Electricity Transmission Company Limited (KETRACO) was conceived. It was not just supposed to build power lines; KETRACO was supposed to be the transmitter of electricity as well as to be in charge of the National Dispatch Centre. If you separate transmission from distribution and generation, you give customers the opportunity to select their suppliers. The cheapest power is dispatched first and the most expensive power is dispatched last. We should, therefore, enhance and deepen the reforms and make KETRACO what it was supposed to be: not for rural electrification, but for controlling the Central Dispatch System and then we dispatch power on Economic Merit Order. We also need to deal with legal issues in this sector. We have problems of overstaffing, overstocking, corruption, and all those kinds of things. We need to deal with them.

Finally, it is now time to look for a strategic investor in Kenya Power the way we did with Kenya Airways when it was working and the way we did with Safaricom, which is still working. Twenty years ago, when I was a young lawyer, we wrote off Ksh4.5 billion, and brought *Koninklijke Luchtvaart Maatschappij* (KLM) as a strategic investor in Kenya Airways. In the following years, under the able leadership of the late Ndegwa and *Mzee* Okero, they made so much money that when Okero retired, Kenya Airways had Ksh4.5 billion cash in their accounts. This is because KLM was able to stabilise the operations of Kenya Airways. It is time we got a strategic investor to stabilise the operations of Kenya Power. You can see Safaricom is making a lot of money because we have Vodafone bringing the best experience and the best expertise. That is the way forward.

With those few remarks, I whole heartedly support the Motion. Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): Second.

Hon. Caroli Omondi (Suba South, ODM): I second the Motion. Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): Before I propose the Motion, allow me to recognise a delegation from the Homabay County Assembly, which has been seated at the Speaker's Gallery.

I wish to introduce to you a delegation from the County Assembly of Homabay comprising six Members of the Committee of Social Welfare and Equal Opportunity, and three members of staff who are at the Speaker's Gallery. Join me in welcoming them to the National Assembly to observe the deliberations.

(Applause)

Thank you, Members.

(Question proposed)

Our machines are back. I hope that the technical team has ensured that our machines are now working. I will give the first chance to the Chairperson of the Departmental Committee on Energy, Hon. Vincent Kawayia from Mwala.

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this very important Motion.

I first thank Hon. Jane. This Motion touches the hearts of Kenyans in very many ways. Part of the agenda of the Kenya Kwanza Government is to accelerate agricultural production and manufacturing for value addition. Unless we tame the cost of energy in general, which includes both petroleum and electricity, it will be a tall order for us to achieve that goal.

At the outset, it is important for all of us to understand what really constitutes a power bill. The monthly power bill that you receive consists of a component that comes out of a charge relating to generation of power, which is charged by the person selling power as the Feed-In Tariff. There is a component of evacuating that power, which is the transmission, now largely done by the KETRACO. There is a component of distribution of power, which is done by the Rural Electrification and Renewable Energy Corporation (REREC) and the Kenya Power Company. There are also other taxes that are charged and then you get your final bill.

The problem of high cost of electricity is very complicated. It is not just about IPPs. It is a well-calculated system of cartels who have managed to thrive in this business and even tried to use all possible means to frustrate the process of getting affordable power. We have an electricity generator, the Kenya Electricity Generating Company (KenGen). To give you quick statistics, last year but one, the total power produced by KenGen was 72 per cent of the total power that was bought by the Kenya Power Company. Of the total power bought by the Kenya Power Company, 25 per cent was from other IPPs. The interesting math is that the 72 per cent of power bought from KenGen cost the same as the 25 per cent of power bought from other IPPs.

The cartel system is such that if IPPs were to switch off today, I guarantee you that we would not have power in the country – in as much as they supply us with very little power. They have refined the system to hold us hostage. How? We need to understand that power is not just about generation. The most important thing that we need to consider is how to evacuate the power that we produce. Cartels have devised ways that ensure we do not succeed in evacuating cheap power to Kenyans because that is where the main issue is.

I will give you an example. If you go to the dispatcher one evening when we have the highest peak in demand, you will notice that we only have about 5 per cent of power to play around with. We use almost every other bit of power that we can access. You will notice that many times, we have idle power at KenGen that we are not using and at the same time we are buying very expensive power from thermal power producers. You then ask yourself why that is the case.

We have what we call on-grid and off-grid connections. There are Kenyans who are not yet connected to the main grid. They need access to power. There has been a deliberate effort to frustrate the connection of those Kenyans to the national grid by frustrating connections by KETRACO that would otherwise evacuate that power and retire expensive power connections. Therefore, while KenGen is selling power to us at a cost of US\$0.06 per kilowatt hour, we are forced to at times buy power at over US\$0.52 per kilowatt hour yet we still have surplus at KenGen because we cannot evacuate that power to where it is needed.

When I looked at the Budget Policy Statement (BPS), I saw a deliberate effort to ensure that we take longer in doing projects that are low-hanging fruits that will quickly evacuate cheap power so that Kenyans can access cheaper power. You will find that there has been a strategy to deny funding to those kinds of projects that evacuate such power. For instance, in one of those projects, we are buying power at US\$0.52 per kilowatt hour from Muhoroni Gas. Muhoroni Gas is the most expensive IPP in the country. Muhoroni Gas can be retired if we complete the Sondu-Homa Bay-Awendo line. If we complete the Lessos-Nakuru and Bomet lines, then we evacuate places otherwise currently served by Muhoroni Gas and others. What will the cartels do? The cartels will use force to ensure we do not complete these lines so that they continue selling expensive power.

For instance, a bigger part of the coastal region has been surviving on Kipevu until we got a connection from Suswa. It was still not enough to evacuate enough power for the Mombasa region. We have now done the Suswa-Mariakani line. Look at how much we will require in terms of evacuating power from Mariakani to parts of Mombasa, Dongo Kundu, and others. You will find that it is a small component. However, in the many budgets we are receiving, you will find that component has not been prioritised for funding. It is because thermo producers would want to navigate their way to ensure they continue selling expensive power.

Therefore, it is important for us to understand that there are various components that contribute to our power bill, the biggest being the cartels under the Independent Power Producers (IPP) arrangement. We have allowed ourselves to be blackmailed by these cartels, and the process of signing contracts is skewed to continue fleecing Kenyans. The Committee takes this Motion seriously. In fact, there is a resolution that the Committee undertakes a complete inquiry into this matter. On behalf of the Committee, I commit that we are going to give this exercise or Motion the priority it requires and we will report our findings to this House. You can expect heads to roll on this matter of the cost of energy. It is so huge that it cannot be handled in a day or in a matter of minutes. We are going to come up with a comprehensive report.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Before the next speaker, allow me to recognise two delegations in our galleries. One delegation is seated at the Speaker's Gallery: Kerwa Secondary School from Kikuyu Constituency in Kiambu County.

The other delegation is Makueni University Students Association from Makueni, seated in the Public Gallery. Join me in welcoming them to the National Assembly.

(Applause)

The next speaker is Hon. John Waluke of Sirisia. He is not in the House. Hon. Harrison Kombe from Magarini, or Hon. Dorice Donya Toto from Kisii.

Hon. Dorice Donya (Kisii County, WDM): Thank you very much, Hon. Temporary Speaker. I rise to support the Motion because we have health improving when our country has power. Even hospitals use power. We have comfort in our homes. Sometimes you go to the village and you feel like you do not have life when there is no power. When you move to our schools and there is power, teachers will conduct extra tuition for our students. It will basically improve our economy. When there is enough power, even our productivity goes high. We will have our businesspeople extending time of doing business because they are assured of security. Power is security.

It is not right when any one company has a monopoly. I remember sometimes back when we went to queue to make phone calls from those common booths. You could see how inconveniencing it was until several companies providing the same services came up. We enjoy making our calls from home and we can choose to subscribe to any network. This is what we

want to happen with electricity in this country so that we have more supply. Monopolistic firms set prices higher than the marginal cost. Consumer supply is significantly less than it could be in a perfectly competitive market. We want competition.

There is a limited supply of power in our country. You may even be told that power will only be available for, say, two days because they will be doing this-and-that or maintenance. Other companies would be supplying electricity if we had many of them operating. So, when one is closed for repairs, the others continue the supply of power. That way, there is competition. None will be wishing to close down business because they know their competitors will be milking from that precious commodity.

