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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

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Wednesday, 20th November 2024

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): Serjeants-at-Arms, kindly ring the Quorum Bell for ten minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Martha Wangari): Serjeants-at-Arms, extend the Quorum Bell for a further five minutes.

(The Quorum Bell was rung)

Hon. Members, we have the quorum to start the business of the day.

PAPERS

The Temporary Speaker (Hon. Martha Wangari): Deputy Leader of the Majority Party, Hon. Baya.

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

Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, and 30th June 2023 and the certificates therein in respect of:

1. Makueni Boys High School;
2. Oololaiser High School;
3. St Theresa Mbooni Girls High School;
4. Gachororo Mixed Day Secondary School;
5. Meru School;
6. Chogoria Girls High School;
7. Karima Mixed Secondary School;
8. Kathiani Girls High School;
9. Magereza Academy Secondary School;
10. Kiambogo Secondary School;
11. St. Cecilia Aluor Girls Secondary School;
12. Irigithathi Secondary School;
13. Othaya Boys High School; and,
14. Kiambogo Secondary School.

Hon. Temporary Speaker, I beg to lay.

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

Hon. Members, before we go to the Questions and Statements, allow me to reorganise the Order Paper so that we go to Order No.8 and then revert to Order No.7. Order No.8.

MOTION

CONSIDERATION OF REPORT ON THE COMMUNITY HEALTH WORKERS BILL
(National Assembly Bill No.53 of 2022)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Community Health Workers Bill (National Assembly Bill No.53 of 2022).

(Moved by Hon. Martin Owino on 13.11.2024 – Morning Sitting)

(Resumption of consideration interrupted on 13.11.2024 – Morning Sitting)

(Question put and agreed to)

BILL

Third Reading

CONSIDERATION OF REPORT ON THE COMMUNITY HEALTH WORKERS BILL
(National Assembly Bill No. 53 of 2022)

The Temporary Speaker (Hon. Martha Wangari): Mover of the Bill, kindly move the Third Reading in the amended form.

Hon. Martin Owino (Ndhwa, ODM): Thank you, Hon. Temporary Speaker. I beg to move that the Community Health Workers Bill (National Assembly Bill No. 53 of 2022) be now read a Third Time. I also request our Chairman, Hon. (Dr) Pukose, to second.

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I second.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I have confirmed that we have the requisite quorum for the purpose of this decision.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

The Temporary Speaker (Hon. Martha Wangari): We revert to Order No.7.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. Martha Wangari): The first Question as listed on the Order Paper is by Hon. Peter Lochakapong, Member for Sigor Constituency.

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker. It is actually not a Question but a Request for a Statement.

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The Temporary Speaker (Hon. Martha Wangari): Yes, Request for Statement.

REQUEST FOR STATEMENT

ALLEGED KILLING OF LIVESTOCK BY SECURITY OFFICERS IN WEST POKOT

Hon. Peter Lochakapong (Sigor, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding killing of livestock by security officers in West Pokot County.

There have been rampant cases of livestock killings in West Pokot County that have affected the residents, including three cases that were reported earlier. On Tuesday, 15th October 2024, two herders were injured and rushed to Kapenguria County Referral Hospital after a multi-agency team of security officers led by Kenya Defence Forces (KDF), engaged in a security operation in Amolem Village in West Pokot County. The two herders were injured after the security officers mistook them for bandits, and opened fire and threw grenades at them. Additionally, numerous livestock were injured, and 13 cows belonging to Mr. Pkukat Lochelepong Aletom of Identification (ID) No.7686375 were killed during the raid.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. An explanation on the circumstances that led to the injury of the two residents and killing of livestock by a grenade used by security officers;
2. A report on the measures the Government has put in place to protect the residents, including taking action against those found to be culpable of the crime;
3. Relief measures and any compensation plan that the Government is putting in place to support the victims; and
4. Measures in place to ensure the security agencies operating among communities establish structures and mechanisms of obtaining information that aids in providing security.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): The Chairman had indicated that he is engaged in a ministry function. Hon. Kwenya.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. I wish to respond on behalf the Chairman. I assure the Hon. Member that this matter will be forwarded to the relevant Ministry, that is the Ministry of Defence, and a response should be expected within 14 days. Thank you.

The Temporary Speaker (Hon. Martha Wangari): In the next two weeks. Next is the Member for Bumula Constituency, Hon. Wamboka. If he is not in the House, we shall go to the responses, starting with the Departmental Committee on Defence, Intelligence and Foreign Relations. Again, Hon. Kwenya.

RESPONSES TO STATEMENTS

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. I have two Responses to Statements. I will start with the request by the Member for Mwala Constituency.

The Temporary Speaker (Hon. Martha Wangari): Begin as in the Order Paper. Start with the one by Hon. Phelix Odiwuor.

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MANAGEMENT AND PUBLIC ACCESS TO UHURU GARDENS

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. I will start with the one that was requested by the Member for Lang'ata Constituency, Hon. Phelix Odiwuor, alias Jalas Jalang'o. He sought a Statement regarding the current management and public access to Uhuru Gardens.

The Member for Lang'ata Constituency, Hon Phelix Odiwuor sought for a Statement, pursuant to Standing Order 44(2)(c), regarding the current management and public access to Uhuru Gardens. He specifically raised the following concerns in his Request for Statement:

1. Clarification on whether Uhuru Gardens will remain an open public space as was earlier or has become a space of controlled visits and access;
2. A report on the status of completion of renovations of Uhuru Gardens by the Kenya Defence Forces and when the public will be granted access;
3. The reasons for permission of certain activities at Uhuru Gardens while the general public is denied access; and
4. Plans in place to ensure that Uhuru Gardens is listed on the eCitizen Platform, specifically the 222222 portal, to allow citizens to make payments or bookings for public access and events, thus ensuring accountability and transparency.

The Committee engaged the Ministry of Defence on the above concerns raised by Hon Phelix Odiwuor. I therefore, wish to respond to the issues as follows:

For clarification on public access to Uhuru Gardens, the Ministry confirmed that Uhuru Gardens remains a public space. However, it was closed for renovations. Once these works are completed, the Gardens will reopen to the public. The facility includes a museum and open spaces with priority given to completing the main stadium, which is already hosting events including national celebrations. Other areas, including museum galleries remain under construction and will open once fully completed.

On the status of renovations and timelines for public access, the Ministry stated that the project is approximately 80 per cent complete, with artefacts and exhibition components at 60 per cent completion. While full access will be granted upon the completion of the project, there will be a partial opening to select groups to allow for system testing. The Ministry assured that the project will fully reopen when construction is concluded, and exhibition content for galleries are adequate.

On permission for activities amid limited public access, the Ministry clarified that although the project is not fully completed, certain sections such as the main stadium and the Tomb of the Unknown Warrior are complete. The complete areas are open to the public whenever required, noting that the Ministry allows members of the public to use the main stadium on request. Several events have been held at the venue including national celebrations and the Standard Chartered Marathon. The Tomb of the Unknown Warrior regarded as a sacred site, is available for dignitaries to honour fallen heroes through wreath-laying ceremonies.

On listing on eCitizen platform, the Ministry confirmed that Uhuru Gardens Museum and Monument will be listed on the eCitizen platform once the project is completed and commissioned. This is in line with government policy, and the Ministry assured compliance with the requirement to enable payments and bookings, ensuring accountability and transparency.

I submit. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Jalas, are you satisfied?

Hon. Phelix Odiwuor (Lang'ata, ODM): Thank you, Hon. Temporary Speaker. We are satisfied with these answers and we accept.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Kwenya, next response to the Member for Mwala Constituency.

MYSTERIOUS DEATH OF MR WILLIAM MULWA IN THE USA

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. Pursuant to Standing Order 44(2)(c), I rise to respond to a Request for a Statement by Hon. (Eng.) Vincent Musyoka, Member of Parliament for Mwala Constituency, regarding Mysterious Death of Mr William Alfred Mulwa Mutilangi in the United States of America (USA).

He specifically, raised the following concerns:

1. The status of investigations into the suspicious hospitalisation, mysterious death and hurried cremation of Mr. Mutilangi in the USA under the Power of Attorney by Kahuthu and Advocates under unclear circumstances without involvement of the family of the deceased.
2. The steps taken by the Government to ensure that all the perpetrators of the death and the issuers of the suspicious Power of Attorney for the cremation of Mr. Mutilangi are brought to book and prosecuted.
3. Actions taken by the Government to ensure that Mr. Mutilangi's family is protected from threats by persons likely to be associated with his death, including securing them from being disinherited of the estate of their deceased kin.
4. Measures taken by the Government to ensure that all Kenyans who die in the diaspora are well preserved, and their remains efficiently, transported back to their families if they so wish.

Hon. Temporary Speaker, the Committee engaged the Office of the Prime Cabinet Secretary and Ministry of Foreign and Diaspora Affairs on the above concerns raised by the Hon (Eng.) Vincent Musyoka. I therefore, wish to respond to the issues as follows:

The State Department of Foreign Affairs received an official request from the family of the late Mr. Alfred William Mutilangi, seeking assistance in locating him in New York City. This request followed a notification from a family acquaintance, Mr. Ndambuki, regarding Mr. Mutilangi's death on 16th October 2023, at Hudson Valley Hospital, New York. The family requested that the Department confirm the death of Mr. Mutilangi, determine the location and condition of his remains, and obtain contact information for his employer, PepsiCo Foods and Beverages Company, where he held the position of a Senior Manager.

In response, the State Department communicated with the Kenya Embassy in Washington, requesting for a status report. Subsequently, the Deputy Chief of Mission at the Embassy in Washington, D.C., met with Mr. Anthony J. Guarino, the Director of York Town Funeral Home, to gather more information. It was confirmed that Mr. Mutilangi had passed away in hospice care after suffering from a terminal illness for an extended period, and that his body had been cremated at his son's request. The funeral home, however, declined to disclose the specific cause of death, citing data protection concerns. To maintain client confidentiality, the funeral home indicated that it would only communicate with a legally appointed family representative.

This information was relayed to the Mutilangi's family through Mr. Vincent Mutilangi. Attempts to gather additional information from PepsiCo Foods and Beverages Company regarding Mr. Mutilangi's employment were unsuccessful. PepsiCo Foods and Beverages Company indicated that conflicting claims from individuals claiming to be family members had made it difficult for them to disclose any information, save to a duly appointed legal representative. Consequently, the State Department advised the family to initiate a

succession cause and obtain Letters of Administration for an appointed administrator of Mr. Mutilangi's estate to directly engage the funeral home and his employer.

Further investigations revealed that Mr. Mutilangi may not have maintained a close relationship with his immediate family in Kenya. His family was unaware of his illness and admission to hospice care until after his death. It also emerged that Mr. Mutilangi may have had a family, including a son and a wife reportedly, of Tanzanian nationality, a fact disputed by his Kenyan family. These family dynamics necessitated legal intervention, rendering the matter outside the scope of the US Embassy involvement.

The inquiries conducted by the State Department, thus confirmed Mr. Mutilangi's death and the cremation of his remains. However, due to conflicting claims from various parties whose interests could not be verified, certain details – including the precise cause of death, information on his next of kin, and his dues from PepsiCo Foods and Beverages Company – could not be ascertained. The complex family circumstances and involvement of multiple interested parties further complicated the situation. Following the guidance of the State Department, the family of Mr. Mutilangi has filed a case in New York.

I submit. I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Mwala, is that the actual status of the situation?

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Speaker, this is clearly what we call a cat walk story. I have not been told anything new. The Ministry is basically repeating the preliminary information that I had given them.

Mr. Mutilangi has a family in Kenya. He was not married and that complicates the situation. There are criminals who have been preying on Mr. Mutilangi's situation and taking advantage of the fact that he did not have an immediate family in the USA. It is feared that the same people claiming to be family, have since run away and revoked their earlier statements, that they were his family. These are the same people feared to have killed or murdered him.

As we speak, Mr Mutilangi's family in Kenya has not even buried their beloved son. He has a brother and a family in my constituency. However, they are yet to bury their beloved one because they not able to get a visa to collect the remains of their beloved one who was illegally cremated by some criminals. Unfortunately, the Ministry is giving us false hopes. In all fairness, I do not think the family has gotten justice with this response.

The fourth part of my question was the action taken by the Ministry so that in similar cases, deceased persons can be transported back to the country. The family has made so many requests. They have even written to the embassy requesting for appointments but they have been denied visas to go and collect the ashes so that they can bury Mr Mutilangi according to our customs.

I, therefore, fear that this particular response does not solve the issue. I do not even understand what the response is advising the family to do. It is full of hearsay. It is claiming that it is alleged that he had another family. Why did the Ministry not investigate to ascertain whether the other family exists or not? That is why the highest office that we have is that of the Prime Cabinet Secretary. Since we already know what you are telling us, we expected you to now take an extra step and tell us ...

The Temporary Speaker (Hon. Martha Wangari): Member for Mwala Constituency, let us not debate it further. Just seek a clarification.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Speaker, there is no need to because the matter that has not even been responded to.

The Temporary Speaker (Hon. Martha Wangari): I have indulged you, and given you quite some time to put your issues across. We will therefore, go ahead and hear from the Committee on the way forward. Hon. Kwenya.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. I really empathise and sympathise with the situation of the family. In fact, the issues they have raised are pertinent. However, we sat as a Committee and engaged the Ministry of Foreign and Diaspora Affairs when the matter was brought to us. On the issues that Hon. Musau is raising, indeed the family has not had their share of justice. We found out that they have filed a case in New York which is ongoing. It is only fair if the Hon. Member acquaints himself with the contents of the case. So, he can assist the family to get justice from that end. The deceased had a will in which he stated that in the event he passes on, he should be cremated. The Government of Kenya is very keen on issues concerning people who pass on, outside its jurisdiction. Our embassies have been very proactive at helping families. They always help them to transport their deceased to where they will be buried. For now, there is a will stating what he wanted to be cremated once he passed on. There is nothing much the Government can do.

This matter is actively before the court. I believe the best thing the Member for Mwala can do is to acquaint himself with the contents of the case and support the family.

Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. Martha Wangari): Member for Mwala.

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Speaker. I am not very good in legal matters. I want to know whether Kenyan citizens living in the US, must seek for justice there. You have said that the only way out for this family is to seek justice in the US when they cannot travel to because they have been denied visas. Who is supposed to stand in for this family? Do we tell them that they are on their own? Tell us if you have any plans of assisting them to bring the remains for burial in this country.