We also need access to modern energy which is very essential in provision of clean water. Move to the villages. Our women are trekking long distances in search of water. Power is everything when we have it. I can even tell you that power is life. We need this with us so that our lives can improve.

I stand to support and share my minute to other Members.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The next chance will go to the MP for Kiambaa, Hon. John Kwanjiku.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you for giving me this opportunity to contribute on this very important issue that affects our people all the way.

When it comes to matters power and how Kenya Power has been run, it is all about monopoly. There is demand and supply. You realise that Kenya Power does not have even the zeal to push itself to make sure their product is available. It is because of lack of competition within the market. Therefore, they have really increased the cost of power. The cost of power affects very many issues, especially now because of the dry season. Many households in the city are relying on borehole water. You will realise that even the borehole and the water companies are not able to supply water. It is because of the cost of power. Therefore, it also affects the livelihood of our people in one way or the other.

As Kenya Kwanza Government, we must re-introduce the matter. We must make sure we detach and deny Kenya Power the monopoly of supplying electricity. We must introduce other companies. We must make sure other companies are brought on board. That way, the people and cartels that have been controlling Kenya Power will be dealt with once and for all. If they have the majority shareholding, then they are the same people who are benefitting from this high cost of living. Sometimes you wonder what is happening in our nation today. Some people are saying that the cost of living has really skyrocketed. The high cost of power is what is making life difficult and hard.

I want to support the Motion because the cost of power is making the cost of living unaffordable. Manufactures are closing down and going to other countries where the cost of power for production is low so that they can maximise their profit. If you compare the cost of the tariffs in our country with the ones in Tanzania, Uganda, and even Ethiopia, you will realise that major industrialists prefer those other countries. People are closing down businesses in Kenya and moving to other countries. That is affecting our country in a huge way. Lack of employment is a serious issue. We lose tax when companies close and go to other countries. It is because they are unable to pay the huge taxes. So, they take their investments to other countries. When industries produce goods within our localities, they employ as many people as possible.

This issue of cartels must be dealt with once and for all. If we in Kenya Kwanza Government, cannot control the cartels in Kenya Power and the whole issue of corruption... How does a company that enjoys monopoly charge people huge bills and at the same time make losses? We live in a different world. No one from the company has been arrested. We are told that Kenya Power made a loss of about Ksh34 billion yet it is the only one competing against itself. They do direct procurement without even following the law.

I, therefore, urge this House to support this Motion and come up with a policy that will ensure that Kenya Power is denied the monopoly of transacting business. The cost of living cannot be reduced without dealing first with Kenya Power. The issue of electricity affects the economy. If we are not able to produce, or support manufacturers, or irrigate our farms... You know food production will have to rely on irrigation. This is because we can no longer rely on the rains. If we do not deal with the issue of Kenya Power, it is going to bring this country down and that is exactly what is happening.

We saw people going for *maandamano* on Monday and they are now saying that they will do it again on Thursday because of the high cost of living. This issue will have to be dealt with. The Kenya Kwanza Coalition must deal with the issue of demand and supply, and the monopoly of Kenya Power. We must streamline Kenya Power even if it means getting a new Board. We must make sure that those who are brought on board have the interest of people at heart. If we are not able to do that, then we should diversify and give other companies an opportunity so that competition is embraced.

Thank you. I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Next is the Member for Westlands, Hon. Tim Wanyonyi.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker. I also want to contribute to this Motion. The cost of electricity is a big hindrance to our investors who want to invest in industries in this country. The cost of electricity is proving to be too expensive and for that reason production is costly. As a country, we need to invest in cheaper alternative energy because other countries have done it. We are still relying on hydro-electricity which is the most expensive. Unless we start working on how to get alternatives, we will be doing a great disservice to this country.

We also want to introduce other players in the market to liberalise it. Consumers will benefit from that.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

Before it collapsed, Mumias Sugar Factory used to produce some electricity. However, currently, they have to download from the national grid. KenGen is the one that produces electricity and Kenya Power supplies. KenGen sells electricity to Kenya Power at a cheaper rate. On the other hand, Kenya Power sells the same electricity to consumers at a very high rate. We do not know what is going on between the two companies yet they both belong to the Government. I do not know why one would have to put a high mark up on the cost of supply. We know very well that sometimes Kenya Power is involved in corruption. So much has happened there. We are even told that the company is now in financial problems and cannot supply the power we need. We need to step up and liberalise the market and invest in cheap alternatives. That is the only way we will bring down the cost of electricity.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Thank you very much. This chance goes to Hon. Ruku of Mbeere North.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker for the opportunity.

The competitiveness of any nation, when it comes to economic performance within a region, is determined by the cost of energy, which in turn determines whether or not the nation

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

is able to do manufacturing of different goods within its economy. Kenya has been uncompetitive as far as manufacturing is concerned in the East African Region. Many investors have opted to invest in Ethiopia and other nations within the region. They have opted to set up their manufacturing plants there because of the cost of energy in this country. This House must, therefore, stand with the people so that we improve the economic performance or economic development of the nation. For this to happen, we must do all what is possible within the powers of this House to ensure the cost of energy comes down.

What has been proposed by this Motion is genuine. It is in the interest of the nation and the people of Kenya to see to it that households pay less for power and that investors are encouraged to set up businesses in Kenya. The cartels that have milked this country must be fought by all legal means. One of the legal means to fight the cartels is what we are doing at the moment in this House. Of course, there are those businessmen and business families known for thermal production. They engage in very expensive forms of production of power and they sign PPAs which are not well thought out so that the Government can continue paying money for power that is not in use. At this age and time, we cannot allow continual production of thermal energy within our national grid. When many nations across the world are moving to renewable energy, we still have a huge contribution to the national grid on thermal production method of power.

The way this Motion has been articulated by the Mover is very good for this country. We need to put all the necessary structures in place so that we lower the cost of energy.

With those remarks, I support. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Trans Nzoia.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Ahsante sana Bw. Spika wa Muda kwa kunipa nafasi hii ili niweze kuchangia Hoja hii.

Mambo ya *monopoly* yametuumiza kama nchi. Wafanyabiashara wanaumia na malalamishi yao hayajatiwa maanani kwa sababu ni shirika moja tu ambalo linahusika na usambazaji wa umeme. Kwa hivyo, mimi pia naunga mkono Hoja hii kuwa bei ya umeme ipunguzwe. Ikiwezekana, shirika la KenGen linapaswa kupewa fursa ya kushiriki katika usambazaji wa umeme. Kama mkaaji wa Trans Nzoia na kama Mkenya, nimegundua kuwa watu wengi wanaumia kwa sababu ya bei ya umeme. Sasa hivi, ukinunua *tokens* za Ksh1,000 utapewa idadi tofauti kila mara. Basi tunashindwa ni njia ipi wanaotumia kuamua idadi ya *tokens* kwa sababu pesa ni zile zile. Tunatarajia kuwa idadi ya *tokens* iwe sawia kila wakati.

Bw. Spika wa Muda, kama mkaaji wa Trans Nzoia, wakati mmoja nili *apply* kuunganishiwa nguvu za umeme. Niliambiwa kuwa transformi iliyokuwa pale haingepaswa usambazaji wa umeme kwa nyumba kadhaa.

The Temporary Speaker (Hon. David Ochieng’): Member for Trans Nzoia, which specific language are you going to use to contribute? You either speak in English or Kiswahili!

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Temporary Speaker. I wanted to speak in Kiswahili so that my people can understand what I am saying, but it is proving to be a little bit difficult. Allow me to continue that way because they understand the language.

The Temporary Speaker (Hon. David Ochieng’): You shall continue in Kiswahili, the way you started but ensure that you use Kiswahili throughout your contribution.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Okay, but some terms are very difficult in Kiswahili. Allow me to continue in English.

Hon. Temporary Speaker, I also stand to support this Motion. We need to improve...

The Temporary Speaker (Hon. David Ochieng’): No. I will encourage you to proceed in Kiswahili like you started.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): *Terminology* zikinilemea pia niendeleo tu?

The Temporary Speaker (Hon. David Ochieng’): You should contribute in Kiswahili as you had started.

Hon. Members, just to clarify, when you start in Kiswahili, you must continue in Kiswahili to the end. If you start in English then you end in English.