Hon. Ali Raso (Saku, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kwenya wait, there is a point of order from Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. We have heard the ping-pong between the two Hon. Members. If somebody dies in a foreign jurisdiction, that does not fall within the realm of Kenyan courts. What the Ministry of Foreign and Diaspora Affairs is advising is exactly what Hon. Kwenya is saying. This individual had a will. So, it must be respected in Kenya and the foreign jurisdiction. What Hon. Kawayo should ask through the Departmental Committee on Defence, Intelligence and Foreign Relations, is how they can intervene so that the deceased is interred in the custom of their community. There is not much the Government can do to help. I think this situation is more complicated than what we have heard from the exchanges between the two individuals. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kwenya this is your final chance to say something different from what you have already said.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. The Member for Mwala has raised an issue about the family travelling to the US to seek justice. From what we gathered, there is an active case filed by the family. There were conflicts on who the family is. In the Statement, you heard that the deceased had a family in the US with a Tanzanian lady and they had a son.

So, the issue of who is pursuing the court case is ambiguous. He was not known as a family man other than having brothers and sisters. Therefore, it was very difficult for the Committee to tell who family between all these people is. That is the conflict the Government found itself in. The fact is there is an active case in New York filed by the family, as for which one, that is a matter for another day.

The Temporary Speaker (Hon. Martha Wangari): Member for Mwala before I put this matter to rest, I will indulge you but limit yourself to the active court case in the US. So, we can make progress. Do you have something to say?

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Speaker. As I said, I am not an expert but I am seeking justice for this family. This is not a civil matter but a potential murder case. I think we are taking it so lightly and even talking of a will that can also be contested. In the first place, the person who executed it is a suspect. I want us to assist this family from that point of view. Maybe, you can direct the Committee to engage the Cabinet Secretary further. How I wish when these deliberations were being done they invited me to meet the Cabinet Secretary. So, I can understand more about this case because I think they do not.

The Temporary Speaker (Hon. Martha Wangari): Member for Mwala, you must also realise that this response came from the Ministry of Foreign and Diaspora Affairs. They are the authors so when you say they do not understand, there is contradiction.

Hon. Vincent Musau (Mwala, UDA): In the past, the Hon. Speaker ruled that any Chairperson presenting any matter here must first satisfy themselves it represents the truth. He is responding to this as the Cabinet Secretary and there is nothing in this Statement. There seems to be so much they do not know. No investigations have been done to these allegations. Who is supposed to unearth them? What are we advising the family to do?

The Temporary Speaker (Hon. Martha Wangari): Member for Mwala before I give you, Hon. Makali I think we have conflicting issues. You have brought the issue of murder which is not in the Statement because it stated that he died from chronic illness in a hospice. He had written his will. First, let me indulge Hon. Makali Mulu then we make progress from here.

Hon (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. Listening to Hon. Kawayu and the representative of the Chairperson, it is obvious they will not get a solution in this sitting. The Statement has been read... I am on a point of order. How can you ask for a point of order when someone else is on a point of order?

The Temporary Speaker (Hon. Martha Wangari): Continue Hon. Makali.

Hon (Dr) Makali Mulu (Kitui Central, WDM): I taught Hon. CNN is a ranking Member. The Chairperson can assist the Member for Mwala by facilitating a meeting with the Principal Secretary. That way, the questions he has asked will be answered. Otherwise, Hon. Thuku cannot answer some of those questions. I wish he asked a question rather than a statement. The Chairperson reads a statement and that is the end of the story. If he can facilitate a meeting, I think that will help the Member.

The Temporary Speaker (Hon. Martha Wangari): That is the route we will take. Member for Mwala I agree with Hon. Makali that we will not get a solution from this statement. I propose that the Chairperson of the Committee calls the Cabinet Secretary or Principal Secretary for Foreign and Diaspora Affairs for the meeting where you will also be present. These questions are better answered by the ministry. Hon. Kwenya are you guided?

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker for the guidance. Indeed, this family needs closure of this matter. We will endeavour to do whatever is within our purview to bring this matter to rest. I will communicate the same to the Chairperson of our Committee. Thank you.

The Temporary Speaker (Hon. Martha Wangari): That is well guided. The next Statement is from the Chairperson of the Departmental Committee on Energy. Hon. Musau you are the one responding to Hon. Makali Mulu.

STATUS OF COMPENSATION TO MASTER SIMON MUEMA FOR
SEVERE INJURIES SUSTAINED FROM ELECTROCUTION

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Speaker. Things change so fast. I am in the frying pan. Hon. Makali Mulu requested for a Statement regarding

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the status of compensation to Master Simon Mwema for injuries sustained following electrocution from Kenya Power lines. The response we got from the ministry did not satisfy us.

Hon. Temporary Speaker, this is the response.

Master Simon Muema suffered electrical burns at Kyethani Village in Mwingi on 17th December 2017 while playing with part of a vandalised stay wire that was attached to a pole with electrical conductors. In the course of playing with the remaining part of the stay wire, the stay wire came into contact with a low-voltage (LV) line, causing it to be energised.

The incident was duly reported to the Kenya Power Mwingi office on 20th December 2019, and to the Insurance Department on 12th August 2020. The matter was subsequently reported to the Cooperative Insurance of Kenya Limited (CIC) through Atmos Insurance Brokers Limited.

The insurers have since indicated that they are unable to take up the matter since Master Muema, who was playing with the stay wire, caused it to be energised when it swung against the LV line. Kenya Power and Lighting Company (KPLC) has asked the insurance company to review its decision but they have declined to pay the claim, citing expiry of the limitation period.

In this regard, KPLC has referred the matter to the regulator for review and enable its logical conclusion.

As I said, this response unearths a new potential area of corruption where some of our Semi-Autonomous Government Agencies (SAGAs) are reaping a lot of money through insurance firms. So, when cases are up, the insurance firms decline to accept liability and instead run away. In this particular case, it is sad that the insurance company and KPLC want to claim that the child is the author of his misfortune after he got electrocuted when he touched a low-hanging wire. That is very sad. Even simple understanding has it that wires are not supposed to be loosely hanging in the first place. The fact that the wire was loosely hanging was a liability on the KPLC. The matter has already been referred to the regulator.

As a Committee, we have resolved to audit all the monies that have been paid to these insurance firms and the claims that have so far materialised and have been paid. That way, we can tell Kenyans that the monies being paid to insurance firms by our SAGAs mean something. If this case has not been taken up by the insurance firm, it means no other case would ever be taken up. This is the first case that should have been paid.

The Temporary Speaker (Hon. Martha Wangari): Member for Kitui Central.

Hon. (Dr) Makali Muluu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I want to thank the Chairperson of the Committee for admitting that this Statement is totally inadequate. When I looked at this Statement, I asked myself whether KPLC knows what they should be doing. On a serious note, who blames a child who sustained injuries from a live low-hanging wire at a primary school gate? This Statement should not even have been presented to this House. It is a shame that somebody signed the Statement to be brought to this House.

They are also saying that the insurance company cannot pay because time has lapsed while this matter was reported immediately after it happened. It is KPLC that delayed the family by taking them round in circles. This matter has been pending since 2017. It is almost seven years now. They then talk about time having lapsed.

I agree with the Chairperson that this matter needs to be revisited. We need to get justice for this young person. The small boy is now disabled. They make his situation worse by saying that they cannot compensate him.

Hon. Temporary Speaker, you need to give direction on this matter. We are not happy. The House should act against this institution. This Statement is an abuse to this House.

I submit.

The Temporary Speaker (Hon. Martha Wangari): Hon. Vincent, precedence has been set by your issue. When you follow up on that issue, invite Hon. Makali to be present to execute and prosecute the pending issues. As you have said, it is not sufficient. You can give your commitment from here on how long you will need and the action you will take.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Speaker, this is not a small matter. It might even form an enquiry. What we want to know is, if a claim like this one cannot be paid, then what other claims have not been paid. How much money has been paid? I request that we be given enough time so that we institute a full enquiry on this matter because it affects many other Kenyans.

Hon. Temporary Speaker, if you give us one month, I will be more than happy. This matter will also end up helping other Kenyans who are suffering in the hands of insurers, KPLC and other SAGAs.

I want to make an undertaking to this House. If this claim is not paid, then we will come up with recommendations to be adopted by this House because it would be clear that some of the money we pay to insurance companies to cover these kinds of risks no longer have any meaning...

The Temporary Speaker (Hon. Martha Wangari): Hon. Member for Mwala, do not pre-empt your investigations.

Hon. Vincent Musau (Mwala, UDA): I just wanted to give the Member confidence. Can we have one month?

The Temporary Speaker (Hon. Martha Wangari): Do not pre-empt. Hon. Makali.

Hon. (Dr) Makali Muluu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. The family of the affected boy has been waiting for seven years. It will not cost us anything to wait for one month as long as this matter is concluded. A month is okay with us.

The Temporary Speaker (Hon. Martha Wangari): Hon. Member for Mwala, you have one month.

Let us have the response to a Statement request by the Member for Loima. Is he in the House? Is Hon. Protus in the House? If the Member is not in the House, the Statement will be tabled, not read, so that we make progress. Chairman of the Departmental Committee on Energy, table the Statement to Hon. Protus' request.

*(Hon. Vincent Musau tabled the response
to the Statement request)*

Is the Member for Lungalunga, Hon. Chiforomondo in the House? The response will be given by the Chair of the Departmental Committee on Labour.

GAZETTEMENT OF LUNGALUNGA
SUB-COUNTY AS A HARDSHIP AREA

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. This is a response to a request for statement by Hon. Chiforomondo Mangale, the Member of Parliament for Lungalunga Constituency, regarding gazettelement of Lungalunga Sub-County as a hardship area.

The Hon. Member sought a response to the following issues:

1. The measures put in place by the Ministry of Public Service and Human Capital Development to ensure the gazettelement of Lungalunga Sub-County as a hardship area and provide details on timelines to be taken for the gazettelement of the area.

2. The reason why there has been a delay in implementation of the recommendation of the inter-agency committee that Lungalunga Sub-County be gazetted as a hardship area.
3. A report on the progress, if any, by the Ministry to implement the proposal for gazettelement of the area.

Hon. Temporary Speaker, prior to 1997, the Public Service Commission and the Teachers Service Commission designated hardship areas, which included former Wajir, Mandera, Garissa, Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot and Turkana districts, and the northern part of Baringo District. This comprised 11 fairly distinct hardship areas. The designation of those former districts as hardship areas was undertaken in consultation with the Office of the President, the Directorate of Personnel Management, the Provincial Administration and Internal Security. In 1997, the Minister for Education, through Legal Notice No.534 of 11th November 1997, gazetted an additional 25 hardship areas for the teaching service, following a recommendation by the Teachers Service Remuneration Committee of the Teachers Service Commission.

In 2005, the number of designated hardship areas for the teaching service was increased from 36 to the current 44 as indicated in the Appendix that is attached to this response, which I will table. Currently, the Civil Service, the national Government and the county governments have 16 designated hardship areas as shown in the attached document, while the judiciary has 21 designated hardship areas based on the location of law courts, shown in another attached document.

The Government, through the Ministry of Public Service and Gender, taking cognisance of the existing disparities in designated hardship areas in the public service, established an inter-agency technical committee in March 2019. The committee comprised representatives from the Ministries of Public Service and Gender; Interior and National Administration; Education; the National Treasury and Planning; the Public Service Commission (PSC), the TSC, the Commission on Revenue Allocation (CRA), the Salaries and Remuneration Commission (SRC), the Council of Governors (CoG), and the Kenya National Bureau of Statistics (KNBS).

The inter-agency technical committee undertook countrywide field visits and surveys, and prepared a report for Cabinet approval and gazettelement. Lungalunga Sub-County is currently not designated as a hardship area for purposes of payment of hardship allowance. Lungalunga Sub-County was visited by the Inter-Agency Technical Committee during the data collection exercise and will be assessed against the criteria set by the KNBS to guide the determination and categorisation of hardship areas as shown in Appendix 2 of the Ministry's response.

Hon. Temporary Speaker, the second question was on the reasons why there has been delay in the implementation of the recommendations. The response is that the gazettelement of the hardship area and the implementation of the designated hardship areas will be undertaken upon approval by the Cabinet. It is yet to be approved.

The third and last question was on the report on the progress, if any. The inter-agency team finalised the study and submitted the report to the then Ministry of Public Service and Gender. The report was submitted to the National Treasury, which advised that the approval of the proposed hardship allowances be sought from the SRC. The SRC reviewed and approved the new rates for hardship allowances based on the new categorisation of moderate and extreme hardship areas, which will be applicable across the entire public service prior to the implementation of the new rates and subsequent approval by the Cabinet.

I have the hard copy of the response. That is what we gathered from the Ministry of Public Service and Human Capital Development.

The Temporary Speaker (Hon. Martha Wangari): Member for Lungalunga.

Hon. Chiforomodo Mangale (Lungalunga, UDM): Hon. Temporary Speaker, I want to thank the Chairman for the response. However, it is disheartening that the Ministry is still responding to such a serious issue in this era and time. Lungalunga has been a hardship area since Independence. The Ministry has alluded that it formed an inter-agency team in 2019, which also visited Lungalunga. From 2019 to date is a very long time.

The teachers of Lungalunga and the public servants who serve the people of Lungalunga are in dire need of this allowance. Teachers in Mkwiro and Wasini islands struggle to access their work stations. Currently, Magombani, Mutsunga, Mwakalanga, and Kwa Nyanje are inaccessible because of elephants. The area is dry. There are many other issues which affect teachers in Lungalunga.

We needed a much more practical response than this one. We anticipated and expected that the Ministry would tell us when they will gazette Lungalunga Sub-County as a hardship area. We have discussed and approved matters in this House, which were then gazetted on the same day or the next day. Why is it very difficult for Lungalunga to be gazetted as a hardship area? What is so hard?

The Temporary Speaker (Hon. Martha Wangari): That is your clarification. Do not debate it beyond that point.

Hon. Chiforomodo Mangale (Lungalunga, UDM): I am not debating, Hon. Temporary Speaker. We are not getting what we deserve as the people of Lungalunga.

The Temporary Speaker (Hon. Martha Wangari): I hear you. There is a point of order from the Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, the issue of gazetting of hardship areas came up sometime this year and the Speaker ruled that it is emotive because almost every constituency had raised the same issue of being gazetted as a hardship area. I am sure that my memory is correct because I have seen you nod in agreement.