Proceed.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Ahsante, Bw. Spika wa Muda. Kama mkaaazi wa Trans Nzoia, wakati mmoja niliomba kuunganishiwa umeme. Niliambiwa kuwa transformata zinaweza tu kupeanwa kwa nyumba kadhaa. Nilipewa bajeti ya Ksh1.8 milioni. Swali langu kwa Shirika lile lilikuwa: je, transformata hii ingekuwa yangu binafsi au vipi? Nilipata shida sana. Mambo haya ya ukiritimba yamekuwa magumu kwa sababu hakuna pahali pengine pakukimbilia ili kupata umeme. Ni vyema kama tutakubalia pia KenGen isambaze umeme. Tunaona kuwa KenGen wanauzia KPLC umeme kwa bei nafuu na mwishowe KPLC hutuuzia umeme huo huo kwa bei ya juu zaidi. Naomba pia turuhusu KenGen isambaze umeme kwa wananchi.

Gharama ya maisha iko juu sana na sababu moja ya hii ni bei ya umeme. Nchini, umeme unatumika kufanya kila kitu. Biashara zimeathirika kwa sababu bei ya umeme iko juu sana. Biashara nyingi pia zimeaanguka kwa sababu bei ya bidhaa imependa juu. Sisi kama watetezi wa Wakenya katika Bunge hili tunapaswa kushughulikia suala hili. Kwanza, tumalize *monopoly* katika sekta hii. Pili, bei ya umeme iwe ya nafuu ili watu waweze kumudu.

Tatu, KPLC imekuwa ikipeana kandarasi kwa wasambazaji binafsi wa umeme. Jambo hili linaharibu uchumi kwa sababu wanakandarasi hawa wamegeuka kuwa matapeli. Kuna wakaaji wa Trans Nzoia waliosambaziwa umeme na baadaye waliambiwa kuwa *connection* yao siyo halali. Wakaaji hawa waliumia sana kwa sababu walilipia maradufu ili wapate umeme.

Naunga mkono Hoja hii iliyoletwa na Mhe. Jane Kagiri ili tuhakikishe kuwa bei ya umeme imerudi chini.

(Hon. Elisha Odhiambo and Hon. Babu Owino raised their hands)

The Temporary Speaker (Hon. David Ochieng’): Hon. Elisha and Hon. Babu, that is not how we do it. I will follow the list. I know we are friends, but we must follow the right procedures.

Member for Seme.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to this Motion. Power is everything in industry, agriculture, health, communication, e-communication, and information and Technology (IT). There is nothing you can do without power. So, power is development. If the cost of power is high then forget about development.

From what we know, we have five major problems with the cost of power in this country. One, is the structure in place. We have KPLC, KenGen and KETRACO. One is supposed to produce the power, the other to market it and control the prices, and the other one is to transmit the power. Are all these three institutions working in harmony? The evidence we have says no and this has created inefficiency, which is a big problem.

Two, there is the issue of the IPP and the PPAs – these are the killers. These PPAs have one purpose and that is to ensure that the producers make huge profits without complete regard to the cost to consumers. They have the take-off system whereby whether you use electricity or not, you will still pay them. This means that you must pay for their capacity whether they use that capacity or not.

Hon. Temporary Speaker, these IPPs also have a higher cost. We have been told here that per unit, KenGen is paid Ksh5 and then we pay them Ksh52. Where would you get such an agreement? We are killing our own people! Some of them use the most expensive means

like the one in Muhoroni. It produces about 35,000 kilowatt-hours (kWh) only and it is supposed to supply Western Kenya and Kisumu which need over 200,000 kWh. It cannot produce all that. Whenever private institutions interact with public institutions, they ensure they incapacitate public institutions. We have been told that they make sure there is no evacuation. We have to use the one in Koru or Muhoroni, whichever place it is because we have no power lines in all the areas in Homa Bay and the neighbouring areas. The biggest one was in Lesos in Kisumu. This line cannot just be done. It was paid for and I thought it had been done, but it was not. These Independent Power Producers sabotage power evacuation so they are the only companies whose power is produced. The CEO for either KenGen or KP said that if they were to produce all the power, which they seemed to indicate they can, the cost of the power would be about four times cheaper. Why are we still having this?

Hon. Temporary Speaker, the other thing that is worrying is that all these costs are transferred to the consumer. So, they do not care whether you are efficient or have a high mode of production of power. Whatever happens, the costs are transferred to the consumer. Why is it impossible? It is because we have a regulator, The Energy and Petroleum Regulatory Authority (EPRA), which is a weak regulator. It is not independent because it is subject to political manipulation. Given the price that they set for the IPPs and with the small production of about 20 per cent, they are controlling the whole industry of power in the country.

This is where we are and this regulator is not only for electricity but also for petroleum. You should have noticed that small oil marketers are disappearing. It is only marketers such as Total, Rubis, and Shell that have remained. Many years back, the big marketers as well as the small ones co-existed. The EPRA regulations have made it impossible for small companies to market oil. They set the cost for landing and the cost at the pump. The smaller marketers have to buy from them. There is no price in the middle for the reseller. These bigger companies produce, import, sell at the pump, and also supply to the resellers at their pump prices. How can such smaller companies compete with the bigger ones? They are moving the whole process in the petroleum market to foreigners! The IPPs are doing the same. All these organisations, KP, KenGen and KETRACO, are out to exploit Kenyans. How can you have IPPs competing with KenGen?

I have had the experience that whenever the private sector gets to work side-by-side with the public sector, the public sector loses out. There was a time Kenyatta National Hospital (KNH) produced its intravenous fluids and had a production unit. However, it was argued that that was not its mandate. That its mandate is providing treatment to people. That unit was closed down and the hospital went back to purchasing from outside, which is too expensive. When there was an attempt to go back to producing, the private sector sabotaged it. The same was the case with the supply of oxygen until the outbreak of COVID-19, that is when people realised the importance. When it comes to dealing with the private sector, we have to be careful even though we have Public-Private Agreements. In my view, the issue is IPPs, the PPAs, and the structuring of the three organs that produce power. Unless we look at that, we are not going to solve anything.

When we talk about corruption in the country, the assumption is that it is in the public sector, but it is like a tango: it takes two to dance. The giver is as guilty as the taker. All our war against corruption in the country has gone the wrong way. We have only targeted the public sector, which is the taker but done nothing about the private sector, which is the giver. Until we address that issue, we will make no progress. I support this and it should be implemented when Parliament resolves it. The Implementation Committee should make sure that this one, of all the resolutions we make here, is implemented. It is in the interest of the Kenya Kwanza Government, anyway. We just added it to our demands that it should be done. However, if they brought a practical thing like this one and implement it, we will support it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much Members. I wish to welcome students from Riara Primary School in Dagoretti North Constituency, Nairobi County. They are welcome to follow the proceedings of the House this morning. The school has parents in the House today, Hon. Otiende Amollo and Hon. Ruku. I will use my discretion to give Hon. Ruku 30 seconds to welcome the students to the House.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. As directed, I welcome students from the Riara School to the National Assembly. When you are in school, work hard. You are Class Eight pupils and you are about to sit your Kenya Certificate of Primary Education (KCPE) this year. Your parents are paying school fees and taking care of you. Therefore, you need to work hard so that in future you will build this nation. The future of this Republic is in your hands. You are welcome and we look forward to you occupying these seats in future.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. This chance goes to Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, this Motion is long overdue. In this country, the problem we have is what we call ‘elite capture of the economy and the country itself’. The elite I am talking about is the political one. Kenya Power used to be a Government parastatal. It did a fantastic job, initially, when it was fully owned by the Government. It had very few strategic investors at some stage. Later on, the political elite, who control this country, opened it up for privatisation in line with what was called the Structural Adjustment Programmes (SAPs). The architects of the SAPs were the First World and the donor communities. The idea was that when the continent’s countries got Independence, they did not have capital necessary for the black people to engage in business. These things were controlled by foreigners. The Government had to create parastatals that were going to protect both the consumers and the system of the day.

When they brought in the SAPs, it was to try and take back all the corporations so that we became dependent on them and their Multinational Corporations (MNCs) could come to our countries and take over our economies. Our elites were even smarter than that. They began taking over those strategic companies themselves. If you go to the United Kingdom (UK) you will realise that the British Telephone (BT) can never be privatised. It is always Government-owned and so is the British Railways. You cannot take away such strategic institutions that deal in railroad and communications and privatise them; they are supposed to be run by government parastatals. Now that we have privatised them, the elite went further to create IPPs to deal with the demand for more power for industrialisation and other economic developments in the country. They got into contracts with Kenya Power. These contracts are one-sided. They are determined, dictated, and forced by the political leaders of this country.