This response is substandard because it does not state where the Ministry went to collect data, when they did so, or who they spoke to. I expected to see the Ministry in Buuri, which borders Laikipia and Isiolo counties. We share similar geographical conditions. Therefore, this response is substandard. We need to see it so that we know what the inter-agency committee did. The direction by the Speaker should be implemented so that we all contribute to this matter.

The Temporary Speaker (Hon. Martha Wangari): Member for Buuri, the reason why I am nodding my head is because I raised the same matter with regard to Gilgil in the current parliament, and even in the last parliament. I have seen the issue come up here over and over again.

I will, first, give opportunity to the Member for Kaloleni.

Hon. Paul Katana (Kaloleni, ODM): Thank you, Hon. Temporary Speaker. I also raised a similar request in March. The Speaker directed the Leader of the Majority Party to consult with the Ministry, so that they could give a comprehensive report on why some constituencies were left out yet they are supposed to be included and gazetted as hardship areas. Kaloleni was one of them. Maybe, you could give direction or direct the Leader of the Majority Party to tell us how far he has gone with the direction, which was given by the Speaker, so that the matter can be concluded. Almost all constituencies across the country are suffering. They should also be included as hardship areas, so that our teachers and other civil servants who are working in those areas can be paid hardship allowances.

The Temporary Speaker (Hon. Martha Wangari): Deputy Leader of the Majority Party, Hon. Baya, I hope you are listening because this is a cross-cutting issue affecting a majority of the constituencies. I hope you have the report, as guided by the Speaker. The response was specific to Lungalunga Sub-County but it is now spilling over to other constituencies.

I will give opportunity to the Member for Endebess, and then the Member for Jomvu.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, thank you. I also thank Hon. Chiforomodo, Member of Lungalunga, for raising this matter.

We have been raising it year in, year out. You are aware that Endebess Constituency boarders the hardship area called West Pokot. You wonder how somebody working in Endebess is not qualified to get hardship allowance as one in West Pokot or Kapenguria Constituency of my neighbour Hon. Moroto. I had a proposal. I wish the Member for Runyenjes, Hon. Karemba, who is the Chair of the Departmental Committee on Labour, could have all other constituencies captured and do a follow up for gazettelement. It is just a question of gazettelement. We can have the Ministry implement once they are gazetted. Even if we ask the Leader of the Majority Party to do it, it is easier for Hon. Karemba to follow it up and have our constituencies gazetted as hardship areas.

(Hon. Mugambi Rindikiri spoke off the record)

It is not a wrong approach my friend Hon. Rindikiri. Hon. Temporary Speaker, protect me from Hon. Rindikiri.

The Temporary Speaker (Hon. Martha Wangari): Hon. Pukose, address the Chair.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Rindikiri imagines that he can give orders since his region got the Deputy Presidency. You have to be humble, Hon. Rindikiri. You have to be humble.

As I was saying, Hon. Karemba can have our constituencies captured and gazetted so that we follow up on implementation. Otherwise, we will always be crying and making these requests yet nothing happens. That is my appeal.

The Temporary Speaker (Hon. Martha Wangari): Member for Jomvu.

Hon. Bady Twalib (Jomvu, ODM): Mhe. Spika wa Muda, ninasimama kuunga mkono Hoja hili haswa kwa sababu ya Lungalunga. Ninajua Lungalunga. Yale Mhe. Chiforomodo amesema ni kweli. Tukiangalia, Lungalunga ni *hardship area* iliyo na matatizo mengi sana. Vilevile, ninataka kuunga mkono alichosema ndugu yangu Mhe. Katana. Ninasema kuwa mahali panapoitwa Mroroni kule Jomvu ni mpakani na Kaloleni, ambapo pia Mheshimiwa wa Eneobunge la Rabai amesema ni *hardship area*.

Kwa hivyo, ninamwomba kiongozi wetu Mhe. Owen Baya afanye bidii kuona kuwa *area* zote zilizotajwa ziwe *specified* kama *hardship areas*. Mfano ni Mombasa, kuliko na sehemu zilizo na shida kubwa sana. Watu wanaangalia mahoteli na hali zake zilivyo kisha wanaona kuwa Mombasa ni mahali pa starehe ilhali wenyeji ni wenye maisha magumu. Yafaa tujumuishwe kama *hardship areas* ama sehemu za hali ngumu ili nasi tupate manufaa kule Jomvu.

Asante Mhe. Spika wa Muda.

Spika wa Muda (Mhe. Martha Wangari): Asante sana. Mbunge Mteule, Dorothy Muthoni.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. The matter at hand is very emotive because it has been canvassed in this House for a very long time. I thank the Member for Lungalunga for bringing it up. The matter touches on almost all constituencies as hardship areas.

The Teachers Service Commission has been unable to resolve this matter for a long time, especially for teachers. That is why areas that are not hardship areas are seriously understaffed. It is because the neighbouring constituencies are hardship areas. How I wish this matter could be time-bound so that we do not canvass it in this House again. Members of the Departmental Committee on Labour, it is an unfair labour practice when some people enjoy a facility given by the Government while other people in the same neighbourhood do not get the same treatment.

Hon. Temporary Speaker, rule on this matter.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, we have canvassed this issue not once. For those who were here, it is not just in this term but even last term and even the other term.

I will give a chance to the Deputy Leader of the Majority Party, Hon. Owen Baya. The Speaker directed that there was to be a team to undertake the exercise. Update the House on the progress made so far, stating when the expected Report will come and when the expected action will take place.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I know that this is a very emotive issue cutting across many constituencies. It affects many people. Even when people talk about hardship areas, municipalities and their house allowances is the new element that has also come in. That area cuts across the country. It is important that we get a comprehensive Statement from the Cabinet Secretary in charge of public service. There has been consultation with the former Speaker, Hon. Justin Muturi, to ensure that this matter is dealt with comprehensively. I request Parliament to be patient as I ask how soon the Cabinet Secretary will make the Statement, which is in the works, available to the House.

Hon. Temporary Speaker, I beg the indulgence of Members and yourself on this matter.

The Temporary Speaker (Hon. Martha Wangari): Hon. Baya, this matter has been pending for long. Not to put a timeline would be very unprofessional because it is urgent and important. Could you do that before we break for recess in the next two weeks?

Hon. Owen Baya (Kilifi North, UDA): We will do it before recess – within the next two weeks.

The Temporary Speaker (Hon. Martha Wangari): Member for Lungalunga, is it different?

Hon. Chiforomodo Mangale (Lungalunga, UDA): Hon. Temporary Speaker, the issue here is about a report to be taken to the Cabinet and gazette. It is not about Statements coming to us, and all that. The Cabinet needs to approve a report then gazette the areas, and the rest will be done. As per the explanation from the Chair, the report is already there.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Chair of the Departmental Committee on Labour, Hon. Karemba, can we hear you?

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. I think it is good to separate issues. As per the request by the Hon. Member for Lungalunga, a report is already there. He is saying, it is for that report to be taken to the Cabinet. You have pronounced yourself with regard to the other report. It is now upon the Deputy Leader of the Majority Party to do as you have directed.

I register the disappointments of Hon. Members. I totally agree with the Members who believe that it is an unfair labour practice for some people to enjoy facilities and privileges because of working in hardship areas while other deserving individuals do not enjoy the same. Hon. Members should expect the Committee to register their disappointments with the Ministry for action. We believe that it should not take long because from 2019 is a long duration. Things should have happened. We want to be in a country where things move without unnecessary delays.

The Temporary Speaker (Hon. Martha Wangari): We shall make progress, Members. We have the commitment from the Deputy Leader of the Majority Party and the Chair of the Departmental Committee on Labour. We will go to the next Statement request, which is by Hon. Joshua Kandie. It is still the Chair for the Departmental Committee on Labour to respond.

Hon. Muchangi Karemba (Runyenjes, UDA): There is a pressing issue here. However, he will execute it some other time.

REGULATION OF LABOUR MIGRATION THROUGH
PRIVATE RECRUITMENT AGENCIES

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Temporary Speaker, I present a response to a Statement request by Hon. Joshua Kandie, the Member for Baringo Central Constituency, regarding regulation of labour migration through private recruitment agencies.

The Statement is based on the questions that were asked. The first part of the question was on the roles of the Ministry of Labour and Social Protection in the registration and regulation of private recruitment agencies involved in labour migration. The second part of the question was on how the Ministry of Labour and Social Protection works with the State Department for Diaspora Affairs in regulating the labour migration sector while ensuring that the said department does not encroach on the roles of the Ministry. The third part of the question was on why and how private recruitment agencies banned by the Ministry of Labour and Social Protection continue to recruit migrant workers.

Hon. Temporary Speaker, the registration and regulation of private recruitment agencies is done in accordance with the Labour Institutions Act of 2007 and Private Employment Agencies Regulation of 2016. Section 54A of the Act provides for the establishment of the inter-ministerial committee consisting of officers from—

1. The Ministry responsible for immigration.
2. The Ministry responsible for labour.
3. The Ministry responsible for security.
4. The Attorney-General
5. The Ministry responsible for foreign affairs.

The officer from the Ministry responsible for labour shall be the chairperson of the inter-ministerial committee.

Section 54B of the Act provides the functions of the inter-ministerial committee. It shall be responsible for—

1. Advising the Cabinet Secretary responsible for labour on matters related to work permits in relation with security issues.
2. Vetting the application for registration made by employment bureaus and agencies.

In addition, Section 54C of the Act provides the requirement for approval by the inter-ministerial committee. Every employment bureau or agency shall be required to seek and obtain Government approval prior to sending Kenyan citizens for employment outside Kenya and for employment of foreigners within Kenya. The applications for registration made are vetted by the inter-ministerial committee established under Section 54A of the Act.

The National Employment Authority is a State agency under the Ministry of Labour and Social Protection. It is mandated to register and regulate private employment agencies, in accordance with Sections 54A to 60 of the Labour Institutions Act of 2007. The Authority is the secretariat of the vetting committee. It is also mandated to do the following, in accordance with the National Employment Authority Act of 2016:

1. Advise on formulation of employment policies and strategies for national and county governments.
2. Facilitate the employment and placement of jobseekers locally and internationally.
3. Facilitate the implementation of national policies on employment.
4. Collection, analysis and dissemination of labour market information.
5. Building the capacities of private employment agencies.
6. Sensitising jobseekers.
7. Handling complaints from jobseekers.

8. Promoting ethical recruitment.
9. Cancellation or revocation of licence of an employment agency that fails to observe the provisions of the existing laws and regulations.

The second question was on how the Ministry of Labour and Social Protection works together with the State Department for Diaspora Affairs, while ensuring that it does not encroach on the roles of the Ministry. I have the response.

The Ministry of Labour and Social Protection ensures that the procedures for labour migration are carried out in orderly and safe manner. At the same time, it ensures that migrant workers undergo pre-departure training and orientation. The Ministry collaborates with the Directorate of Diaspora Affairs and the State Department for Diaspora Affairs in ensuring that migrant workers in distress are repatriated back to the country. In cases involving deaths of migrant workers, similar coordination is needed to assist bereaved families bring home bodies of their loved ones.

The third question was on why and how private recruitment agencies banned by the Ministry of Labour and Social Protection continue to recruit migrant workers. The National Employment Authority carries out impromptu inspections to ensure that recruitment agencies adhere to the laws and regulations governing the operations. Those whose licences are either cancelled, suspended or blacklisted are not supposed to recruit migrant workers. All reported cases are dealt with in accordance with the law. The National Employment Authority periodically publishes in the national dailies all private employment agencies that have been blacklisted and their operational licences revoked. Most importantly, Kenyans are also advised to regularly visit the National Employment Authority website, www.neaims.go.ke, to access the list of registered private employment agencies and their current status.

The same response was relayed to Hon. Joshua Kandie. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Chairman. Member for Baringo Central.

Hon. Joshua Kandie (Baringo Central, UDA): Thank you, Hon. Temporary Speaker. The only problem I have with this Statement is that I was among the delegation that went for the signing of an agreement with the German Government in September. I met some recruiting agencies which have been banned dining with the high and mighty people in Germany. So, this Statement is in theory, but in practise, banned recruitment agencies do business. How will the Ministry help us to ensure that Kenyans are not exploited by these agencies?

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

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Chairman. While I consider the sentiments by Hon. Member very important, I will appreciate if there is any supplementary information from him. He has alleged that he was in Germany with some recruitment agencies that have either been banned or their licences revoked. As the Chairman of the Departmental Committee on Labour, I will appreciate if more information is relayed to our Committee for further action.

We have a duty and responsibility to protect the jobless Kenyans from being exploited by these recruitment agencies. It has been happening for a long time. It is time this is stopped once and for all.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chairman, Hon. Kandie has said that we are very good with the theories on paper, but we do not implement them. I hope this can be a continuous process. If Hon. Kandie has more information, he has a responsibility to supply it to the relevant committee to assist them in their work. Any Member can do that. Let it be settled at that point.

Hon. Yusuf Hassan (Kamukunji, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Before we go to Hon. Wanami Wamboka, there is a point of order from Hon. Yusuf Hassan.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity.

I rise to speak on a terrible disaster that took place in my neighbourhood. Today is a very dark day in Kamukunji. Last night, we had a devastating fire in Kitui Village, Pumwani Ward, Kamukunji Constituency. Seven people were killed and scores of people were seriously injured. As I speak, several people are missing, including children. Therefore, this death toll will go up. This is the deadliest fire incident we have ever had in Kamukunji. I call upon the county government and the national Government to take immediate steps to assist the victims of this particular fire and address some of the underlying problems. There is lack of access to the neighbourhood and lack of a fire station nearby which could have saved some of the lives. They should also support those affected and have been left homeless.

My office will do whatever is necessary to help them. However, we need an urgent action on some of the fires that we have had in Nairobi City County. This is not the first one. We have had three or four fires within this week in many parts of Nairobi City County, but this is the one with the highest number of victims. Therefore, I call upon the authorities to look at this issue and see how we can mitigate it to ensure that our citizens do not just perish helplessly and mindlessly in these kinds of fire incidents. I send my deep condolences to the families that have lost people, friends and neighbours of the people of Kitui Village and Pumwani Ward.