If you want to go into politics in the USA, you take your property and wealth into a blind trust. You are not allowed to do business anymore. Anywhere in the world, there is something called conflict of interest. This is the only country where you have a Cabinet Secretary for Finance who also owns a bank, or has an interest in banking. This is the only country where you find somebody in the mobile telephony sub-sector as an investor but also as a regulator in the Communications Authority. This is the only country where you will find people in Government in the maize sub-sector – maize is a staple food in this country and is critical to the livelihoods of Kenyans – operating as investors in the milling corporations. They are investors in the milk sub-sector and they also run the country – they control the country. This has to stop!

None of us knows who owns these IPPs. That is how Kenya Airways was destroyed. We had what was called East African Airways, and the political elite destroyed it. The elite destroyed the East African Community not because they wanted something more for Kenyans;

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

rather they wanted something more for themselves. We remember the political elites of those days. Most of you are very young people and cannot remember, but I do because I was a grown-up person in 1977. We have to take back our country and give it back to Kenyans. We do not have to liberate ourselves and get independence from a foreigner. We have to get independence from the State capture by the political elite. They are the ones who have taken over this country.

I know you are a member of the so-called hustler movement in this country. If you do not deal with these things firmly and effectively, if we do not come to this House with proper land reforms... We have 20 million acres of land that was grabbed by the political elite, which land can be given out to 5 million or 10 million Kenyans and that can be a very powerful means of production. It is not there. If you are not going to do it, they are going to say that they just needed this so that they can capture power and go back to business as usual. Kenyans of yesterday and Kenyans of today are different. These people need to be tamed right now. Go back to Kenya Airways and find out how it was bankrupted. Tell us it was so-and-so, say, a Minister, the Deputy President, or the President responsible for the mess. Then we can ask them, as Kenyans, to return the money. The same thing is also happening with the IPPs. How do you contract IPPs and the only thing you do is pay them for capacity instead of consumption?

I was a young man when the East African Community came down. We were told Kenya is a man-eat-man society. We have been a man-eat-man society for far too long – for over 60 years. It is said 67 per cent of Kenyans out there cannot get three square meals in a day. There are poor Kenyans who are professionals and technocrats working in all the sectors in this country, but they cannot afford to pay for power today or send their children to good schools. It is because we have privatised everything. The elite also went for the education sector. I grew up in this country when the best schools were Government schools. Today, we do not have that because the political elite of the day invested in education, destroyed the public sector, and improved the private sector. I grew up in this country when my own dad, in 1966, had an accident and stayed in King George VI, now Kenyatta National Hospital, for three months. It had just changed the name and at that time it was one of the best medical facilities, literally in the country. The political elite went for the health sector and because of that we have problems in the public sector in terms of health. Until such a time that the individual Kenyan will get...

Hon. Temporary Speaker, I plead with you to give me just two more minutes?

Hon. Temporary Speaker (Hon. David Ochieng’): Go ahead.

Hon. Farah Maalim (Dadaab, WDM): Thank you very much. I was saying that until such a time that you will go to a public health facility and get better services there than, say, Nairobi Hospital, Agha Khan Hospital, or M.P Shah Hospital, one cannot claim that we have any meaningful Independence in this country. Go to the United Kingdom today. The National Health Service (NHS) is the best health facility in that country financed and owned by the British Government. Every Briton, regardless of economic status, is able to get services as good as a Minister in the House of Commons.

(Technical hitch)

Oh, this microphone is not working!

Hon. Temporary Speaker (Hon. David Ochieng’): There is a small issue with the system today. So, it is not that you have been cut off.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, an ordinary Briton gets the same services as a Minister in the House of Commons. That country is richer than ours. They have a GDP; God-knows-how-many-times, perhaps, 100 or 150 times, bigger than ours. We are a poor country and if our poor children cannot get education, health and food, what is

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

this country going to be? Hon. JM Kariuki said that Kenya is a country of 10 millionaires and 10 million poor people. We must deal with all these issues that affect our economy. A country cannot develop unless there are four fundamental things, that is, cheap power, water and sanitation that is available to everybody, and cheap transport network. We do not have any of those ones. We might have achieved something but we are way below the capacity. There was a time when countries like Singapore and South Korea were poorer than us. They would come to beg from us.

It is my humble request, let us save this country...

Hon. Temporary Speaker (Hon. David Ochieng’): What is the fourth one?

Hon. Farah Maalim (Dadaab, WDM): The fourth one? I said power, water and sanitation, and transport network.

Hon. Temporary Speaker (Hon. David Ochieng’): Sanitation and water are one.

Hon. Farah Maalim (Dadaab, WDM): Yes, I know. Our people are using flying toilets. Babu Owino knows more about where he comes from and the people he represents. People use plastics as toilets and throw them away. We have a health problem where our children and all of us are feeding on sewers. Our rivers are dead. This is a nation that is on a deathbed.

Hon. Temporary Speaker, thank you very much for allowing me to say all that. However, we must tame the situation. Every sector in this country, including banking, finance, energy, water, roads, and education must be saved and returned to Kenyans. Otherwise, we will end up with a revolution one day.

Hon. Temporary Speaker (Hon. David Ochieng’): Thank you, Hon. Farah. This chance goes to the Member for Kirinyaga. Members on this side, I have just given three people in a row from your side. So, do not put pressure on me at all. I will follow what I have here. I have given three opportunities to Members in a row from this side. So, this side will get its chance of three opportunities.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by the Member for Laikipia County, Hon. Jane Kagiri. I must commend her for a very well detailed presentation before this House. As we speak, there are propositions to review electricity tariffs. If the energy regulator approves new tariffs, the cost of electricity will go up by 78 per cent. This will be the first upward review by the Energy and Petroleum Regulatory Authority (EPRA) since 2018, which will put further pressure on consumers. It is worth noting that the domestic lifeline of 30 kilowatts is currently at Ksh621 and will go up to Ksh840. If implemented, the proposed increase will hurt household budgets and put further strain on the cost of production. With inflation in this nation currently at 9.1 per cent, increase in electricity costs will only have an upsurge on the cost of services and commodities. At a time when we need to focus on total connectivity in rural areas and invest in manufacturing, the conversation should be lowering the cost of electricity but not increasing it. The seventh Sustainable Development Goal (SDG) pertains to ensuring access to clean and affordable energy.

Hon. Ken Chonga (Kilifi South, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Chonga, what is out of order?

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Temporary Speaker. I am aware that the Member who is contributing is new. As far as Standing Orders are concerned, she is supposed to present but not to read. She is literally reading.

Hon. Njeri Maina (Kirinyaga County, UDA): I am referring to my notes.

The Temporary Speaker (Hon. David Ochieng’): I did not notice that. Member for Kirinyaga, I know that you are a very sharp lawyer, and you know the rules. Go ahead.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. The seventh SDG pertains to ensuring that we have access to clean and affordable energy. This correlates to improvement and development in agriculture, education, healthcare and other

sectors in Kenya. Therefore, we must ensure that we harmonise the approach that we have. The discussions on this Floor are very robust and welcome to ensure that we have thoroughly investigated Kenya Power (KP) and any agreements it entered into on behalf of Kenyans.

Monopolies fuel abuse. They leave people with limited and few choices. KP is a monopoly and a behemoth that we must deal with urgently. The 1997 Act led to unbundling of the integrated utility programme and company. However, despite subsequent legislation in the energy sector, we have seen that bulk transmission is still undertaken by KP. We must open up electricity distribution to competition.

Hon. Temporary Speaker, thank you.

The Temporary Speaker (Hon. David Ochieng’): Well done. Member for Kiambu.

Hon. Ann Wamuratha (Kiambu County, UDA): Thank you, Hon. Temporary Speaker. My name is Ann Wamuratha, the Woman Representative for Kiambu County. I stand to strongly support the Woman Representative for Laikipia County for the Motion that she has tabled today. It is a surprise that we are talking about the supply of electricity in Kenya in the 21st Century.

As many Members have just said, the monopoly of KP is what has brought us to where we are. Once a monopoly is established, then all of us have to bow to it and go where they want to take us. Many a times, monopolies will make...

The Temporary Speaker (Hon. David Ochieng’): Hon. Otiende, do you have a point of order, or you want to contribute?

(Hon. (Dr) Otiende Amollo spoke off-record)

The Temporary Speaker (Hon. David Ochieng’): Okay.

Hon. Ann Wamuratha (Kiambu County, UDA): Monopolies always create pride and unquestionable issues because we have no other choice than to follow what KP does. Sometimes, you buy tokens from them and when you look at the taxes and the amount of money that you have spent on them, you feel like crying.

Electricity is important in everything in this country. Cooking, cleaning and every minor thing that we do in this country needs electricity. It is a very basic need that every Kenyan is supposed to be supplied with. Just as other Members have said, we need to look into KP and see what we can do to remove its monopoly so that we can change everything in this country. When we sort out electricity in this country, we will have sorted out so many other problems in our politics and country. When we tell our people that we do not have employment opportunities and that they should start creating jobs for themselves, giving electricity to the rural areas will ensure that everybody can fend for himself or herself.

Hon. Temporary Speaker, I support the Motion by the Member for Laikipia County. I agree with her 100 per cent that this is the way to go.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Well said. Member for Mathioya.

Hon. Edwin Gichuki (Mathioya, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute. First of all, I rise to support this Motion by the Member for Laikipia County. As my colleague has said, the seventh SDG on affordable and clean energy interlinks with all the other SDGs. Without clean and affordable energy, we cannot end poverty, hunger, insecurity and get access to education in all parts of this country.

We have two issues. The price of electricity and affordability or access to it. There are almost 40 per cent of Kenyans who still cannot access electricity in this country, which is something that the Government needs to look into. I remember the last administration had the Last Mile Connectivity Programme, which still left 40 per cent of Kenyans without electricity. So, the Government needs to move with speed to ensure that, at least, everybody in this country

is connected to electricity. Kenya is lucky because 85 per cent of the energy is clean energy; that is hydropower and geothermal power. About 15 per cent is the non-renewable energy.

If you compare Kenya with another country like South Africa and try to divide the total megawatts that are supplied in this country with the number of inhabitants, you will find that each inhabitant will have around 50 megawatts per person. If you go to South Africa, which relies on coal, which is non-renewable, each South African will have 1,500 megawatts. We commend the Government because it is trying to buy power from Ethiopia and other countries so that we can boost our energy. If we do not act on this issue of electricity, we will not solve other issues.

When I was in school, we learnt about the seven dams that used to provide hydroelectric power. We have not added any more, and this was about 20 years ago. It is high time for Kenya to build multi-purpose dams that can be used for irrigation and hydroelectric power. The rains have started right now. We have rivers that are now drying up and yet, all that water ends up in the Indian Ocean. We really need to see how we can harvest this water for both irrigation and provide electricity in this country.

Thank you, Hon. Temporary Speaker. I fully support this Motion.

The Temporary Speaker (Hon. David Ochieng’): Member for Busia. He will be followed by the Member for Embakasi East.

Hon. Catherine Omanyo (Busia, ODM): Thank you, Hon. Temporary Speaker. I like this Motion that was moved by the Woman Representative (*mama county*) of Laikipia County. It is time to end the KP monopoly. The President should open this company up for competition so that we can have affordable bills. At the moment, parents are not able help their children to do homework appropriately because they switch off electricity prematurely before finishing homework. Also, the unreliability of KP is very annoying. If you are an investor, you cannot be attracted to invest in this country because one minute there is electricity and the next minute it is not there and there is no apology. It is time for everyone else who is affected by KP to start taking them to court for compensation of the losses they make when power goes off. For instance, a factory that makes a particular amount for standard quantity of products may experience power interruptions which affect their production. Nothing happens to KP when the electricity goes off. If we allowed other companies to come in, we would create jobs for other young people because our country is experiencing a high percentage of unemployment. Yet, we have one company that is doing whatever they want at our expense. We would also love to know the shareholders of KP, who is running it and why they are allowing the citizens to be taken advantage of.

Thank you, Hon. Temporary Speaker.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Speaker, I rise to support the Motion. What has killed KP is poor leadership - that is poor management and corruption. I am in the Public Investment Committee on Commercial Affairs and Energy, where we oversight KP. You cannot imagine the losses that the company is making. It is just the other day when they were making profits. No nation can do without electricity. Increasing the prices of electricity in a nation increases the prices of goods and services. If we increase the cost of electricity, the manufacturers will increase the prices of goods to compensate for the high cost of electricity. That is why the cost of *unga* is high. This goes to any other good that is being manufactured, because electricity is used in every industry. The cost of fuel also depends on the cost of electricity because the pumps use electricity and hence, the cost of fuel must go up. The cost of electricity must not only be reduced in this country, electricity should be provided for free like in other countries. Remember, when the late Muammar Gaddafi was the President of Libya, electricity was free. There is a country called Turkmenistan in Central Asia. It is bordered by the Caspian Sea and the Karakum Desert, where electricity is free. I am mentioning the bordering features to justify what I am saying.

In our houses, marriage cannot be sweet and successful when the cost of electricity is high. This is because even in the process of lovemaking, you need to see what you are eating. So, when the cost of electricity is high, you will be so depressed you cannot even deliver because when the lights are off or the cost is high, it will break marriages.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Otiende Amollo what is out of order?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, Hon. Babu Owino must know that the language he is using is out of order. You must call Hon. Babu Owino to order because we have children in this House, and these proceedings are also covered live. If he wants to contribute, he must make meaningful contributions. Not that kind of contribution that he must keep for our Monday activities.

The Temporary Speaker (Hon. David Ochieng'): The Hon. Babu Owino has been so meaningful apart from one variation. I would ask him to proceed along the lines of the Standing Orders.

Hon. Babu Owino (Embakasi East, ODM): Thank you so much Hon. Temporary Speaker. Senior Counsel, I stand guided; but if we talk about the institution of marriage...

The Temporary Speaker (Hon. David Ochieng'): Address the Chair.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Speaker, the institution of marriage is enshrined in the Constitution. Lovemaking is parliamentary language. I did not use unparliamentary language.

(Loud consultations)

You are talking of eating? It is okay. But be that as it may, I support this Motion that the cost of electricity must be reduced to Ksh0 in this country. It is very painful to subject Kenyans coming from poor backgrounds to the high cost of electricity, taking into account that they do not have sustainable businesses or jobs.

I, therefore, support the Motion that Kenya Power should not monopolize the supply or distribution of electricity.

The Temporary Speaker (Hon. David Ochieng'): I will give this chance to Hon. Otiende. I hope he will take a shorter time.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, I will take a short time. First of all, allow me to welcome the Class VIII candidates of Riara School to Parliament. Two of my daughters, Jean and Jewel, are in that class. Together with all the other students, I wish them well.

I support the Motion. The cost of electricity needs to come down. There are certain basic commodities which, if not managed well, you cannot live a good life. The cost of fuel and *unga* must come down. I am happy that the Hon. Member for Laikipia has brought this Motion. Next Monday, when we are on the streets, please join us. Those are some of the costs that need to come down. We want to have basic rates.

Allow me to disagree with some of my colleagues who say that the problem is the monopoly. There are certain facilities that must be monopolized like the Kenya Ports Authority (KPA). There are certain essential services that must be a monopoly. The problem is not the monopoly, but management. One of the things that we must do is to demand that KP, Kenya Electricity Transmission Company Limited (KETRACO) and KenGen, make public and review all the agreements they have entered into with private players, because that is where the problem is. The problem is in the cartels that are dealing with the public institutions.

As we are dealing with this issue, we must also encourage the Government to promote alternative sources so that we do not just rely on one source so much so that, when there is drought, we say: “There is no water and, therefore, we must ration electricity”. We have electricity generated from natural sources. We are one of the countries at the equator, where we have the sun throughout. We must use those alternative means because they are cheaper. The truth is that there are people who are suppressing the use of alternative sources.

I support the Motion.

The Temporary Speaker (Hon. David Ochieng’): This chance will go to the Member for Bureti, if he is in the House.

(Hon. Ruku GK consulted loudly)

Hon. Ruku, you are completely out of order. This chance will then go to the Member for Kajiado County.

Hon. Leah Sankaire (Kajiado County, UDA): Thank you so much, Hon. Temporary Speaker. I rise to support the Motion by Hon. Jane Kagiri, Member for Laikipia. This Motion is not only important, but urgent. It is very timely when we are speaking about improving our economy and uplifting the living standards of our people. We know that the cost of electricity has risen so high that it has discouraged investors from investing in our country. The production rate of everything in this country has gone down, and that is largely contributed by the high cost of electricity.