Thank you so much.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Member for Kamukunji. On my behalf and that of the House, I offer our condolences. I know the Member for Nairobi City County had also spoken to the Speaker about the matter. I will give you two minutes to offer your condolence and then close the matter.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker. We are saddened that we keep having fire incidents in Nairobi and we keep losing lives. A few months ago, a mother lost three of her children. Today, a father has died with three children, a mother has died with one child and a man has been burnt beyond recognition. In fact, all the bodies are burnt beyond recognition.

It is disheartening that we do not have access roads. This is why I tell Kenyans that His Excellency the President's fight for better housing will resolve the problem of access. We do not have access to most of the informal settlements. I also reiterate what the Member for Kamukunji has said. We have been expecting a fire engine to be put in Gikomba, but it has not been done yet. There are always pressing needs for the budget, but we need a fire station in Gikomba because it is an area that is prone to fire incidents as well.

On my behalf, I offer condolences to the people who have lost loved ones. I hope we will eliminate slums in our city so that everybody can live in dignity and we have access to fire disasters when they happen.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. We will now go to Hon. Wanami Wamboka's request for Statement. Hon. Wamboka, you had been called upon earlier. You should apologise first for coming late.

REQUEST FOR STATEMENT

STATUS OF IMPLEMENTATION OF COURT ORDER ON RECRUITMENT OF KRA OFFICERS

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I am always very committed to the business of this House. I was with the delegation from South Sudan, the Chairman of the Public Accounts Committee and his team. I am very sorry to have delayed.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour regarding the status of implementation of the court order on recruitment of officers by the Kenya Revenue Authority (KRA).

In June 2023, KRA recruited 1,406 Revenue Service Assistants, with an aim of increasing their workforce to enhance revenue collection efforts. However, in March 2024, the High Court in Nairobi declared the recruitment unconstitutional, citing failure by KRA to uphold diversity and regional balance. The court held that the recruitment was in contravention of the Constitution. Notably, KRA has allegedly retained the said officers against the court order and against the wishes of this House. The KRA was also to institute an ethnic diversity and regional balance policy.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Labour on the following:

1. Provision of a status report on the implementation of the court order issued, declaring the recruitment of 1,406 Revenue Service Assistants by KRA unconstitutional.
2. Steps to be taken to reverse the salary processed to the 1,406 recruited officers after the judgement, if any.
3. Status of implementation of the ethnic diversity and regional balance policy.

I thank you, Hon. Temporary Speaker. May I proceed to say something or do you first pronounce yourself on it?

The Temporary Speaker (Hon. Martha Wangari): There is no further proceeding. You have requested for a Statement. The request is committed to the Departmental Committee on Labour immediately.

(Hon. Wanami Wamboka spoke off the record)

Hon. Wamboka, you have made a request for a Statement on the status of implementation of the court order. I have committed it to the Departmental Committee on Labour. The Leader of the Majority Party, kindly note. I do not see the Chair or Vice-Chair of the Committee. Maybe they have stepped out. Ensure that the Chair is well aware to bring a response in the next two weeks.

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Wamboka, what is out of order?

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, about three months ago, I requested for a Statement from the Chairperson of the Departmental Committee on Defence concerning recruitment in Bumula Constituency. That debate was so heated in this House because more Members and, therefore, more constituencies, were affected. The Chairman brought a response which was not adequate and not befitting of the standards of this House. It was not satisfactory.

The Speaker ordered that upon resumption from the short recess, the Chair should bring a good Statement in the definition of a Statement that is admissible and satisfactory to this House. To date, it has not happened. The Chairman is quiet. The Ministry is also quiet. Nothing is happening. I want to know what is happening because this House must be respected. This is the National Assembly of the Republic of Kenya. Is the Cabinet Secretary for Defence too

powerful that she can ignore what this House directs her to do? Is the Chairman of the Departmental Committee on Defence untouchable to the extent that he can do what he wishes and not subscribe to the tenets of this House? I beg that you give your guidance and directions to this effect.

The Temporary Speaker (Hon. Martha Wangari): You have made your point, and rightfully so. I have been briefed that the issue was canvassed and the response was to come in the first two weeks after resumption. I direct that the Leader of the Majority Party ensures the Chairperson brings the response to the issue raised by Hon. Wamboka in the next one week.

Finally, to close on this Order is the Chairperson of the Departmental Committee on Health on the matter of the Social Health Insurance Fund (SHIF).

STATEMENT

REGISTRATION OF PERSONS FOR ROLLOUT OF UNIVERSAL HEALTH COVERAGE

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I wish to make a Statement on registration of persons at the constituency and county office level for the rollout of the nationwide Universal Health Coverage (UHC) by the Social Health Authority (SHA).

The Ministry of Health and SHA, from 1st October 2024, started rolling out the SHA health care services and benefits under the three funds, that is, the Primary Health Care Fund, the Social Health Insurance Fund and the Emergency, Chronic and Critical Illness Fund established under the Social Health Insurance Act (No.16 of 2023) that was enacted by this House almost a year ago. This Act is currently being operationalised by the Government in terms of access to SHA health services and benefits being offered by SHA. As the Chairperson of the Departmental Committee on Health, I rise to give a Statement concerning registration of Kenyans at the constituency level.

Members of the Departmental Committee on Health have raised concerns on the slow registration of Kenyans. In response to these concerns, the Ministry of Health was invited to clarify the slow process of registration of Kenyans. The Ministry of Health and SHA, in the meeting held on Thursday, 7th November 2024, highlighted its preparedness for the rollout of access to the SHA benefits. The SHA system had registered approximately 14,868,178 Kenyans as of yesterday, Tuesday, 19th November 2024. I wish to inform this august House that the Ministry of Health has since deployed technical officers from the Social Health Authority and Digital Health Agency to support in the registration exercise as per the attached annex, which I have attached and I will table, so that Members can look at their constituencies and see who are the staff from both the Digital Health Agency and the Social Health Authority.

The purpose of this Statement, therefore, is to request the Members to support the Social Health Authority roll-out in their respective constituencies, and counties for the County Woman Representatives, by linking up with the officers listed in the respective regions and counties and the contracts provided.

In conclusion, the registration of Kenyans if implemented by the Ministry of Health in the manner the latter explained to the Committee would contribute significantly to the digitisation and modernisation of Kenya's healthcare system ensuring accessible, affordable and high quality care for all Kenyans as envisioned in the Kenya Health Policy 2014-2030 and the Kenya Universal Health Coverage Policy 2020-2030.

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

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

Hon. Temporary Speaker, the challenge that many Kenyans face is because they want to register at the time when they are getting services. We are requesting Kenyans that they should register early enough, so that when you go to get services in the hospital, you are already a registered member. You should not be struggling to register. As per yesterday, we agreed with the Social Health Authority that they should contract all Level 4 hospitals for outpatient services so that primary healthcare can be offered at Level 2, 3 and 4, so that all Level Four facilities should provide primary healthcare and people can walk in and out and get the services. The method for payment will be through capitation. We are going to ask Kenyans for patience and also timely registration so that they can access services without any difficulties.

Thank you, Hon. Temporary Speaker. I want to table this and tell the Members that they can go to the Table Office, look at their constituencies and get in touch with the Digital Health Agency and the Social Health Authority officers who are responsible for registration in their areas, so that people can be registered. They can also assist us in identifying who are the indigents so that they can benefit from Government support through being registered and having access to services.

The Temporary Speaker (Hon. Farah Maalim): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): I thank you, Hon. Temporary Speaker for this opportunity. I really appreciate the focus of the Chairperson of the Departmental Committee on Health. However, there are some clarifications that Kenyans need to be told. On the matter of registration, there are new registrations. The people who have never been with the National Health Insurance Fund (NHIF) and there are old card holders of the NHIF. That matter needs to be clarified because what is happening, particularly with the old card holders, they appear in hospital where the outpatient is working, but the inpatient is not working and vice versa. I thought the Chairperson could also come out clearly to tell us the causes of these delays. Is it a system failure? Is it a human created failure? Or it is natural because it is very funny.

The Government is doing whatever it can. I believe there is something wrong at the NHIF or SHA, whatever it is. This is something that the Committee needs to investigate to find out who is causing this delay because surely, when I use my identification document (ID) and my old card number, I am not able to access. We have been blaming Kenyans for not having digital phones. But at my constituency level at Buuri Constituency, I assign my staff to go around asking people who are not registered to register. But when you try to access that system, it is a nightmare. So we need to know exactly what is the cause of this delay. Is this an intentional delay? Or is this a sabotage? What is it? This scheme is the best, but if Kenyans are not able to access the services, we cannot be sitting here every day.

The Temporary Speaker (Hon. Farah Maalim): Make your point. You have already asked your question.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. It is a month since the process started. The numbers are not that big. We must tell Kenyans the truth because people think that the Government is not working. The Government is working, but something is not right at the headquarters.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Baringo South.

Hon. Charles Kamuren (Baringo South, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I also want to register the challenges that this exercise of registration is facing. There is a lot of confusion and we do not know the source, or rather the cause. We want the Ministry specifically and the SHA officers to be very clear on this. As the sick go for those services, some of them have registered, but they are told there is no specific reference number, because the numbers they are using are the old NHIF numbers. So, it is like there is somebody

somehow in the systems who is not honest. The registration is going on well, and Kenyans have accepted. Kenyans want to access these services.

The Temporary Speaker (Hon. Farah Maalim): Hon. Bady Bady, I see your name on the screen. Do you have an issue here or is it an old one?

Hon. Bady Twalib (Jomvu, ODM): It was an old one. Thank you, Hon. Temporary Speaker, for giving me this opportunity. But I wanted to converse on the old one.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Okay. Fair enough. Hon. Member, at the end there.

Hon. Eric Wamumbi (Mathira, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I want to ask the Chairperson to clarify on the role of county health promoters on sensitisation of SHIF. The last time I checked, the remuneration of county health promoters was undertaken by both county governments and the national Government. There is a lot of complaints at the grassroot level that people do not understand or differentiate between SHIF and SHA. They do not understand what SHIF stands for or what it will undertake. I request the Chairperson to clarify the role of the county health promoters on the sensitisation of SHIF. Are they going around the country explaining to the people what SHIF means and what it will do for them?

The Temporary Speaker (Hon. Farah Maalim): I think I will take a very last one. We have other businesses to transact, and so, this will be the last one to ask a question.

Hon. Kassim Tandaza (Matuga, ANC): Asante, Mhe. Spika wa Muda. Yangu ni ule utaratibu ambao unahitajika kwa wale ambao walikuwa wamejiandikisha katika ule mfumo uliopita wa NHIF na sasa na huu mfumo mpya. Tunafahamu kwamba hata sisi kama Wabunge tulikuwa tumechukua majukumu kupitia mfumo wetu ule mfuko wa National Government – Constituencies Development Fund (NG-CDF) kuandikisha baadhi ya wale ambao wanahitaji usaidizi. Walioandikishwa wakati ule walikuwa ni wale watu ambao hawajiwezi, wazee, wakongwe, na mayatima na hawana namna yoyote.

Na katika huu utaratibu ulioko ni kwamba inabidii waweze kusafiri Kwenda vituoni na kujisajilisha upya. Ilikuwa ni ombi kwa Mwenye Kiti wa Kamati husika kama ataweza kufanya utaratibu wa kuwatembelea wale ambao hawajiwezi kuona ni vipi wataweza kuhamishwa. Wengi wao bado wako katika ule mfumo wa zamani, na kama wenzangu walivyotangulia wamesema, wakiwa na dharura na kwenda hospitalini, hawapati matibabu yoyote. Kuna utaratibu gani ambao wanaweza kufanya wa dharura ili wale ambao hawawezi kwenda kwa vile vituo waweze kusajiliwa ili waweze kunufaika na hili jambo?

The Temporary Speaker (Hon. Farah Maalim): I hope the Chairperson has understood. Chairperson, please, among other things that have just been mentioned...

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): For the benefit of some Members, of course.

Hon. (Dr) Robert Pukose (Endebess, UDA): Yes.

The Temporary Speaker (Hon. Farah Maalim): For the benefit of Members and the public, explain the difference between SHIF and SHA. One manages the other, but you have to highlight the difference in your explanation.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, the authority is called the Social Health Authority (SHA). The SHA manages three funds. The Social Health Insurance Fund (SHIF) covers your health at levels four, five, and six. It also manages the Primary Health Care Fund, which covers your health in levels two, three, and four outpatient services. It also manages the Emergency, Critical, and Chronic Illness Fund. If you are utilising

your SHIF and it has been exhausted, any chronic illnesses such as diabetes, renal disease, or those requiring dialysis will still receive services through this different fund.

Hon. Wamumbi referred to county health promoters. However, they are actually community health promoters. The community health promoter operates at the primary healthcare level. This is a network where each community health promoter is in charge of 100 households. They can identify illnesses, diagnose conditions such as diabetes or hypertension, and refer individuals to healthcare facilities for proper treatment.

County governments play a critical role in recruiting these community health promoters. They also co-share the payment costs, with the national Government contributing 50 per cent and the county government covering the other 50 per cent to ensure these promoters receive a stipend. Previously, they did not receive any payment. However, now they receive a small stipend of Ksh5,000, funded jointly by the national and county governments. The National Government is also responsible for training these promoters. This morning, we passed the Community Health Workers Bill, introduced by the Member for Ndhiwa. This Bill will facilitate training, registration, and management of these community health workers.

My colleagues, Hon. Mugambi and Hon. Kamuren, asked about registration. My appeal here is that all 54 million Kenyans must be registered to facilitate the allocation of funds for the primary healthcare system at levels two and three and outpatient services. Through capitation, every Kenyan should access these outpatient services for levels two, three, and four at no additional cost. For emergency, critical, and chronic illnesses, when you are involved in an accident or any emergency, this House has appropriated Ksh2 billion to that fund. We will continue allocating more funds so that you will not have to pay if you experience chronic or critical illness or face an emergency. You will be admitted to any hospital, and that fund will cover your expenses.

The Head of State mentioned how people have been selling their land to take patients to hospital. We aim to change this. If you have kidney disease, you should be able to receive dialysis or a transplant without financial burden, including pre-implant and post-implant care for both the recipient and the donor, as a free service. However, for SHIF, those with payslips have to contribute 2.75 per cent. The rest of Kenyans will go through proxy mean testing.

My colleague has asked what indigents are. Indigents are individuals unable to afford healthcare. Previously, the Government allocated funds through this House for such individuals. Now, we need to ensure these indigents, including the elderly and sick in your constituencies, are registered. We appeal to you to assist; we will send officers to your constituency offices to help with this process. A list of officers from the Digital Health Agency and the SHA—including contact information—is attached here. You can reach out to them for assistance with registration and proxy means testing.

It is essential to identify the impoverished members of our communities so they can access necessary health services for free and without challenges. Now, it is up to you, hon. Members, to help ensure everyone is registered.

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairperson, you need to conclude.

Hon. (Dr) Robert Pukose (Endebess, UDA): Regarding the challenges faced during registration, we are dispatching officers to assist. If you were previously part of the NHIF, rest assured that you will be transitioned to the SHA without any issues and will not miss any services you received under the NHIF.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, we have sufficiently ventilated on this matter. Wednesday morning is reserved for Private Members Motions.

(Hon. Mugambi Rindikiri raised his hand)

Order, Hon. Members. I will give you just one minute because Standing Order 41 is express on this. It states that even the Chairperson making the statement cannot take more than three minutes without the leave of the Chair. The Speaker has been too generous. Ask your question in half a minute, and let him take a minute to respond.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. The Chairperson should clarify who will cover the costs for the officers and their locations. He has provided the contact information, but we need clarification on who is responsible for the costs and where these officers are based.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Hon. Wamumbi, please ask one more question. The Chairperson will respond to both inquiries in one minute.

Hon. Eric Wamumbi (Mathira, UDA): Thank you, Hon. Temporary Speaker. The Chair did not answer my question regarding the role of community health promoters in sensitisation.

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairperson, proceed and answer that. Hon. Kamuren, you have already asked your question.

Hon. (Dr) Robert Pukose (Endebess, UDA): The Digital Health Agency and the SHA staff are on payroll. You do not have to pay anything as a Member. You are not going to meet...

The Temporary Speaker (Hon. Farah Maalim): What is their role?

Hon. (Dr) Robert Pukose (Endebess, UDA): I am still talking about those who assist in registering. The role of the community health promoters is sensitisation. They have tools that can assist with registration and educate individuals on the services available at various primary levels—level one, level two, and level three.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Next Order.

MOTION

COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES TO ENSURE FREE BASIC EDUCATION IN KENYA

THAT, aware that Article 43(1) as read together with the Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students from disadvantaged backgrounds and contributes to the realization of universal basic education; noting that various education bursaries exist in the country including ward-based level bursary, County Government's bursary, National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralized to community-based administration aimed to enhance educational access, equity and responsiveness to local needs; concerned that despite these efforts, the current bursary system faces numerous challenges including lack of standardized and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that these challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due

to financial constraints and strain on household incomes as families struggle to meet educational expenses not covered by bursaries; acknowledging that the implementation of community-based bursary scheme has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognizant that the duty of the government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this House urges that the government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapse all bursary schemes and allocate the funds to the State Department of Education for provision of free basic education through capitation to be directly remitted to schools.

(Moved by Hon. Esther Passaris on 25.9.2024- Morning Sitting)

(Resumption of debate interrupted on 6.11.2024 – Morning Sitting)

The Temporary Speaker (Hon. Farah Maalim): Hon. Martin Owino, please hold on for a moment while we hear from Hon. Esther Passaris.

Hon. Esther Passaris (Nairobi County, ODM): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The debate on this has been concluded. It is now your turn to reply.

Hon. Esther Passaris (Nairobi County, ODM): Yes.

The Temporary Speaker (Hon. Farah Maalim): Okay. You may proceed.

Hon. Esther Passaris (Nairobi County, ODM): Before I reply, I want to address some concerns regarding the SHIF and SHA that we have been discussing. I believe this will be amazing because the haves will be paying for the have-nots. However, when they say that outpatient care will also be catered for in levels two, three, and four, I hope that also covers recurring drugs. For diseases like diabetes, you need drugs.

Additionally, regarding free surgeries in the event of an accident, I hope there will be sufficient stock of necessary implants for these procedures. Most patients...

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Member. You got a small window where the Temporary Speaker wanted to look the other side, but you have expanded it. That business is concluded. Proceed as a mover to reply to the Motion.

Hon. Esther Passaris (Nairobi City County, ODM): Hon. Temporary Speaker, I beg to reply to the Motion on Comprehensive Reform of Education Bursary Schemes to ensure Free Basic Education in Kenya. I have listened to my colleagues. There are those who supported, and others opposed.

For my life, I cannot understand why any Member of Parliament and a representative of the people would not want free secondary education for their constituents. They are aware that parents are struggling. Their constituents come to their offices, pick up forms, fill them out, and return them. It is so undignified to make a parent leave their job to search for a form, fill it and get the bursary after a few months. We have to spread the bursary across the constituents because we look at it in terms of votes. We cannot look at education in terms of votes. Education is a constitutional right under Articles 43(1) and 53(1). Do not oppose free secondary education just because you want to hand out a cheque of Ksh5,000, Ksh10,000 or Ksh3,000. At the end of the day, you are not helping that student. That student will not be studying because they will be sent home many times. Even when the Ministry of Education

gives capitation, the student is still sent home. While we have free day schools, many students cannot still afford books and uniforms, so they do not even attend school.

We need to understand that free compulsory basic education means free education. That a student walks into school, gets books, uniforms and all the facilities they need to get that education. We are not doing justice to our citizens when we cannot provide basic education. Mwai Kibaki was elected into office in December 2002, and in 2003, he introduced Free Primary Education. He did not ask where the money would come from or if the Ministry or parliamentarians could do it. He just said that he wanted Free Primary Education, and it happened. It happened because if you decide to provide something for your constituents, then it is not hard to find the money.

I understand that we are struggling to get money. The Ministry of Education receives an allocation of about Ksh650 billion, and secondary education gets an average of 10 per cent of that budget. To effectively and efficiently provide free secondary education with all the required amenities, the Ministry of Education will need at least Ksh1 trillion or Ksh1.2 trillion. But where will we get that money? Of course, our President is determined to ensure that we become debt-free to save the interest we are paying, which is Ksh1 trillion, and use it for other things.

One of the things that we have to use it on is the constitutional right to education, shelter, and food. As representatives of the people, these are the things that we should be fighting for.

First of all, I want to thank Hon. Mark Nyamita. He seconded the Motion and said that education is a fundamental right. He also said it is a moral obligation for every child in Kenya to access free compulsory education. Why do we have too many criminals right now? Why do we have too many cases of children taking drugs and committing suicide? It is because children do not have something to do with their time. When we make education free and compulsory, no child will be loitering on the streets. They will be in classrooms.

I understand we do not have classrooms, but Members of Parliament have money to build classrooms. I also understand that a Member of Parliament, the NG-CDF patron, is allocated about Ksh700 million during the term they will be in office. That is about Ksh150 million. That money can be put into building schools because we need more schools.

Hon. Anthony Oluoch (Mathare, ODM): On a point of Order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of Order, Hon. Oluoch? Order, Hon. Passaris.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Speaker, I stand on a point of order. In her reply, the Mover of the Motion has a duty to be factual. Is it in order for the Member of Nairobi City County to mislead the House and the public that NG-CDF money is given to Members of Parliament? That is not true. Has this Member of Parliament read the current NG-CDF Act? We have bastardised the NG-CDF by giving the impression to the public that it is money that belongs to Members of Parliament.

This is a House of records. That information must be expunged from the records of this House.

The Temporary Speaker (Hon. Farah Maalim): In my opinion, the Member meant that there is such an amount of money set aside for every constituency.

(Loud consultations)

Order! Members of Parliament are patrons of that.

(Loud consultations)

Hon. Kassim Tandaza (Matuga, ANC): On a point of Order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Vice-Chairman

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. As the Vice-Chairman of the National Government Constituencies Development Fund Committee, I want to state that as per the current NG-CDF Act of 2023, the Member of Parliament is not even a patron. Can we ensure that the records are correct?

The Temporary Speaker (Hon. Farah Maalim): Fair enough. I stand corrected on that, but the presumption is that such money is available.

(Loud consultations)

Order!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of Order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order! What is your point of Order, Hon. Millie Mabona?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. We need to have the records straight because we have a matter in court. When we put things on record, it becomes the evidence people use in court to show how Members of Parliament use the NG-CDF. Legally, we do not have any role in NG-CDF.

The Temporary Speaker (Hon. Farah Maalim): Agreed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): As we contribute here, we need to be very factual about what the law provides.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Those facts are clear now. The Temporary Speaker stands corrected on this.

(Loud consultations)

Order, Hon. Members. Because of the need for us to be very factual, the Temporary Speaker directs that the statement that Members of Parliament manage the NG-CDF money be expunged from the records.

Hon. Passaris, continue. Please conclude your reply.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker. Recently, my party leader, Raila Odinga, said that Members of Parliament should perform their roles of legislation, oversight and representation. Most of these funds should be put in areas that serve the people.

Hon. Raphael Wanjala also said that education is an equaliser. Education has helped most Members of Parliament to be in this House, whether they are from a poor or rich family, and we are all earning the same money. Giving free secondary education will enable many children to get out there and fend for themselves. They will not get into drugs, have teenage pregnancies, or become suicidal because of depression from not being able to go to school.

Hon. Beatrice Elachi mentioned that some children sometimes do not attend school because they cannot afford uniforms. She also suggested that most public schools should explore ways to provide uniforms.

Hon. Nabii Nabwera mentioned that we need to talk about making education free from Early Childhood Development (ECD) to secondary school. We also need to raise the money.

Some Members, like Hon. Gideon Kimaiyo, opposed the Motion. He agreed that while it is a noble idea to amalgamate bursaries, he was concerned about the office that will distribute them. We should not worry. Questions often arise about what the Ministry or the Executive is

doing and how the Legislature can do better. I believe that we have an oversight role. The Executive is under us, and if we perform our oversight role well, then we should be able to do it.

The question is about our egos. Do we feel that we can do it better than the Executive? In principle, we need to agree that every child should go to school. We should make education free, all the way to secondary education. If education is not free, we are not living up to the constitutional rights we swore to defend. When we oppose free education because we want to continue managing bursaries, we are not defending the constitutional right to free education.

Bursaries should be amalgamated. Every child should go to school, and no parent should have to go to the office of a Member of Parliament or constituency office to fill in a form to apply for bursaries. Let us face it. If we are not directly involved, then we are indirectly involved.

Hon. Mugambi Rindikiri (Buuri, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Esther Passaris! Order. Yes, what is your point of Order?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, the Member has gone back again to her argument. She is bringing up the same matter. We do not manage the NG-CDF. She is completely out of Order. I wish she could listen to Hon. Millie Odhiambo. Please listen to Hon. Millie if you cannot listen to anybody else.

The Temporary Speaker (Hon. Farah Maalim): Order. I have heard your point of Order. Indeed, Hon. Esther Passaris, you are out of Order on that because the law is very clear. Members of Parliament do not have any role, legally, on this.

We cannot put the question now.

Hon. Members: We have a quorum!

The Temporary Speaker (Hon. Farah Maalim): Are you sure about that? Clerk-at-the-Table, can you tell me whether we have a quorum?

(Loud consultations)

(The Clerk-at-the-Table conducted a head count of the Members present)

Hon. Millie Odhiambo, proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I want to urge Members that we proceed. We are always here. When, for instance, this Motion for Hon. Esther Passaris is complete, it will come either in the afternoon or the next time this House is sitting. We will keep vigilant. So, please, let us proceed. I beseech you, Members. I hope you understand me. Please, let us proceed. It will definitely come, and we will stay vigilant.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I want to agree with Hon. Millie. Let us allow Members to digest the content of the closing remarks as we move on to the next Bill, and then after we finish digesting, we will take a vote. Let us move to the next one.

The Temporary Speaker (Hon. Farah Maalim): For the information of the Members of Parliament, this is a Private Member's Motion, and the question can only be put on a Wednesday morning. It cannot be done on any other day.

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(Loud consultations)

Order, Hon. Members! My understanding is that Members want to digest this issue a lot more before they make a decision on that. I direct that we move to the next Order.

(Putting of the question deferred)

BILL

Second Reading

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL
(National Assembly Bill No.66 of 2023)

(Moved by Hon. Irene Mayaka on 13.11.2024 – Morning Sitting)

(Resumption of debate interrupted on 13.11.2024 – Morning Sitting)

The Temporary Speaker (Hon. Farah Maalim): Who was on the Floor at the time? I see too many hands raised. Can I get the record? The last one who had some more time was Hon. Mulanya. Is he in the House? You have a balance of nine minutes. Proceed.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to complete my contribution to this particular Bill. I support the Bill to amend the Environmental Management Act so that we can regulate the planting of eucalyptus trees in this country. Research has shown that this tree has a high transpiration rate in that it is very difficult for other trees or plants to grow near or under it. As a result, it has caused many problems in our country. Many people have been rushing to plant eucalyptus trees, especially in swampy areas and near riverbanks.

Traditionally, we had crops that would support our food basket, such as arrow roots and other crops that could grow near riverbanks and swampy areas. However, after the introduction of eucalyptus trees, the production of some of these crops has drastically reduced. As such, our people are suffering. For instance, in my constituency of Nambale, many people have been destroying the riverbanks and the swampy areas. We no longer have swampy areas where we can grow crops during drought. As a result, I wish to support the amendment of the Act so that we can regulate the eucalyptus trees being planted near the riverbanks. Let us have it controlled by growing them in dry areas because of their resistance to drought. The tree can do well in areas where agricultural production is not being done so that the more viable agricultural land can be used for food production.

Hon. Temporary Speaker, we know that the disadvantages of this particular tree outweigh the advantages. Although science has shown that this tree can help us have treatment for arthritis and other itchy diseases, when you look at the wood produced from the eucalyptus tree, it is not even the wood that is attractive to people involved in joinery works because it is too hard that it cannot produce good furniture. Therefore, when we allow this tree to grow, we destroy the environment.

For that reason, I support the Motion and pray that the tree be regulated and not be planted near riverbanks and swampy areas. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Millie Odhiambo, MP for Suba North, are you in the House?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am, Hon. Temporary Speaker. I rise to support Hon. Irene Mayaka's Bill. This is a very straightforward Bill because it is about environmental conservation. The eucalyptus tree has many benefits because it grows very fast and there are many commercial benefits attached to it. Nonetheless, if we plant it along or near the rivers, it has the potential of drying them up and hence denying us our water sources. As a country, we are suffering severely from the impact of climate change. When many of us hear the issue of climate change, we think it is a very romantic, exported or a foreign notion.

One of the things that I have noticed at a very practical level, is that since I was born, it has always rained on my birthday. That is why my middle name is Akoth because I was born when it was raining. But for the last four years, it has not rained on my birthday; and not only that, it is usually a rainy period which begins towards the end of October and November. If you observe the rain patterns at the moment, it has been raining from mid-November. It then becomes very difficult even for farmers to know how to plant. That is why we are even having food security challenges. There are certain man-made effects of climate change and this is one of them.

Nobody is stopping us from planting eucalyptus trees but we need to be guided on where they should be planted on, so that we not only have the benefits, but also think about sustainability, and especially to our younger generations so that we bequeath them a country that is food secure and one that they will live on without suffering from the consequences of different diseases that are related to environmental changes.

I congratulate Hon. Mayaka because we need to focus more on the benefits of the eucalyptus trees. She has looked at the climate impact but I wish we could bring more plants that are of benefit to the country and especially, from a medicinal perspective.

I thank and congratulate Hon. Mayaka because she is fairly focused. Since you came to this House, you have been doing an excellent job, and you have my support.

Thank you. I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for the opportunity to add my voice to this Bill.

From the onset, I thank my sister, Hon. Irene Mayaka. She has really surprised me with the number of contributions and the many legislative proposals that she has brought to this House since she joined this august House.

This is a very straightforward Bill. It does not need a lot of debate and she has based most of the legislative proposals on the practical aspects having in mind that she comes from Nyamira County which is a wetland.

The eucalyptus tree has commercial benefits but our concern is environmental conservation. We are not banning nor stopping the planting of eucalyptus trees but we are calling upon Members to support this Bill so that we plant this tree in areas where they would not have a negative impact on the environment.

Eucalyptus trees absorb a lot of water especially if planted along rivers. We are going to raise the issues of water security in this country. Eucalyptus trees have many disadvantages when it comes to environmental issues. It is one of the trees which I will call a "greedy tree" because it competes with almost all the other trees in terms of the absorption of water. Sometimes, it can lead to soil depletion in areas where we have planted them. We, therefore, need to support this amendment, and I am calling upon Members to think of areas where we can plant eucalyptus trees for commercial benefit. Let us introduce other varieties of trees that we can plant so that we can manage the issue of climate change.

With those few remarks, I support.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Excellent. Time well spent.

Member for Kitutu-Masaba, Hon. Clive, followed by Hon. Bady Bady.

Hon Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker.

I take this opportunity also to thank Hon. Mayaka for bringing this substantive amendment.

I also come from Nyamira County where Hon. Mayaka comes from. There, eucalyptus trees have become a menace. While we grew up, Gusii lands had rivers and streams. Today, that is not the case because of the number of eucalyptus trees that have been planted along rivers, and as a result we no longer have rivers. We have a huge tree cover in the region but of the wrong species. The eucalyptus trees cannot even allow grass to grow under them, but because of the commercialisation and the demand of the tree by tea factories to use in their furnaces, it has even made our small-scale farmers move away from growing more productive food crops and substituting them with eucalyptus trees. This has in turn affected the food security in the region.

We do not need to totally ban eucalyptus trees but we need to have laws that guide on the areas where they can be planted. More so, guidelines and laws need to be set to ensure that they are planted at a certain distance from the riparian land.

This Bill also affects counties. We would recommend that the counties implement and enforce this law when it comes into effect. We have short-term gains commercially but the long-term consequences are severe. I also urge that factories that use eucalyptus for their furnaces to start thinking ahead and look for alternative sources of energy because this also contributes to the green gas emissions.

I support this Bill, and I hope that the respective ministries move with speed once it is implemented and ensure that this tree is moved away from our waterways.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Bady Bady followed by Hon. Kimaiyo.

Hon. Bady Twalib (Jomvu, ODM): Asante sana Mhe. Spika wa Muda kwa kunipatia hii nafasi ili nami nichangie huu Mswada.

Usimamizi wa mazingira na utaratibu ni muhimu sana katika kushughulikia maswala magumu ya mazingira. Ninachukua fursa hii kuunga mkono na kumpongeza dada yetu, Mhe. Irene Mayaka, kwa kuleta Mswada wa aina hii.

Mhe. Spika wa Muda, katika kufuatilia jambo hili ni muhimu sana tuwe na utawala wa ushirikiano yani *collaborative governance*. Vile ambavyo imezungumuzwa jambo hili haliwezi kuonekana linashughulikiwa na watu fulani peke yao. Ni muhimu kaunti na Serikali kuu kuangalia jinsi litashughulikiwa.

Mwisho zaidi, jambo hili linafaa kuwa na mapito ya kijumla ya mfumo, yani kwa lugha ya kiingereza *systematic mapping reviews*. Ni muhimu sana kuangalia miti hii inapandwa mahali gani na namna gani. Miti hii ya *eucalyptus* inaleta maadhara makubwa sana ikipandwa kando ya mito. Inakunywa maji sana na kukausha sehemu hizo.

Kwa hivyo, ni lazima tutafute mbinu mbadala. Ndugu zetu wamesema katika Kaunti ya Kisii miti hii imelete shida kubwa. Walio pembezoni mwa mito, pendekezo langu ni kwamba wapande miti ambayo haitaleta madhara. Kwa sababu, kando na kunyonya maji yote, miti ya *eucalyptus* inadhoofisha nguvu ya ...

Hon. Kassim Tandaza (Matuga, ANC): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Bady Twalib (Jomvu, ODM): Hon. Tandaza hakuna neno...

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Bady Bady.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. The Member is contributing in Kiswahili and combining English. This is against our Standing

Orders. I want to inform him that eucalyptus is *mkalatuzi* in Swahili. *Kwa hivyo, atumie jina linalostahili badala ya jina la Kizungu. Ahsante.*

The Temporary Speaker (Hon. Farah Maalim): Mhe. Bady Bady, nakupongeza kwa jinsi unavyoongea lugha ya Kiswahili kwa kifani na kifahari. Umeambiwa mti huo unaitwa mkalatuzi. Endelea basi.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mhe. Spika wa Muda. Nimeridhia kwa kupewa msamiati huu na ndugu yangu Mhe. Tandaza. Yeye amebobea katika mambo haya. Walikuwa wakipanda miti kule Matuga *Constituency*. Yeye pamoja na Bi. Karuga walikuwa wakitoa miti ya mkalatuzi ili isipandwe na kudhoofisha hali ya udongo au mchanga. Zaidi ya hayo, jambo lolote la kimazingira ni la kutiliwa maanani.

Ninataka kumpongeza Mhe. Irene Mayaka kwa kuleta Mswada huu. Ningependa kumwambia dadangu kwamba tutashikana na kumuunga mkono. Tumeona watu wengi sana hawatilii mambo ya mazingira maanani. Lakini, mazingira ndiyo yanayotupatia chakula. Leo tukiangalia nchi ya Burkina Faso, Raisi wao anasifika kwa sababu watu wake wanaishi bila njaa. Alizingatia mambo ya mazingira maanani na kuona sehemu mbalimbali ambazo zinaweza kuwasaidia wananchi wake.

Leo hii tunasema maji ni uhai. Lakini, bila mito yetu kuwa dhabiti hatuwezi kupata chakula cha kulisha watu wetu kwa njia nzuri. Hali ya maisha imekuwa ngumu. Watu wengi sana wanagura kutoka mashambani kuja kwenye miji ili kutafuta kazi waweze kujikimu kimaisha. Hatuwezi kuishi mijini bila pesa mifukoni. Lakini, kule mashambani tukiifadhi mito yetu na mazingira tutaweza kuwa na chakula cha kutosha yaani *food security*. Ninafikiri hapo sijachanganya lugha sana isije Hon. Tandaza akaruka tena. Ninamwambia sana kwa sababu wakati fulani aliniwakilisha kwenye eneo Bunge langu sawa sawa na akajigeuza kama fulangenge.

Ahsante, Mhe. Spika wa Muda, kwa kunipatia nafasi hii ili nichangie. Ninataka kuingia kwenye rekodi za Bunge kuwa ninasimama kumuunga mkono Mhe. Irene Mayaka. Ahsante. Mungu akubariki.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Kimaiyo akifuatwa na Mhe. Kivai Ogesi. Wako hapa Bungeni? Sawa.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you, Hon. Temporary Speaker. I join my colleagues in supporting this amendment Bill sponsored by my colleague and friend Hon. Irene Mayaka.

Global warming and climate change is real. Every time there are floods and drought, communities living downstream experience flooding due to global warming. The Bill sponsored by Hon. Irene Mayaka seeks to amend Section 147 of the Environment and Coordination Act of 2023 so as to prohibit the growing of eucalyptus trees along the rivers. In the rural areas, these trees are famously known as blue gum. When we grow these trees along the streams, they reduce the volume of water. I support this amendment Bill. Also, I urge our people that instead of growing these trees which reduce the volume of water in the water basins they grow alternative fruit trees like avocados.

In Keiyo South, we grow bamboo trees in the wetlands because they conserve water. In my constituency, there is a local tree called *lamoiweit* in Kalenjin. My people will resonate with it because it is known to conserve water. So, I urge the people of Keiyo South to plant traditional trees that conserve water like the bamboo and other traditional trees that we know.

As I support, I want to ask the people of Keiyo South in the five forest blocks of Kaptagat, Kipkabus, Penon, Kessup and Sabor to go back to where the streams start. There are streams in these forests which join and form major rivers downstream which drain into Lake Victoria. These forests no longer have tree coverage like before because of the growing population and the need for food. I urge them to cut down the blue gum trees, plant bamboo and other traditional trees that conserve water.

Thank you, Hon. Temporary Speaker. With that, I support..

The Temporary Speaker (Hon. Farah Maalim): Hon. Ogesi Member for Vihiga.

Hon. Ernest Kivai (Vihiga, ANC): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this important Bill. From the outset, let me start by congratulating Hon. Irene Mayaka for the good job. Taking a historical perspective, in the last Parliament we had a proposal on the same. However, that proposal by Hon. Kirima was to ban the growing of this tree. I am backing this amendment Bill because it is talking about banning planting of this tree in specific areas, especially along rivers. This tree is known to be very unfriendly, even to other plants around it. I want to join my colleagues who have already stated facts about this tree in commenting about it. Where I come from in Maragoli, Vihiga, when we were doing reforestation of the Maragoli Forest the colonialists told us to abandon all our indigenous trees in favour of the new varieties. We saw the consequence of doing that. Right now, we are struggling to reforest. We are now telling people to go back to their indigenous trees.

On the advantages and disadvantages, this tree has the advantage of growing very fast for commercial purposes. In fact, in my constituency, we have unique cases of people planting eucalyptus so that they can harvest them and sell in the market. Unfortunately, in the process they end up destroying their shamba. They do not grow any crop. When I was reading this Bill - I wish there was still time – I noticed that you will find a case of a neighbour planting this tree along a common border. What happens is that he affects the neighbour's growth of plants. I wish we have a provision where before one grows this tree his neighbour consents because of its harmful effects. Of course, its commercial value is known. I urge that this tree...

We have enough land in this Republic. We can grow the tree for commercial purposes on a big plantation elsewhere. I support this amendment totally. I wish the Mover can include an element of what I have talked about our neighbours. If they plant eucalyptus tree next to you, it will affect you in the same way it will affect them.

I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Member for Imenti South. He will be followed by Hon. Nyenze then the Member of Parliament for Kajiado North in that order, please.

Hon. (Dr) Shadrack Mwiti (South Imenti, JP): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Is Madam Nyenze in the House? Where is she? I cannot see her.

Oh yes, okay. Proceed.

Hon. (Dr) Shadrack Mwiti (South Imenti, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute on this Bill. I will commence by thanking Hon. Irene Mayaka for this noble Bill that is long overdue. The objective of this Bill is to protect future generations through controlled planting of eucalyptus trees. The Bill seeks to regulate the private planting of eucalyptus trees haphazardly.

Second, the Bill proposes the uprooting of eucalyptus trees that are already planted in water catchment areas. We need to prohibit the planting of eucalyptus trees along rivers, lakes, seas, and wetlands. In the case of South Imenti – where I come from and represent the people – we have farms along rivers that are at a high risk of drying up. We need to reclaim the wetland areas for cultivation purposes. The effects of eucalyptus are many. It absorbs a lot of water from the ground thus consuming a lot of water from rivers. Eucalyptus is characterised by extensive roots that absorb a lot of water. A case study in South Imenti has indicated that there is a decline in water percentage in the wetlands.

It has also been found that where eucalyptus trees have been planted, the ecosystem is disrupted. There is a lot of soil degradation in areas where we have eucalyptus trees because the leaves from the trees litter the ground and change the chemistry of the soil.

The eucalyptus trees also affect other indigenous species. That means that they have a lot of effects on other trees in a given area. It has also been found that where eucalyptus trees have been cut, there is a lot of soil erosion.

We are not condemning the eucalyptus trees. We are seeking control of its planting and the elimination of the trees in water catchment areas. Eucalyptus trees are important, especially on provision of firewood and timber. Most of the tea factories, especially where I come from, depend on the eucalyptus trees. I suggest that eucalyptus be planted in the dry areas where there is no competition for water. So, regardless of the fact that it is medicinal and we get a lot of firewood and timber from it, I support the Environmental Management and Coordination (Amendment) Bill to clear the eucalyptus trees from these areas. So, I support the amendment of this Bill. It is long overdue.

The Temporary Speaker (Hon. Farah Maalim):

Hon. Edith Nyenze (Kitui West WDM): Thank you, Hon. Temporary Speaker, for this opportunity. Let me take this opportunity to also congratulate my colleague, Hon. Irene Mayaka, for coming up with this Motion on the Environmental Management and Coordination (Amendment) Bill. Eucalyptus has many advantages. My colleagues have talked about it being used as a medicinal tree. It is also used for commercial purposes. It grows and matures very fast, therefore, it is a very good commercial plant for timber and firewood. However, it also has its disadvantages and that is why the Mover of the Motion has proposed the amendment. The tree has a very high transpiration rate. That is why it makes soil to dry and lose its fertility. It is also incompatible with preservation of diversity.

That is why the Bill talks about controlling the growth of the plant, especially near water catchment areas. The concerned ministry should advise Kenyans accordingly, because when this tree was introduced from South Africa, it was said that it was a very fast-growing tree and that it would really be very beneficial, especially as a commercial plant. Many people planted it because it grows very fast and also makes an area very green, especially arid areas. The concerned ministry should conduct research and find a replacement to this one tree. I remember in some parts of the arid areas of Kenya, a plant known as Mathenge was planted and it was said it would improve the area by making the environment green but eventually its disadvantages outweigh the advantages.

Research should be done so that we can know what tree will replace eucalyptus. The research will also enable us know the best tree to grow in semi-arid and arid areas. Since the Government has a plan of growing over 15 billion trees, I suggest that we start removing eucalyptus from riparian areas and replace them with the right plant which would actually preserve water in and around those areas. This would also go a long way in improving our environment, ensuring that Kenya can grow good crops, and ensure we move from food insufficiency to having enough food in our country. The right research should be done, so that we plant and replace with the right plants.

Otherwise, Hon. Temporary Speaker, I support. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Ngogoyo, Member of Parliament for Kajiado North, proceed.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Temporary Speaker, for granting me this opportunity. I rise to support the amendment to the Environment Management Control Act that has been introduced by the Member. I also speak as a member of the Committee. I must begin by saying that we will support the amendment because it provides a solution to the larger management of our environment.

As a committee, we will also do so with amendments. It is important for everyone to know that we are amending Section 47 of the Act by empowering the Cabinet Secretary to come up with regulation that will maintain and protect. The regulations will go further even to touch on the existing trees. The Cabinet Secretary will come up with regulations of how they

will be removed, in order to maintain wetlands, rivers, lakes, or any other place, including sources of water.

As a committee, we also feel that the law should be futuristic. A good law should look at the future and not only now. We think, apart from eucalyptus, and I thank the Hon. Nyenze who mentioned the issue of Mathenge, other counties are not affected by eucalyptus, but by the Mathenge. Let me call it a weed that has now taken over. In Magadi in Kajiado County, the Mathenge shrub has replaced grass. You literally cannot get grass where the Mathenge tree grows. In Baringo County, it is actually a crisis.

Therefore, we will support Hon. Mayaka's amendment with another amendment to include any other tree, so that it is not only eucalyptus, but other species that are dangerous to our sources of water, so that we deal with this problem once and for all. The introduction of this amendment gives us an opportunity to make a law that will be very consistent, and that will look at the future. It will enable the Cabinet Secretary together with the National Environment Management Authority (NEMA), because it is the implementing agency, once they realise that there is a hazardous tree, they will create a regulation on how to deal with it.

Lastly, I want to talk about Kenya Forestry Research Institute (KEFRI). It is the institute in Kenya that should tell us about any dangerous tree. But because it is ever underfunded, they are not able to do what is correct. First, no foreign tree be introduced to Kenya before testing its impact within a period of time. Normally, they recommend 10 years. Before a tree like eucalyptus was accepted in this country, for 10 years of testing, they should have learned its advantages. It is actually a commercial tree. But in South Africa, it is never planted on government land. It is private people who grow. They are given specific areas where they grow it. They are actually inspected properly. If you visit that country, you will be surprised that KEFRI inspects people who do private tree planting.

Therefore, as a committee, we are happy that this amendment going forward will provide a good route. I thank Hon. Mayaka for being foresighted. To improve further, we will be introducing amendments so that this law is not only for eucalyptus, it is for any hazardous tree and it will look at the future and will provide the Cabinet Secretary and NEMA with more tools so that they are able to stop, maintain, and detect.

KEFRI will provide the technical knowledge. For your information, KEFRI is one of the best institutions in Africa, but their funding is 90 percent from private sector and Japanese International Cooperation Agency (JAICA). The Government of Kenya does not provide a coin. I challenge our Kenya Kwanza Government. We are saying we want to plant 15 billion trees. The Government needs to provide seedlings. It is only KEFRI that can provide them. The Government does not put even a shilling to KEFRI to provide the seedlings. That will be a major. We cannot have output without input. Let the Government provide the resources so that it also counters the process. If we cut down the existing eucalyptus, it will have a disadvantage.

So, going forward, we need to look at it in a better manner. Now that the Government is broad-based, let us also be broad-based when we are thinking about a solution going forward. Thank you very much. And Hon. Mayaka, *pongezi sana* for that.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Bonchari followed by Bedzimba of Kisauni.

Hon. Charles Onchoke (Bonchari, UPA): I thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Bill. First of all, I wish to congratulate Hon. Irene Mayaka for moving this Bill this far.

When I was growing up in Bonchari, I saw good big rivers, wetlands, and very beautiful vegetation. But over the years, I have seen them decline. I have seen river and waters decline. I have seen the wetlands deplete and I have seen agriculture compromised and not doing well because of adverse effects of what is happening in the environment. I have also seen the ecosystem affected because the animals I used to see in my neighbourhood are not there

anymore. This is because of what is happening to the environment. Indeed, as documented by the World Meteorological Organisation, in the last 30 years, we have seen very adverse effects. We have seen rivers and water sources drying up because of various reasons. We have experienced erratic weather conditions. Rains come when they are not expected and drought spells are very long. The threats to the ecosystems cannot be gainsaid. There is decline in agriculture because of inadequate water, and human population is also affected. That is not to say that all those effects are caused by the eucalyptus trees. We also know from climate change that the main culprits are the greenhouse gases that we need to reduce as far as unsustainable human activities that need to be curbed are concerned.

I am happy with the contribution by my colleague, Hon. Ngogoyo, that the Committee will support this amendment Bill, and that there will be other measures to help us conserve and improve our water sources. However, as we think about legislating on what will improve, enhance, and sustain our water sources, we also need to incentivise and encourage the people who live around rivers, so that they can establish sustainable conservation measures, and not necessarily through the law. The law should be one among many measures that we can put in place to conserve our water sources.

Hon. Temporary Speaker, with those few remarks, I support the Bill. I also congratulate my colleague, Hon. Irene Mayaka.

The Temporary Speaker (Hon. Farah Maalim): Hon. Bedzimba followed by Hon. Esther Passaris, and Hon. Tandaza.

(Technical Hitch)

Mhe. Bedzimba, tutafurahia ukizungumza katika lugha ya Kiswahil, lakini chaguo ni lako.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia fursa hii ya kuchangia Mswada huu. Mazingira ni kila kitu. Katika taifa lenye afya na nguvu, ni lazima mazingira yapewe kipaumbele ili vitu vingine vipatikane. Ninamuunga mkono na kumshukuru Mhe. Mayaka kwa kuuleta Mswada huu wa kuyalinda mazingira. Kama nilivyosema hapo awali, mazingira ni muhimu.

Hata kama mti wa mkalatusi una faida zake, pia una madhara yake. Ni vyema kulinganisha faida na hasara ya kitu ili kujua ni ipi imezidi. Kama vile Mhe. Mayaka alivyotaja, huo mti unakausha maji kwenye mito na kutoa nguvu kwenye mchanga. Hiyo ni hasara kubwa kwa taifa. Kwa hivyo ni vyema kuondoa mti huo kabisa ili usipatikane katika maeneo yetu.

Kuna Wabunge ambao wamesema kuwe na sehemu maalum ambapo mti huo utapandwa kando na mito. Siyo kwamba ninapinga maoni yao, lakini kama mti huo unanyonya maji, basi hata ukipandwa katika sehemu fulani, bado utanyonya maji katika sehemu ambazo maji yanatembea chini ya ardhi na kusababisha madhara ya sehemu hizo kukauka. Hii ni kwa sababu kuna maji yanayopita chini ya ardhi na huenda katika sehemu fulani. Yana faida kubwa katika taifa. Mti huo ukishakausha sehemu hizo, ardhi haitakuwa na nguvu. Kuna sehemu nyingi ambapo ijapokuwa huoni madhara ya mti huo waziwazi, kuna madhara ya mbali. Kwa mfano, mti huo haukubali mimea kumea ama unafanya chakula kinakosa rutuba kwa sababu unenyonya maji yote.

Tumeona pia kampuni ya *Kenya Power* ikiutumia mti huo. Ni vyema waje na mbinu mbadala ili isiwe lazima watumie mti huo. Ni heri hata watumie saruji kusimamisha nguzo zao ili miti hiyo ipigwe marufuku kabisa. Ikiwa ni lazima ipandwe, basi ni vyema iwe katika fuo za bahari. Pale baharini, kuna miti inayoitwa mikoko ambayo mara nyingi humea yenyewe. Ikiwa ni lazima mti wa mkalatusi upandwe ilhali unanyonya maji kwa wingi, basi upandwe baharini ili unyonye maji yaliyo baharini kwa sababu hayawezi tokomea. Maji katika bahari ni

mengi. Kwa hivyo, mti huo upandwe kando ya bahari lakini sio katika ardhi ambayo tunategemea maji yaliyomo chini ya ardhi.

Nimesimama kuuunga mkono Mswada huu na kuhakikisha kuwa mti huo uondolewe. Ingawa wakati uliletwa nchini ulifanyiwa utafiti, kila siku utafiti hufanywa duniani na kuna vitu ambavyo tulikuwa tunavitumia zamani lakini sasa havifai. Kwa mfano, zamani tulikuwa tukitumia *asbestos* lakini baada ya utafiti, ilisemekana kuwa inasababisha ugonjwa wa saratani. Vile vile, watu wameona kuwa mti huo wa mkalatusi una hasara kubwa. Kwa sababu hiyo, inabidi tuache kufanya vitu ambavyo tulikuwa tukifanya mwanzoni bila kujua. Utafiti wa kileo unatofautisha vitu vingine ambavyo havifai. Mti huo ni mojawapo ya vitu ambavyo havifai.

Kwa hivyo, ninauunga mkono Mswada huu ili mti huo uondolewe na kuletwe mti mwingine utakaokuwa na manufaa.

Ahsante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Esther Passaris. Ninamkumbuka marehemu baba yako ambaye alikuwa rafiki yangu sana. Alifanya kazi kule Mombasa siku nyingi sana. Sijui kwa nini umesahau Kiswahili.

Hon. Esther Passaris (Nairobi City County, ODM): *Ahsante sana, Mhe. Spika wa Muda. Ni kweli.*

Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to Hon. Irene Mayaka's Environment Management and Coordination (Amendment) Bill, which seeks to amend the law on the issue of cultivation of the eucalyptus tree. What is Hon. Irene Mayaka's concern? It is the fact that our rivers are drying up for many reasons. We do not need to add to them. Planting the eucalyptus tree right next to the riverbed means that the rivers will dry up even faster. We have already seen that given climate change and drought, water scarcity is prevalent. Crops and livestock losses have also led to increased conflicts. Further, there are increased diseases, riverbank erosion, and wetlands degradation. We do not need to add to those problems.

The eucalyptus tree is grown for economic purposes. It grows very fast but it is better to plant it away from riverbeds and respect riparian land. We should ensure that if there are eucalyptus trees around riparian land, they are cut down or kept at a distance, so that they do not affect the rivers because we need our rivers to flow. People should move away from the rivers for them to flow. If the rivers do not flow and they dry up, many people will start digging up the riverbeds. They then end up getting contaminated water and falling sick.

We need to recognise that anything that harms the environment, or that denies us the water that we need for our animals, or that forces our women to trek for long distances to get water, is not progressive for the country. It is encouraging to see Members of Parliament standing up and saying that the KEFRI should be funded because we need seedlings that will be grown around riverbeds. We not only need to have more seedlings, but also the right seedlings.

The Ministry of Environment, Climate Change and Forestry needs to focus not just on the eucalyptus tree, but on all the trees that are not good for our riverbeds and the environment. We need to tackle the issue of the eucalyptus tree. That does not mean that we do not grow it, but that we do not grow it near the riverbeds. We should have farms for growing eucalyptus trees because they are medicinal. They have many benefits. However, you do not need an evil to make a good. We have to get rid of the evil of planting eucalyptus trees next to riverbeds because they dry up our rivers. We need our rivers to flow.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Matuga.

Hon. Kassim Tandaza (Matuga, ANC): Ahsante, Mhe. Spika wa Muda. Mti huo, mkalatusi, hata kwa jina lake tu katika lugha ya Kiswahili, unamalizika na neno "tusi". Tunajua kuwa neno "tusi" si zuri. Kwa Waswahili ambao wamebobeza, huwa tunasema, "ashakum si

matusi”. Lakini mti huo tayari unaonyesha kuwa una balaa kwa sababu ukimzaa mtoto wako halafu unampatia jina kama “njaa” ama “taabu”, ushamlaani kuanzia pale mwanzo. Kwa hivyo, mti huo wa mkalatusi tayari una matusi, nuksi na balaa. Ndiyo maana umetufikisha pale ambapo tupo sasa hivi.

Ukizingatia historia ya mti huo, ni wazi kuwa si wa kiasili. Uliletwa na mzungu katika karne iliyopita wakati walipokuwa wakijenga reli. Waliona kuwa hapakuwa na mbao za kutosha kwa hivyo wakaleta mti huo bila utaratibu, ufasaha, ama kufanya utafiti wa madhara yake. Kwanza, ieleweke kwamba huu sio mti ulioletwa kwa nia njema ama kwa kuzingatia hali yetu ya kimazingira. Ikiwa ni mti ulioletwa na saa hii unaleta madhara, basi hatustahili kuchukua muda mwingi kuuzungumzia huku tukijiuliza upandwe au uondolewe wapi.

Mti huu hauwezi kufanya vizuri ukiupanda mahala ambapo hapana maji. Mti huu utahitaji maji ili unawiri mahali popote utakapopelekwa. Inamaanisha kuwa lazima upelekewe maji ikiwa utapelekwa sehemu isiyo karibu na mito. Je, maji haya yatatoka wapi? Hayatatoka Ulaya ulikotoka mti huo. Itabidi tutumie maji yetu. Hapo ndipo hatari inapoingia. Utafiti unaonyesha kwamba mti huu, ili unawiri, utahitaji kati ya lita sitini na mia mbili za maji kila siku. Hata binadamu hahitaji maji kama haya.

Hili ni jinamizi au jini lililokuja kutumalizia maji na mazingira yetu. Hatimaye, litatuangamiza tubaki na mkalatusi ulio na matusi ndani yake. Katika sehemu ninayotoka ya Kwale, mti huo sanasana ulipandwa karibu na kinamasi au *swamp* kwa Kimombo. Hii ni ili nisiwe nazungumza na sieleweki nasema nini. Tulikuwa tukipanda mpunga. Kwa Kiswahili, ieleweke kwamba hatupandi mchele ila mpunga. Mchele huja baadaye. Hatuna tena zao la mpunga sehemu niliyozaliwa ilhali tulikula vizuri wakati huo. Hii ni kwa sababu mti huo umekausha maeneo yote yaliyokuwa na kinamasi.

Sehemu nyingi nchini tunatumia maji kutoka kwa mabwawa kwa sababu mifereji haijafika kila mahali. Mti huu hukausha ardhi unapopandwa sehemu za mabwawa. Mabwawa nayo kukauka, husababisha madhara makubwa kwa binadamu na wanyama ambao wangetumia maji hayo. Mti huu hubaki kuwa nuksi hudhalilisha maisha yetu. Endapo mti huu utapandwa sehemu iliyo na kisima, basi kitakauka. Kikikauka, tunajua madhara yanayotokea. Huu mti hautufai.

Tulikuwa na miti yetu ya kiasili. Kule kwetu tungepanda miti kama mikwakwa, mizaje, mininga, mikwaju, na kadhalika. Miti hii haikuwa na madhara yoyote. Pia, miti hii ingetumika kwa kazi nyingine zote ambazo mkalatusi hauwezi kutumika. Mara nyingi wenzetu tunaowaita marafiki kutoka ughaibuni hutupotosha na kutusababisha kuwacha mila, asili, na miti yetu. Walituletea miti ambayo eti inakua kwa haraka bila kutuambia madhara yake. Baadaye, sisi huhangaika na kurudi kwao kuomba misaada ili watutafutie utalam ilihali wao ndio walioharibu mazingira yetu wakijua madhara ya miti hiyo.

Kwa wale waliishi sehemu za Pwani miaka ya sabini na themanini, kulikuwa kunanyesha mvua kila asubuhi mjini Kwale. Usingekosa mvuke ambao kwao ungesikia miti ikivuma kwa unyevunyevu uliokuwa pale. Hakuna hilo tena. Hili ni janga kubwa. Ni sehemu nyingi sana za nchi hii ambazo zimeathirika.

Nikiunga Mswada huu mkono, ninatoa kongole zangu kwa mwenzetu, dada yetu, Irene ambaye ameuleta. Nisisitisha tu kwa kuunga mkono. Ningetaka kumuunga hata mguu ili Mswada huu utiliwe maanani haraka iwezekanavyo. Janga hili litatuathiri sote na kutuangamiza ilihali tuna uwezo.

Spika wa Muda (Mhe. Farah Maalim): Hoja yako ya nidhamu ni ipi, Mhe. Bady Bady?

Hon. Bady Twalib (Jomvu, ODM): Nimesimama kwa hoja ya nidhamu, Mhe. Spika wa Muda, kwa sababu ya Mhe. Tandaza. Ninajua watu huungwa mikono, lakini amesema anaunga Mhe. Irene mpaka miguu na ni msichana. Baadaye, anaweza sema anaunga viuno pia. Naona aiondoe hiyo.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Bady Bady, umekiuka hoja ya nidhamu. Mhe. Tandaza amesema anamuunga na ngumi. Tangu tupate sera za Covid-19, watu hawaungi mkono peke yake. Ngumi pia ni aina ya salamu, ama siyo? Ama umesema unamuunga mahali pengine? Mimi nimeskia kama umesema unamuunga na ngumi pia.

(Kicheko)

Hon. Kassim Tandaza (Matuga, ANC): Ahsante, Mhe. Spika wa Muda. Katika Mswada huu, niko sawa kabisa kumuunga hata mguu. Kabla mikono ishikane, ni lazima mguu ufanye kazi kumkaribia ndiyo niweze kumuunga mkono. Sikuwa na dhamira yoyote mbaya kama Mhe. wa Eneo Bunge la Jomvu anavyofikiria. Mimi na Mhe. Irene tuna heshima zetu na tunazungumzia mijadala kwa niaba ya Kenya nzima ili tuweze kuiokoa.

Ninaunga mkono Mswada huu. Kongole kwa Mhe. Irene Mayaka. Ahsante.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Suzanne Kiamba. Atafuatwa na Mhe. Lelmengit na Mhe. Ruweida.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to give my input in this very important Bill. I thank my colleague, Hon. Irene, for bringing it because this has been a menace in Kenya. It was very difficult to have any judgement on how to move about it. It is a bold step to have it in a Bill, so that we eventually have an Act which will spell out where you should plant different types of trees.

While I congratulate her on bringing this Bill, we must realise that planting these trees cost a lot of money. I know people who have very big plantations today. I wonder what incentives we will give them, so that they can feel very encouraged as they do away with the eucalyptus. We support it because we are the ones who should also be concerned. We have to put in place measures to safeguard the farmers. Those who planted the trees in the wrong places it was a result of the advice from the Government and extension officers. What kind of incentive will we put in place, so that they do not lose so much? I am saying this because I have neighbours, even in arid areas, who spent their hard-earned income out of the wrong advice to have this kind of investment. It is very inhuman for people to get such pieces of advice, and then they suffer so much.

I support this Bill. In view of this, as a developing country in Africa, we believe so much in outsiders. This will not only cost us in matters trees, but also our health. We have a number of research institutions in Kenya. I do not know whether it is us, legislators, who are not giving them the mandate or resources to ensure that everything new we bring in this country is research-led. We are now discovering eucalypti are harmful to the environment 60 years after they were introduced. If we continue copying and pasting, what next are we going to discover? It is high time we activated our research institutions to have research-led interventions. This way, we will avoid pitfalls like the one we are witnessing with eucalyptus.

I am sure many people will tell me they have made a lot of money, which is also true. But, where else are we going to earn this money? I think we should still go back to this research because we need some advice from our research institutions. We need money. As we do away with these eucalyptus trees, what are we going to plant that will mature early and give us the benefits we shall lose from uprooting the eucalyptus? As I support this Motion, I wish we could have research-led interventions in this country. This will advance interventions and we will not have to redo research. Somebody else said that out of practice we realise we are losing a lot. Otherwise, I congratulate you Hon. Irene for this very important Motion. I hope soon we will have it as an Act which will enable us to protect our catchment areas.

Thank you, Hon. Temporary Speaker.

Hon. Paul Abuor (Rongo, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, what is your point of order?

Hon. Paul Abuor (Rongo, ODM): I stand under Standing Order 95. Going by the debate in the House, most Members are supporting the Motion and many people have contributed. I kindly request that the Mover be now called to reply.

The Temporary Speaker (Hon. Farah Maalim): Order! You will have your moment, but give opportunity to one or two more Members who have serious issues to contribute on this matter.

Hon. Lelmengit, then the Member for Lamu, who has some serious issues on this matter, then Hon. Denar. After that, you can rise on that point of order.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also support Hon. Irene Mayaka's Amendment Bill prohibiting growing of eucalyptus trees along riverbanks, other water bodies and water catchment areas. We all know that eucalyptus has a high water consumption. It has very long, deep roots. It has very high water intake and therefore it lowers water levels across the environment. This makes water scarce in different regions. This is one of the disadvantages with eucalyptus. Research has also shown that eucalyptus trees cause soil degradation. This species releases allelopathic compound that inhibits the growth of other plants underneath, therefore reducing biodiversity and leading to soil degradation. Eucalyptus trees have a lot of disadvantages. However, in my constituency eucalyptus trees are used in tea factories as firewood for factory boilers. It is a big thing over there because of its quick growth and the fact that it burns very well. For this Bill to succeed, we need to encourage factories in my constituency, for instance, to get alternatives for roasting tea.

This Bill designates areas where eucalyptus trees should not be planted. We encourage farmers and tea factories with large plantations to designate the correct land parcels to plant eucalyptus trees for the continuity of the factories but avoid riverbanks and swamps which act as buffer zones. Time and again, we have had a lot of soil erosion and floods because these buffer zones have been depleted. Once we abolish planting of eucalyptus trees along riverbanks, we can give life to rivers and conserve our water.

Recently, the Government launched an initiative of planting indigenous trees along swamps, riverbanks, and water catchment areas to protect the environment. I request the Ministry of Environment, Climate Change and Forestry, led by our Cabinet Secretary, Hon. Duale, to speed up the process of allowing the youth to plant indigenous trees. It will ensure that we do not leave empty spaces where people can be tempted to plant exotic trees. As we abolish planting indigenous trees along riverbanks and swamps, let us have an alternative to cover up and protect the environment.

Thank you, Hon. Temporary Speaker. I submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Ruweida, just take a few minutes to allow time for more contributions.

Hon. Ruweida Mohamed (Lamu East, JP): Asante Mhe. Spika wa Muda kwa kunipa nafasi nami nichangie Mswada huu ulioletwa hapa na dada yetu Mhe. Irene, tunayempongeza sana. Irene, twajua kazi unaitenda.

Mwenyezi Mungu ndiye mbunifu kushinda watu wote. Naye hakutupa mti ule kwa kuwa alijua hauna umuhimu kwetu. Wakati mwingine tunaleta ufundi lakini Mwenyezi Mungu amepanga mambo kwa mipango yake. Amepanga bila kubagua au mapendeleo. Kwa mfano, tuna Mikoko, Mikoma na mazao mengine Mwenyezi Mungu mwenyewe alitupangia katika Kaunti ya Lamu. Alijua kuwa aina hii ya miti inakua vizuri sehemu hii, wala siyo jukumu langu mimi mkaazi wa Lamu nipange mambo yetu ya kibinadamu. Huenda nikataka kuleta kitu ambacho pengine ni kizuri kwingine lakini hakiwezi kunawiri huku. Mimi mwenyeji wa Lamu ninaweza kusema ninataka kupanda mchai ama mkahawa. Itawezekana vipi?

Kwa hivyo, mti huu uitwao mkaratusi haufai.

Spika wa Muda (Mhe. Farah Maalim): Ni Mkalatusi

Hon. Ruweida Mohamed (Lamu East, JP): Ni Mkalatusi.

Spika wa Muda (Mhe. Farah Maalim): Mkalatusi, naam.

Hon. Ruweida Mohamed (Lamu East, JP): Iwapo mti huu una shida, basi ni kwa vile umeletwa na binadamu. Nimejulishwa kwamba mti huu haukuwepo Kenya. Ulikuwa ni wa kwingine. Maji ni mhimu. Kukiwa na mti unaokunywa maji zaidi, basi unafaa kuondolewa. Sisi binadamu tuna vita na wanyama kwa sababu ya maji. Hayo maji ni muhimu kwa mazingira, kwetu sisi binadamu, na wanyama kwa jumla. Kuna haja ya kuharakisha hili suala.

Sasa hivi kuna Waziri mtendakazi kwenye Wizara husika, *Insh'Allah*. Kulikuwepo Waziri mwingine mtendakazi kule. *Insh'Allah*, wote walifanya kazi nzuri. Najua tutasaidika. Tuko pamoja naye kurekebisha. Iwapo huu mti waafaa kutolewa, bila shaka utolewe na usipandwe kabisa. Tupande miti yenye faida na inayokubalika katika maeneo. Kule kwetu kuna mti mbadala wa aina ya Kasorina. Si lazima tupande hii *eucalyptus* ambayo ina athari nyingi. Tunasikia uchungu zaidi kutokana na athari hizo. Katika Kenya nzima, wakaaji wa Lamu wafaa kupongezwa zaidi. Nyeri ndiyo kaunti yenye miti nyingi zaidi kisha Lamu ni ya pili. Tunajivunia kuhifadhi mazingira.

Naunga mkono kuwa mti huo unasumbua. Tuhakikishe kuwa Mswada huu umepita. Wizara pia yafaa isaidie ili hili jambo lirekebishwe. Asante.

Spika wa Muda (Mhe. Farah Maalim): Mhe. Denar, tumia dakika chache.

Hon. Joseph Hamisi (Nominated, ANC): Thank you, Hon. Temporary Speaker. I stand to support my colleague, Hon. Irene Mayaka, on this amendment.

One of the things I want to point out is that the consumption of eucalyptus in wetlands is ninety litres a day. It is four litres in dry areas. I remember when I used to go to school in Garissa, a litre of water was something you could die for in dry areas. Secondly, I also want to suggest an alternative to eucalyptus. We are not suggesting that it should not be planted because we also have to support our brothers. An example is what Hon. Lelmengit said about tea farms. The Cabinet Secretary should set up designated areas for the tree, not wetlands.

Therefore, I stand to support Hon. Irene. I congratulate her on this amendment. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kamuren.

Hon. Charles Kamuren (Baringo South, UDA): Thank you, Hon. Temporary Speaker.

I stand to thank Hon. Irene Mayaka for this amendment Bill. We became interested in the Bill when she brought it to the House. Later, it came to our Committee. When this Bill was brought to our Committee, we saw its interest and importance. After collecting views and memoranda from different stakeholders, we discovered that the eucalyptus tree has become a problem across Kenya. Over 100,000 hectares of land in this country has this type of tree. People earn from them. The Environmental Management and Coordination (Amendment) Bill does not give authority to the Cabinet Secretary to uproot all the trees. It only gives him permission to make regulations on the introduction, growth, and maintenance of this tree, in reference to other trees that are dangerous to our people, production, and economy like the *Prosopis Juliflora* that we call Mathenge in Kiswahili. We want the Cabinet Secretary to get permission to regulate them, so that we control their growth.

This Bill is very important. It will assist us to move on and control all dangerous trees. Thank you, Hon. Temporary Speaker.

Hon. Paul Abuor (Rongo, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Member.

Hon. Paul Abuor (Rongo, ODM): I rise on Standing Order 95. The Mover should be called upon to reply.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): It is a few minutes to the time which was allocated for this Bill. Under the circumstances, I will put the Question.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover, please proceed.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. Let me first take this opportunity to thank my colleagues, Members of Parliament, for their overwhelming support for this Bill this week and last Wednesday. One Hon. Member dubbed it as 'a Bill of life', which makes a lot of sense.

I will highlight some of the concerns that were raised by Members. One of them asked if the environmental experts in this country had done research on this tree and gave recommendations in terms of where it should be grown.

The Temporary Speaker (Hon. Farah Maalim): You have exactly one minute to conclude the reply because it is time to adjourn.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, let me be very quick. The research supports that we avoid planting the eucalyptus tree along our riparian and wetland areas. The purpose of this Bill is to enable the Cabinet Secretary to give regulations that specify where it should be grown.

So that I do not take any more time, let me appreciate the support from the Members again. I also appreciate the comments from the Departmental Committee on Environment, Forestry and Mining on their intended amendment which I support.

I beg to reply. Thank you.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the time being 1.04 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.04 p.m.

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