It is becoming impossible to have food security in the country because most farmers rely on rain. We also have farmers who largely depend on water from boreholes for farming and production. It is now becoming impossible for those farmers to produce because the high cost of electricity eats into all their profits. Running their farms has become difficult. This does not only affect large-scale farmers, but small-scale farmers as well. There are people who only produce food for their families’ consumption, and it is becoming impossible for them to produce because running a water borehole pump uses more money than what they produce in their farms. When we speak of bringing down the cost of living in this country, we must first address the issue of electricity costs. If we reduce electricity costs, more farmers will generate produce, and more people will go into production.

Currently, the country wants to focus on industrialisation. We cannot industrialise if we do not address the issue of electricity. Every time industries come up, they thrive for one year before they all close down because the cost of electricity is too high for them to produce. It is high time that we all joined hands to seek the reason why the cost of electricity has become a menace that is affecting the economy of this country, and contributing to most industries not working.

This is a very timely Motion. I support it completely. We should not just talk about the high cost of electricity, but also the arrogance of KP. Every time we have power cuts, we have to beg them to bring power back. I live in an estate and just the other day, we did not have electricity. Every time you would call KP, they would tell you that they have to receive calls from at least 10 other people living in the same estate for them to bring back the electricity. What kind of arrogance is that for a company that is a monopoly? You have to call many times for them to bring back electricity.

There are some parts of the country that do not have electricity. In my county of Kajiado, there are so many schools, boreholes and hospitals that do not have electricity. In line with this Motion, I beg that counties or places that do not have electricity be connected in the spirit of the Last Mile Connectivity Programme. With that, I beg to support the Motion. I call upon each Member of this House to support it in totality so that we can see what happens.

Before I forget, there is the Kipeto Energy Company that is in my county, and which contributes power to the national grid. However, every time such companies contribute power to KP so that it can supply to us, we do not see the power. I thought that since many companies generate power, the cost would go down. However, the more they contribute power to KP, the higher the cost of electricity. You are left to wonder what is happening. We need to get to the bottom of that matter and find solutions for...

(Hon. Kiborek Reuben consulted loudly)

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Kiborek. You cannot wink at the Speaker. The Speaker is a man. We have just discussed issues of LGBTQ.

(Laughter)

Hon. Member, continue to finalise.

Hon. Leah Sankaire (Kajiado County, UDA): Thank you, Hon. Temporary Speaker. I support this Motion in totality. I ask each Member of this House to support this Motion so that we can ensure that the cost of electricity goes down and production goes up. We will then see farmers farming again and sustainable industries coming up because of affordable energy costs.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Bomet East.

Hon. Richard Yegon (Bomet East, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. For your information, I saw this Motion on the Order Paper last week but unfortunately, the LGBTQ Motion came up and so, we did not debate it. I had written notes on this Motion. Fortunately, I now have an opportunity to contribute to this very important Motion. It has been long overdue.

If you look at your power bill when you buy tokens, the taxes which are levied against every individual in this country are unbelievable. Only 45 per cent of what you are charged actually goes towards buying tokens. Some of us can buy tokens every now and then. I have been thinking about the common man and the voters in our respective constituencies. Only 45 per cent of what I am charged goes towards tokens, while the Government takes around 55 per cent. It is high time that we stamped our authority as a Parliament and regulate KP. What is the point of a Government entity selling to another Government entity? KenGen, which generates power, is Government-owned. KP is also Government-owned. Why can this House not legislate to ensure that KenGen generates electricity and sells it to us or to the country? All those taxes come in because KenGen is selling to make a profit. We normally hear that KenGen has made many billions in profit. We also hear that KP has made many billions in profit. Those profits are usually at the expense of every individual in this country. We also need to delve into the issue of Independent Power Producers (IPPs) and find out who their real owners are.

I have never understood all the taxes that are levied in our power bills. There is the Value Added Tax (VAT), which is common; the fuel levy, forex adjustment, the Energy and Petroleum Regulatory Authority (EPRA) charge, the Water Resources Authority (WRA) charge, the REP levy and inflation charges, which go all the way to 54 per cent. That is taken from the common *mwananchi* or anybody who gets power from KP. Not long ago, I installed solar panels in my house because electricity costs were becoming unbearable. I cannot afford power from KP. I am a Member of Parliament, and I am supposed to be able to afford power from KP. What about the common *mwananchi*, our voters and welders in villages out there? It is becoming unbearable.

I support the Motion.

The Temporary Speaker (Hon. David Ochieng’): Member for Gem, followed by the Member for Machakos.

Hon. Elisha Odhiambo (Gem, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Motion by the Woman Representative for Laikipia on the management of the cost of electricity in this country. I think it is only in Kenya where we have beaten the law of demand and supply. Anybody would imagine that if there was high supply and low demand, prices would be lower. If there was high demand and low supply, prices would be up.

To trace my steps, the country was producing 2,300 Megawatts by 2017. We are currently producing 2,900 megawatts. Consumption of power in 2017 when *mama mboga* was cooking in the evening was 1,757 megawatts. Currently, the consumption has grown to 2,243 megawatts. What does that tell us? It tells us that consumption or absorption of power by ordinary citizens is growing. If we do not check, we may end up with more demand than supply. I think KP needs to wake up. The Government needs to put its foot down to restructure KP so that it meets the needs of the citizenry. KP has had four different managing directors during the last four years. This should indicate something; that either the Ministry was sleeping on the job, or that the management of KP was plagued by politics. At the last leadership exit at KP when the lady left, we raised it in our Committee, and there was a conflict of interest. She was the Director-General (DG) of the East African Development Bank (EADB).

The Temporary Speaker (Hon. David Ochieng’): Are you going to be discussing the DG of EADB or you want to contribute?

Hon. Elisha Odhiambo (Gem, ODM): I want to relate an event in the Lake Turkana Wind Power (LTWP) Project and EADB.

The Temporary Speaker (Hon. David Ochieng’): I suggest you do not go along that way, because we will be discussing a member or a Kenyan who is a CEO of a regional institution without giving her the chance to respond. I would suggest you go a different way.

Hon. Elisha Odhiambo (Gem, ODM): What I was going to mention is that the EADB financed the LTWP. They were not ready when we, as a committee, went to LTWP. However, somebody in the Ministry forced their way and Ksh9 billion was paid for free. Even as we talk about the price of power in this country, we need to look at other players in the market who are actually stealing public money. Until we wake up, as Members of Parliament, and say no to theft of public funds, we cannot be talking about how to improve the pricing of KP.

Right now, we have a lifeline tariff. The lifeline tariff charges Ksh12 per kilowatt-hour (kWh). If you look at the kWh given and its composition, the taxes are 56 per cent. What does that tell us? It means that the citizenry is paying a lot of tax. For example, we have the Water Resources Management Authority (WARMA) tax on that tax. WARMA is charging Ksh50 cents per kWh for the hydro stations. The Energy and Petroleum Regulatory Authority (EPRA) is charging Ksh0.2 cents per kWh. I think it is important that the Motion Hon. Jane Kagiri has brought helps us, as the Departmental Committee on Energy, to go deep into inquiry on how best we can moderate the taxes so that the citizenry can enjoy supply.

The good news is that the country should be able to have a nuclear plant in Mombasa, hopefully, in the next ten years. We will produce 4,000 megawatts if we have the nuclear plant, which will then put us in the foothold of an industrial nation. If you talk about every household having electricity now, it is not going to be possible. It will be a question like what has happened in the Republic of South Africa, where there was a law that all citizens should be supplied with power. However, there is rationing now; and each citizen gets power for three hours per day.

Even as we do the inquiry, it is important that we, as a country, be proactive in planning on our future need of megawatts. More important is the variance between the 2,247 megawatts consumed every day and the 2,900 megawatts produced. We should use the existence of that

600 megawatts to power our factories at night. If we power our factories at night, we will ensure that we play with the pricing index and reduce the cost of electricity to the citizenry.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Kabuchai. Is the Member of Kabuchai or the Hon. Member for Kanduyi in the House? Member for Kilgoris.

Hon. Julius Sunkuli (Kilgoris, JP): I also stand to support this Motion. I thank the Hon. Member from Laikipia. I can see good things come from Laikipia. This Motion touches every citizen. In the years gone by, it was not easy to discuss these issues of electricity in rural areas. However, it is the current discussion. It is because our country has progressed to such a situation that the need for power and electricity is real. However, many people are blaming the monopoly, and I am one of them. If you look at the price of power in Kenya compared to the region, Kenya has one of the highest if, in fact, not the highest. They sell a kWh at Ksh20.28. In Burundi, it is Ksh12.34. This is a very expensive price of power. Governments have come and said that they are going to reduce it. I know that former President Uhuru Kenyatta promised so much that power was going to come down, but the price of power defied President Uhuru Kenyatta’s promises. Now these prices have even defied the current Government that came in on the ticket or platform of reducing the price of power. We have to address ourselves on what is the issue behind this.

Regionally, I know we used to think that there is only one source of producing power, which was hydroelectricity. But now we have diversified. We have geothermal production of power and we have wind production of power. I know there are companies, like the tea factories in Kericho, which produce some amount of electricity they consume and sell to the grid. There are sugar companies that have wanted to use bagasse or ethanol to produce power. The sources of production of power have increased. We are no longer in the days when we used to get power from Jinja. We have power all over. We are beyond the days when we depended on the dams to get hydroelectricity, yet the prices of power are still very high. It requires a study.

I am shy to say that we should have a commission of inquiry. The issue of power has become endemic, and it has produced some consequences. We are saying here under the Vision 2030 that we want an industrialised country. The Kenya Association of Manufacturers (KAM) said one of these days that they want their chairman back. It is impossible to have an industrial country when your power is neither affordable nor sustainable, and you cannot have a cheaper way of funding industries. Unless we deal with the question of power, industries in Kenya will never see the light of the day. Industrialization will continue to be a dream far away to be realised.

Hon. Temporary Speaker, I ask KP to take it upon itself to do this. When I was in China, KP was the one that was allowed to borrow money for power purposes. This is because in those days, the Geothermal Development Company (GDC) and KETRACO did not have a good balance sheet. Today, it is KP that does not have a good balance sheet. Where did things go wrong?

Speaking on behalf of the people of Kilgoris, the question of KP is a real disaster there. I do not know why power is never consistent there. I am not a fan of football, but my children are. When we are watching a football match and a goal is about to be scored, KP switches the power off. You cannot understand them. I was not in Nairobi during the demonstrations, but I was watching from the television and, all of a sudden, the power went off. There is hardly nothing that you can do with power in Kilgoris. People who run butcheries have their meat going bad. If you have kept milk in the fridge or anything that is meant for use in hotels, power is not consistent enough to make your business sustainable. The reason is because we do not have a transmission centre in Kilgoris. We are far away from our headquarters in Narok, and our friends in Sotik have taken this advantage. I do not know how they ration the power so that Kilgoris get a little bit of it and the rest of it goes to serve the Bomet interest. I call upon KP to

put up a reliable station to serve the people of Kilgoris, who do not have a KP office. They only have an operational one for technicians. If you want to ask a question about why the power has gone off, they refer you to Sotik, which is in Bomet County. We are a sub-county far away from our own County, but we need to establish a connection where we can solve our problems concerning power.

The last thing is about the billing system in KP. You can be living in a small apartment in Nairobi and still pay power as if you are running an industry along Mombasa Road. There is no formula. The staff from KP would come and look at your meter, and I do not know how they look at it because they give you a bill and you even ask yourself if you were manufacturing bread somewhere along Mombasa Road. How much would I pay, if living in an apartment I pay a lot? Again, it is not consistent if all of you live in the same apartment, because one is paying Ksh2,000, while the other Ksh20,000. When are we going to get a more consistent way that is probably not manual?

There was a time KP gave responsibility to the National Youth Service (NYS) to do the reading for them, and the bills were fair. However, when KP came and realised that they have to raise money from unsuspecting consumers, I suspect that they were given strict instructions to go and inflate the bills. Today, you do not know what you are going to pay next time.

Hon. Temporary Speaker, you must be having a big house in Nyanza, another one in Nairobi, and you have your own businesses. You are actually working for KP because of the amount of money you pay them. With the money that they get, they do not even acknowledge. They are very rude! They do not have a good customer service; and do not have a way of managing customers. That is why at one time, I said if I go to heaven and find a KP person there, I will know I am in hell. This is because how do you go to heaven under these circumstances? You are literally ripping off the people of Kenya while claiming that you are doing your job.

Hon. Temporary Speaker, this monopoly must end, and Kenya will be a good country. I support.

Hon. Temporary Speaker (David Ochieng’): I had actually given the chance to the Member for Machakos. We skipped that. Go ahead Hon. Member.

Hon. Joyce Kamene (Machakos County, WDM): Thank you so much, Hon. Temporary Speaker for giving me this opportunity. In a very special way, I want to thank Hon. Jane Kagiri, the Woman Rep for Laikipia, for the well-articulated and researched Motion on the power sector. Power has become a menace and devastating in this nation. I want to thank her so much because she has revealed a lot. She took us through KenGen, KETRACO and KP.

What has come out clearly is that KP is no longer interested in serving the citizens and giving power to its citizens and the nation, but it has become a rotten den where cartels have taken control. How on earth does KP buy power from KenGen at Ksh5 and sell it to its suppliers at Ksh23? The same KP goes ahead and signs some agreements with the IPPs to buy power from them at Ksh52? Surely! There is also a clause in this agreement which I understood it as a take or buy! Whether you buy the electricity or power, you still have to pay and yet, KenGen is supplying power at Ksh5, and we are not exhausting power at KenGen. It shows that there are cartels that are controlling KP; and this has to come to an end because power is a commodity which is of utmost need for our citizens, hospitals, industries and investors who want to invest in our country. Power is one of the few items that investors will check its cost in the country. For how long will we suffer?

I thank Hon. Jane for bringing up this issue. We, as parliamentarians, are the ones who are bestowed with making sure that the laws and regulations that govern us are well thought out and enabling our citizens to get the right prices or services. We have to look at this clause and insist on getting the agreements that IPPs and KP have laid down so that this monopoly can come to an end. At the end of the day, we will not continue suffering. Our country will not

continue with these hard times while we know that power is of essence, and we can control it to safeguard the escalating prices of every commodity in our market. I am here to support. Let us follow up this to the letter and make sure that the cost of power goes down.

Before I sit down, there is another hell of a menace in Mlolongo and Syokimau. Every time power goes off, we call and complain, but they have become immune. It does not matter and it does not pain them. How I wish the leaders in charge will do something about it.

I beg to support. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Mbeere South.

Hon. (Eng.) Nebart Muriuki (Mbeere South, Independent): Thank you, Hon. Temporary Speaker. I rise to support this Motion. First, I commend our Government for the efforts it has put in the last few years to ensure that as many citizens as possible are connected to power. In our language we say, ‘people do not count the good but only count the bad.’ I recognise the good that has been done in this country. Very few people had power connections. This has now changed, and I trust that it will continue changing with the efforts that have been put in through the Rural Electrification Renewable Energy Corporation (REREC).

My only concern is that, as a Government, we are not business-minded. As we talk of connecting power in every school, you will find a transformer installed in a certain school and serving the school alone. The community around that school is left without power. Providing a transformer for one customer is expensive. If one is to pay the cost, they will not afford. The same case applies to dispensaries. A transformer is installed for a dispensary and not much effort is put to maximise its use. At least in towns, the installations have been maximised. My plea to REREC and the Government is to ensure that every installation that is put in place is used optimally.

Let us go to the basics. When we talk of power, what do we mean? For those who studied physics, there is the Law of Conservation of Energy, which states that: “Energy can neither be created nor be destroyed”. You can only convert it from one form to another. Power or electrical energy is converted from hydro-energy, geothermal, solar, wind, fuel energy and coal. What we are addressing is the cost of converting this free God-given energy to electrical energy. The IPPs are selling us energy at a very high cost. It is the responsibility of the entrepreneur to convert this energy to electrical energy at a cheap cost. It is not the responsibility of the citizens of this country to shoulder a more expensive way of converting energy to electrical energy.

I support liberalisation, but it would not be the solution to this matter. When we talk about liberalisation, we are talking of market forces. Let the supply and demand dictate the prices. Energy, just like water, is a basic human right. You cannot eat or drink when there is no water or energy. If energy is a basic human right, naturally provided, already in existence right from creation, then it is the responsibility of the Government to ensure that every single citizen of this Country gets access to it in an affordable manner. As we look at liberalised markets, there must be a clear regulation of energy prices which will tame the IPPs. If the Government gives a price cap for the citizens, then the IPPs will look for ways to ensure they are more efficient in the conversion of energy. If the Government does not do this, then a lot of things in this Country will suffer.

Climate change is brought about by the depletion of the forests. What will happen to the common *mwananchi* when they cannot afford power? They will go back to the old way of living. They will cut trees, use firewood and burn charcoal for survival. It negates the efforts of the Government to say that the people burned many trees and yet, on the other hand, it discourages the *mwananchi* from using the source of energy that would save the forests.

Two, if conversion of energy to electrical energy is expensive and unaffordable to the common *mwananchi*, the Government should come in and subsidise energy production costs.

Electrical energy is used in every area of production. For items to be produced in an affordable manner, the Government will have to subsidise the prices.

The KP has too many cartels. When you seek a power connection, strange people call saying that they work for the KP and will assist you to get connection in a cheaper way, and then ask for money. Due to the need for power, many citizens have lost money through those cartels. There are KP contractors who do illegal power connections to the *wananchi* in exchange for some money, only later for the KP to come and disconnect them. *Wananchi* are losing a lot of money. On the other hand, where there is a legal power connection, wires are stolen at night. The contractors who do illegal power connections do not buy materials. They install power one site, steal the wires and use them to do illegal connections elsewhere. I have lost wires several times. I am talking from experience.

The street lighting is given to the contractors. A week after installation, the wires are stolen and taken to another site. The Government continues to pay for the installations. There is a problem with KP. They need to review their service delivery. I support.

The Temporary Speaker (Hon. David Ochieng’): Chonga, what is the problem?

Hon. Ken Chonga (Kilifi South, ODM): Hon. Temporary Speaker, there is no problem at all. This Motion is very crucial. Most Members would wish to contribute to it. I understand the Standing Orders, but looking at the time, I do not see whether all of us will contribute. Personally, I have been patient here since morning, and I understand nobody is against me. So, all I wanted, if possible, is that we contribute for one or two minutes so that all people can contribute. That is the only problem that is here.

The Temporary Speaker (Hon. David Ochieng’): It was going so well. There are 10 minutes. He had those 10 minutes for himself. Just to advise that in future, if you want to limit the time, you must do it before the debate of the Motion starts. I agree with you absolutely that the interest is a lot, but you would imagine I have just been following the list. The Hon. Member I am going to give next, I have skipped him like four times, because I wanted to balance. I also look at the list and looking at how far you are. Allow me to do just the way it is on the list, like I always do.

The next Member will be the Hon. Ochanda, followed by the Member for Gichugu.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. I will keep this brief so that you can go to Hon. Chonga as soon as possible. Some of the things that occur in our country will shock you if you compare them to what occurs in other countries. Mogadishu has operated with light and power despite extreme adversity, but they do not have anything comparable to KP. Why? These are some of the things we look at and realise we are in a situation where we are literally captives. We are captives of some of these big suppliers like KP.

If you want to reduce power, there are basic things we want to look at. Number one has been mentioned, that we have to look at the issue of levy and fluctuations. Power is costing us much more because of fluctuations, and that goes with the issue of planning and resource placement for purposes of generating energy. We have been trying, as a country, in different ways. We have wind energy in Turkana, and I have been doing a lot of experiments with the solar and for the entire Nyanza region, including Narok, where now Hon. Sunkuli was talking about. The problem is that we were supposed to get an additional power from the North, and it has suddenly been realised that it cannot work. Now Hon. Sunkuli, it is being said that the connection must now be done between Narok and Bomet for us to get power that does not fluctuate from time to time. Look at that in terms of planning and resources that have been placed in the alternative ways of how to generate power. There is a problem in planning and because of that, we now experience fluctuations. Once we experience fluctuations, definitely the cost of power must go up. This is a big problem. When we are talking about manufacturing

as an important economic pillar, how do we manufacture when there is no power? How do we produce when there is no power? How do we produce when power is so expensive?

Hon. Temporary Speaker, I think there is a bigger problem. This country must isolate some of the very basic things and focus on them such that we reduce the cost of power. It is doable, even if it is a matter of doing away with KP. I have given a very good example. Mogadishu was able to run and has been running minus something like KP for a much longer period of time than us.

The Temporary Speaker (Hon. David Ochieng’): Hon. Ochanda, who is providing power there?

Hon. Gideon Ochanda (Bondo, ODM): Independent arrangements, but properly regulated. It is not the State doing it, and they are doing it so perfectly. The other day when somebody knocked our mast somewhere in Dandora, the whole country went without power for days just because of that kind of a monopoly. So, we must think right as a country. The cost is too much and KP is too manual. We are in a stage in the world where you cannot run a sector like that in this manual way; where people are running for meters, and running to reconnect meters and things are so manual the way they are. It becomes costly and that cost is definitely transferred to the consumer. Let me leave the other for whoever is next.

The Temporary Speaker (Hon. David Ochieng’): I wish it was. I had already given the chance to the Hon. Member for Gichugu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this Motion, that has been brought to Parliament by the Member of Parliament for Laikipia, Hon. Jane Kagiri. That proves that the MP does not only think about members that she represents, but she is thinking nationally for the interests of all Kenyans. That is why I rise to support this Motion.

First, energy is a key driver of economy in this country, just like fuel. When the cost of electricity is very high, then the economy is suppressed in a big way. For example, I have been a member of the Departmental Committee on Trade, Industry and Co-operatives both in the 12th and 13th Parliaments, and one of the issues that the industrialists have been grappling with is the cost of electricity. If as Kenyans we want to have jobs for our youth in this country, one of the issues that must be addressed is the cost of electricity. Investors have been shying away from Kenya. Kenya is very strategic in terms of investments, but the cost of power makes investors go to the neighbouring countries where power is cheaper. This matter has been brought up severally by Kenya Maritime Authority (KMA) and various players in the field, but it is an issue that the Departmental Committee on Energy in Parliament should take up and investigate why power is very costly in this country.

We have seen in the bills that we have been paying there are so many charges that are placed against the consumer. Not every power in this country comes from water and yet, you will find charges like the Water Regulatory Authority (WRA) in the bills. We get power from geothermal, wind and many other sources that are connected to the general grid from the transmission to the consumers, but WRA always has a charge on the bill. These are some of the things that need to be investigated to see where those charges are taken to after the consumer has been charged.

I appreciate the Government’s effort through the current leadership of His Excellency the President to make sure that many people are connected to power. When I joined Parliament as an MP for Gichugu, the connection within my constituency was 56 per cent. I am now boasting of about 83 per cent of power connected to my people. I am sure that with the current regime, this might rise to about 99 percent or even 100 percent.

Some of the issues that must be addressed by KP is the power outages. I have been called severally by people from Gichugu that many areas have been disconnected or have power outages. They do not listen to the common man on the ground until I make a call to KP,

that is when they start running. As I speak now, there are some areas I am still following for reconnection.

In the interest of time, Hon. Temporary Speaker, I support this Motion and I believe this is the way to go. Investigations need to follow for the best interest of the consumers of electricity in this country. Thank you.

Hon. Temporary Speaker (Hon. David Ochieng’): Member for Mosop.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to support this Motion on the reduction of the cost of electricity in the country. Electricity is no longer an option to Kenyans. It is a right of every Kenyan to have affordable electricity. It is truly unfortunate that the cost of electricity in Kenya continues to skyrocket. Therefore, its regulation and checking on why it continues to be high are needed now. In the last one month, the cost of electricity went up by 10 per cent. Even before then, it had gone up. As such, I support the Member who brought this Motion. It is high time we review the Power Purchase Agreements (PPAs) and IPPs. Most of the owners of those IPPs continue to reap a lot of profits at the cost of Kenyans. All this cost is passed on to the consumer or retailer, who is the common person. I really support this Motion. What can we do? If Uganda is able to produce...

The Temporary Speaker (Hon. David Ochieng’): Hon. Kirwa, I have to stop you there. You will have your balance of time, when this Motion comes up again next week.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the time now is 1.01 p.m. The debate on this Motion will resume again when it is placed on the Order Paper. Therefore, this House stands adjourned until today in the afternoon, Wednesday, 22nd March 2023, at 2.30 p.m.

The House rose at 1.01 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi