

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 3<sup>rd</sup> October 2018

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]*

### PRAYERS

### PETITION

#### HARMONISATION OF HARDSHIP ALLOWANCES FOR PUBLIC SERVANTS

**Hon. Speaker:** Hon. Members, Standing Order No. 225(2)(b) requires that the Hon. Speaker reports to the House any petition other than those presented through a Member.

I therefore wish to convey to the House that my office has received a Petition from Messrs Jerry Saoli Olekina and Justus K. Mugo, on behalf of members of the Union of Kenya Civil Servants, regarding non-payment and harmonisation of hardship allowances for all public servants.

The Petitioners contend that the Public Service Policy stipulates that public servants working in hardship areas are entitled to hardship allowances and that the Government has been discriminative in paying the said hardship allowances. The Petitioners contend the following, that:

- (i) The Judicial Service Commission (JSC) and the Teachers Service Commission (TSC), together with other State organs, receive hardship allowances in more areas than other offices under the Public Service Commission; and
- (ii) There is urgent need to appreciate and recognise the marginal differences of hardship in arid and semi-arid areas in terms of award of proportionate hardship allowances.

The Petitioners therefore pray that the National Assembly:

- (1) Conducts investigations into the circumstances under which there are disparities and/or discrimination in payment of hardship allowances for public servants;
- (2) Causes the Government to gazette the classification of current arid and semi-arid areas and cause the Public Service Commission to honour the 2012 gazetted list of hardship areas;
- (3) Recommends that Salaries and Remuneration Commission should harmonise and standardise the rate of allowances for arid and semi-arid areas; and
- (4) Recommends that the Salaries and Remuneration Commission should harmonise payment of hardship allowances for all public servants.

Hon. Members, this Petition therefore stands committed to the Departmental Committee on Administration and National Security for consideration. I wish to inform the House that a

similar Petition has already been presented in the House by the Member for Ndaragwa Constituency, Hon. Jeremiah Kioni, MP.

I therefore direct that the Committee consolidates and considers the two Petitions and reports its findings to the House and the Petitioners in accordance with Standing Order 227(2).

Hon. Members, I also wish to inform the House that following the retirement of Mr. J.N Mwangi, former Senior Deputy Clerk (SDC) in the National Assembly, the Parliamentary Service Commission (PSC) did advertise and interviewed candidates to fill the position of SDC in the National Assembly. The interviews were conducted a month ago and the successful candidate who has been dully appointed to that position is Mrs. Serah Kioko.

*(Applause)*

She has been the Director, Legislative and Procedural Services in the Senate. Mrs. Kioko is an old officer having joined the PSC in 1994 and has tremendous experience in the work that is done in the National Assembly and Parliament as a whole. I therefore request Hon. Members to extend to Mrs. Serah Kioko the necessary cooperation as you always do to other members of staff and more particularly in her new capacity as the SDC in the National Assembly.

I thank you, Hon. Members.

*(Applause)*

Let us have the Leader of the Majority Party

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. I also welcome Mrs. Serah Kioko, who has been around Parliament for over 25 years. She served 20 years when we had only the National Assembly and then went to the Senate, where she spent there five years. We now welcome her back home to the National Assembly. I pray that she is baptised and be made aware that the volume of work that goes through this House cannot be compared to what goes through the Senate. So, as I welcome her, I urge her to be prepared to leave the office late in evening. She is basically in charge of legislation and I am sure under her and Njoroge as the Director for Legislative and Procedural Services, we will do better than before. So welcome.

**Hon. Speaker:** Well, indeed, just to mention again, that following those interviews Mr. Samuel Njoroge was appointed substantively to the position of the Director, Legislative and Procedural Services of the National Assembly. Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Speaker. I also want to add my voice to that of the Leader of the Majority Party in congratulating Mrs. Serah Kioko whom I have known for a long time since I joined this House over 17 years ago. I know she has what it takes.

It is refreshing to see that we now have a very senior woman in this House and in the Parliamentary Service Commission so, we are very happy. After Mrs. Munga left we wondered whether we would ever get another woman at that level. Therefore, I am really glad and so are all the women MPs. We are glad that the Commission found it fit to appoint a woman who obviously meets the merit.

**Hon. Speaker:** Hon. (Ms.) Janet Ong'era.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I also join my colleagues in congratulating the PSC for appointing Serah Kioko

as the Senior Deputy Clerk. I know she is a capable woman and is a very trustworthy officer. She served us very well when I sat in the other lower House, the Senate.

*(Laughter)*

I am very happy that Serah has been brought to this House. She is a woman who puts all her energy to the work she does. Having been chosen as a senior officer, I want to congratulate her and we know she is equal to the task. We ask her to be fair to all Members in this House in the dispensation of her work

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Atandi.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I also join my colleagues in congratulating Serah and welcoming her to this House. However, allow me to make a comment on the Petition on hardship allowances which has come to this House.

The question of hardship allowance is very serious. I want to request the Committee to look at this question critically and particularly, in the public service. Recently, the Departmental Committee on Finance and National Planning with the Commission on Revenue Allocation (CRA) went through the issues of Equalisation Fund. If you look at their Report, you will find the Commissioners reviewed the manner in which the Equalisation Fund will apply to capture sub-locations and areas as opposed to counties as was before.

This is a very good Report which this Committee can use to review the question of hardship allowances. You will realise that there are some regions like where I come from, Alego-Usonga, which are not considered as hardship areas for purposes of allocating hardship allowances to public servants, yet there are certain sections which ought to be considered. Therefore, I want to plead with the Committee that will look at this Petition to go overboard and consider the whole question of hardship allowance in totality, so that this matter can be settled. Otherwise, in future we will still have many Members petitioning this House to consider certain areas which may not have been considered.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. David ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Speaker. I take this opportunity to congratulate Serah Kioko on her appointment. I also wish to congratulate the PSC for making sure we have women in leadership positions in this House. I also want to note that there are a commendable number of employers of the National Assembly and the Senate with disabilities. This is a good step in our attainment of the United Nations Convention on the Rights of Persons with Disabilities. A person like Chemweno is on a wheel chair and also works and serves this National Assembly.

I am grateful for the positions which have been awarded to persons with disability and also congratulate Serah Kioko again for the new position. As she has been informed by the Leader of the Majority Party, Aden Duale, the job here is a bit bulky than in the Senate. So, she will have to up her game and make sure she works around the clock to ensure that Members are comfortable.

I also wish to call upon Members to make sure they accord Serah Kioko the necessary assistance she may require in her new duties.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Speaker, for giving me an opportunity to also congratulate Serah Kioko. This is an encouragement to other members of staff employed by the PSC. They are very professional and work very hard to ensure Reports are brought in good time. So, her promotion should be an encouragement to other members of staff to work hard. I believe she is destined for higher places.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, we have a new system where Members have to ask questions. Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I also take this opportunity to congratulate Serah Kioko. I was not here 20 years ago, but hope to be here for 20 more years. What we have heard about Serah is enough to tell us that we are in safe hands.

Hon. Speaker, allow me to also join hands with Hon. Atandi in commenting on the Petition about hardship allowances. I urge that we need to take this seriously and review areas recognised as hardship. I come from Mwea Constituency that has some parts which may be classified as more than hardship from the definition I have seen. These areas border Embu County in Mbeere which is under hardship allowance. When some teachers are posted there, they keep asking for transfers. They are suffering because they are in the same eco-system yet, they are not considered for hardship allowance. I support Hon. Atandi in calling for a more serious review on our hardship areas.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Endebess.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I also want to join my colleagues in congratulating Serah Kioko on her new appointment. Allow me to comment on the Petition on hardship allowances. I happen to have worked in a hardship area in Baringo. There is a lot of disparity when it comes to paying hardship allowances in the public service, the Judiciary and other agencies.

I think it is high time the Government harmonised this. My request to the Departmental Committee on Administration and National Security is to visit some of those hardship areas and identify the hardship conditions. For instance, somebody who works in the hardship areas even travelling to their area of work is difficult. However, nowadays with *boda boda* it is easier but before it was very difficult. In Hon. Kioni's Petition the question of classification of hardship areas is important. We should revise this classification because there are places in this country where when one is posted to work there they will not go.

For instance, in my constituency of Endebess, there are areas where when people are posted they look for transfers to work elsewhere, yet these are places that have not been classified as hardship areas. In the last Parliament we approached the Departmental Committee on Education and Research to revise the classification and see to it that these people are considered and assisted.

Thank you, Hon. Speaker. I support the Petition.

**Hon. Speaker:** Finally, Member for Kangundo.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Speaker for giving me an opportunity to join my fellow colleagues in congratulating Mrs. Serah Kioko. First of all I appreciate the work done by PSC. I congratulate her for the nomination.

The PSC is the backbone of what we do in this House. The image of this House is determined by how our clerks present the materials in written form. So, I welcome her and tell

her that Article 96 of the Constitution was for the Senate. Now she should work fully with Article 95 of the Constitution regarding the National Assembly. Thank you.

**Hon. Speaker:** Hon. Members, perhaps you may not need to proceed so much on that. Just to alert the Departmental Committee on Administration and National Security that, yes it is true that the Petition makes some specific prayers but, of course, in couching our report, we must be alive to the provisions of Article 249(2)(b) of the Constitution. In Chapter 15, commissions are obviously independent and in the performance of their functions, they are not under the direction or control of any person or authority. So, we must be careful how we couch our recommendations so that they do not infringe the provisions of that Article 249.

Member for Mwingi Central, you may present your Petition.

#### COAL MINING ACTIVITIES IN KITUI COUNTY

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Speaker, for giving me this opportunity. This is a Petition regarding coal mining in Mwingi Sub-county.

I, the undersigned, on behalf of residents of Mui, Mwingi East Sub-county of Kitui County within the Republic of Kenya draw the attention of the House to the following:

THAT, the petitioners have lived in Mui, Mwingi East Sub-County of Kitui area since time immemorial, majority of whom are peasant farmers who grow maize, beans, sorghum, millet, green grams among other crops and also keep domestic animals;

THAT, in the year 2008, coal mineral was discovered in the area occasioning the Government through the then Provincial Administration and local leaders to arrive at a decision to relocate residents from the said area to allow for coal mining;

THAT, on 27<sup>th</sup> day of April 2018 vide Gazette Notice No.389, the Cabinet Secretary for Mining gave a public notice on the application for mineral rights without following due process of law in particular without any civic education, public participation and involvement of the people.

THAT, the community has never given consent for the mining in accordance with the provisions of sections 37 (1) of the Mining Act with regard to the procedure for mining on private or community land;

THAT, similarly, the Governor of the County Government of Kitui announced that mining activities would start in the next six months with effect from April, 2018 and that the local residents would be relocated to Kanyonyoo area in Kitui County, about 100km from their current residence;

THAT, the residents have buried their loved ones in the said area and it will be against the Kamba customs and cultural practices to unearth their loved ones or see their graves being destroyed by heavy machines;

THAT, School going children, the elderly and the disabled will be negatively affected due to change of the environment as a result of relocation;

THAT, the land was not properly surveyed with many people possessing titles with errors in names while others have less size than the actual parcel of land allocated;

THAT, during demarcation process, large parcels of land were left between the boundaries and/or allocated to strangers who have no legal right over it;

THAT, Environmental Impact Assessment or the Environmental Management Plan were never conducted;

THAT, the community has never been informed about compensation of their land and properties in the area.

THAT, efforts to resolve this matter with relevant stakeholders have been futile; and

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Energy considers the matters raised in the Petition pursuant to the provisions of Standing Order 216 5(a) and makes recommendations thereof.

And your petitioners will ever pray.

**Hon. Speaker:** The first Petition is referred to the Departmental Committee on Administration and National Security and yours is referred to, as you have prayed, the Departmental Committee on Energy.

Let us move to the next Order.

### PAPERS LAID

**Hon. Speaker:** Let us have the Whip of the Majority Party.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker. I was consulting with Hon. Nyoro. On behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

The Report of the Auditor-General and Financial Statements of the Central Bank of Kenya for the year ended 30<sup>th</sup> June 2018 and the certificate therein.

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2017 and the certificates therein:

- a) Kenya Airports Authority; and
- b) Regional Centre for Mapping of Resources for Development.

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2017 and the certificates therein:

- a) Kipkelion East Constituency;
- b) Samburu East Constituency;
- c) Sigor Constituency;
- d) Tetu Constituency; and
- e) Tiaty Constituency.

Annual Reports and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2017:

- a) Kirinyaga University;
- b) University of Eldoret;
- c) The Kenya Accountants and Secretaries National Examinations Board (KASNEB); and
- d) Kenyatta National Hospital (KNH).

Thank you, Hon. Temporary Deputy Speaker.

**Hon. Speaker:** Hon. Kathuri Murungi.

**Hon. Kathuri Murungi** (South Imenti, Independent): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for the 17 constituencies in Nairobi City County for the Financial Years 2013/2014, 2014/2015 and 2015/2016. For the clarity of the Members who come from Nairobi City County, the constituencies are as follows:

- a) Dagoretti North Constituency;
- b) Dagoretti South Constituency;
- c) Embakasi Central Constituency;
- d) Embakasi East Constituency;
- e) Embakasi North Constituency;
- f) Embakasi South Constituency;
- g) Embakasi West Constituency;
- h) Kamukunji Constituency;
- i) Kasarani Constituency;
- j) Kibra Constituency;
- k) Lang'ata Constituency;
- l) Makadara Constituency;
- m) Mathare Constituency;
- n) Roysambu Constituency;
- o) Ruaraka Constituency;
- p) Starehe Constituency; and
- q) Westlands Constituency.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, it is important Members from Nairobi City County, for the first time, that is a Report from the Special Funds Accounts Committee. I think we need to commend Hon. Kathuri and his team. He seems to be having difficulties carrying the report. I think it is heavy.

*(Laughter)*

Let us have the Vice-Chair of the Departmental Committee on Health.

**Hon. Swarup Mishra** (Kesses, JP): Thank you, Hon. Speaker. Before I lay the Papers, on behalf of the Departmental Committee on Health, I would like to congratulate Mrs. Kioko on her appointment as the Senior Deputy Clerk of our Assembly.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Departmental Committee on Health on the –

- a) Joint East African Community Heads of State Retreat on Infrastructure, Health Financing and Development held on 21<sup>st</sup> – 22<sup>nd</sup> February, 2018 in Kampala, Uganda;
- b) Third Annual UHC Financing Forum held on 19<sup>th</sup> – 20<sup>th</sup> April 2018 in Washington D.C, USA; and the International Convention on Public Health “Cuba Salud” Conference Held on 23<sup>rd</sup> – 27<sup>th</sup> April 2018 in Havana, Cuba;
- c) 12<sup>th</sup> Stop Cervical, Breast and Prostate Cancers in Africa (SCCA) Conference held on 22<sup>nd</sup> – 25<sup>th</sup> July 2018 in Maseru, Lesotho;
- d) 71<sup>st</sup> Session of the World Health Assembly held on 21<sup>st</sup> – 26<sup>th</sup> May 2018 in Geneva, Switzerland; and

- e) 22<sup>nd</sup> International AIDS Conference held on 23<sup>rd</sup> – 27<sup>th</sup> July 2018 in Amsterdam, Kingdom of Netherlands.

**Hon. Speaker:** Let us move to the next Order.

### NOTICE OF MOTION

#### ADOPTION OF REPORT OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE

**Hon. Kathuri Murungi** (South Imenti, Independent): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Second Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Nairobi City County for the 2013/14, 2014/15 and 2015/16 Financial Years, laid on the Table of the House on Wednesday, 3<sup>rd</sup> October 2018.

**Hon. Speaker:** Let us move on to the next Order.

### ORAL QUESTIONS

**Hon. Speaker:** Hon. Members, it is now Question Time. Let us have the Member for Teso South Constituency, Hon. Geoffrey Omuse.

#### *Question No.15/2018*

#### STATUS REPORT ON LAST MILE CONNECTIVITY PROGRAMME IN TESO SOUTH CONSTITUENCY

**Hon. Geoffrey Omuse** (Teso South, ODM) asked the Cabinet Secretary for Energy if he could outline the implementation status report of the Last Mile Connectivity Programme in Teso South Constituency.

**Hon. Speaker:** Very well. The Question will be responded to before the Departmental Committee on Energy. Let us move to the second Question. Let us have the Member for Homa Bay Town, Hon. Peter Opondo Kaluma. Very well.

#### *Question No.16/2018*

#### DISBURSEMENT OF FUNDS FOR SPECIFIED SCHOOL INFRASTRUCTURE

**Hon. Speaker:** Very well. The Member not desiring to be present, his Question is dropped.

*(Question dropped)*

Next, let us have the Member for Nambale Constituency, Hon. Sakwa Bunyasi.

#### *Question No.17/2018*



## IMPLEMENTATION STATUS OF IRRIGATION PROJECT IN NAMBALE CONSTITUENCY

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Speaker. I join everybody else in congratulating the appointment of Mrs. Kioko to her new senior position.

**Hon. Sakwa Bunyasi** (Nambale, ANC) asked the Cabinet Secretary for Water and Irrigation to:

- (a) provide the implementation status of the irrigation project located along Sio River at Malanga and Mwikemo villages in Nambale Constituency; and
- (b) list the number of affected land owners who are yet to be compensated and state when the said compensations would be concluded.

**Hon. Speaker:** Very well. To be replied to before the Departmental Committee on Agriculture and Livestock. Let us move on to the next Question. Let us have the nominated Member, Hon. Godfrey Osotsi.

*Question No.18/2018*

## PROCEEDS OF SPORTS LOTTERY AND TAXES COLLECTED

**Hon. Godfrey Osotsi** (Nominated, ANC) asked the Cabinet Secretary of Treasury and Planning to:

- (a) provide the total proceeds of sports lottery and taxes collected under Section 12 of the Sports Act, 2013 during the 2017/2018 Financial Year; and
- (b) the total amount paid into the National Sports Fund during the said period and the projected levies for the current 2018/2019 Financial Year.

**Hon. Speaker:** Question to be responded before the Departmental Committee on Finance and National Planning. Next is the Member for Likoni Constituency. Hon. Mishi Mboko has informed me that she is not able to attend and has requested for deferment of the Question which I have acceded to.

*Question No.19/2018*

## STATUS OF ACQUISITION OF NEW FERRY FOR THE LIKONI CHANNEL

*(Question deferred)*

**Hon. Speaker:** Let us move to the Member for Nyaribari Masaba Constituency, Hon. Ezekiel Ombaki. The Member is absent and not desiring to be present so the Question is dropped.

*Question No.20/2018*

## COMPLETION OF RIATIRIMBA CAMPUS

*(Question dropped)*

**COMMUNICATION FROM THE CHAIR****NOMINATION OF PERSONS FOR APPOINTMENT AS COMMISSIONERS TO THE NATIONAL COHESION AND INTEGRATION COMMISSION**

**Hon. Speaker:** Hon. Members, I have a Communication to make.

Hon. Members, my office is in receipt of a letter from the Ministry of Interior and Co-ordination of National Government in the Office of the President, notifying that the term of office of the Chairperson and Commissioners of the National Cohesion and Integration Commission (NCIC) lapsed. The letter conveys that the term of office of the commissioners came to an end on 12<sup>th</sup> August 2018 in accordance with Section 19 of the National Cohesion and Integration Act, No. 12 of 2008.

Section 17 of the National Cohesion and Integration Act, 2008 establishes the National Cohesion and Integration Commission. Under Section 19 of the Act, a commissioner is appointed for a three-year term which is renewable once. Pursuant to Section 17(1)(b) and the First Schedule to the National Cohesion and Integration Act, this House duly recommended persons who were appointed by His Excellency the President as NCIC Commissioners on 12<sup>th</sup> August, 2014. The President subsequently extended their term for a further one year.

Section 17(1)(b) of the said Act now requires this House to recommend persons for appointment as commissioners. For avoidance of doubt, Section 17(1)(b) provides, and I quote:

“The Commission shall consist of –

- (a) a chairperson appointed by the President from amongst the Commissioners appointed under paragraph (b);
- (b) eight commissioners nominated by the National Assembly in accordance with the First Schedule and appointed by the President”.

In this regard, the First Schedule to the National Cohesion and Integration Act, 2008 requires the Clerk of the National Assembly to invite applications from qualified persons interested in nomination for appointment to the Commission in the *Kenya Gazette* and at least three daily newspapers of national circulation, with the application period stipulated as 21 days. Thereafter, the relevant Committee of the House is required, within seven days of the expiry of the application period, in consultation with the relevant Cabinet Secretary, to consider all the applications and recommend to the House suitably qualified persons. In submitting names to the House, the Committee is required to rank and provide comments on each shortlisted applicant. Upon receipt of the recommendations, the House is required to nominate 15 persons from which His Excellency the President is to appoint eight commissioners. This was the procedure which was followed by the House in the last Parliament.

Hon. Members, the mandate of commissioners of the National Cohesion and Integration Commission (NCIC) ended on 12<sup>th</sup> August 2018. The National Assembly is now required to commence the process of recruiting new commissioners under Section 17(1)(b) of the National Cohesion and Integration (NCI) Act in the manner contemplated in the First Schedule. The Act requires the National Assembly to undertake the recruitment process in a competitive manner. In this regard, I have directed the Clerk of the National Assembly to:

- (i) commence the requisite administrative processes necessary to actualise the recruitment of the commissioners;

(ii) publish in the *Kenya Gazette* and at least three daily newspapers of national circulation, an advertisement inviting applications from qualified persons who are interested in being nominated by this House for appointment as commissioners of the NCIC.

Hon. Members, a precedent of the procedure for nominating the persons was set by the 11<sup>th</sup> Parliament. Therefore, I see no need to reinvent the wheel. The only departure is that the Committee on National Cohesion and Equal Opportunity will this time consider the applications but not the Departmental Committee on Justice and Legal Affairs as was the case in 2014. This departure is informed by the understanding that the process which leads to the appointment of commissioners under Section 17(1)(b) of the Act is essentially a recruitment process but not the ordinary approval process of nominees as contemplated under Standing Order No. 216(5)(f) on the mandate of the Departmental Committees. In addition, under the current Standing Order No. 212(c), the Committee on National Cohesion and Equal Opportunity is the relevant Committee of the House which is charged with the mandate of considering matters related to national cohesion. Indeed, in the old dispensation of the Standing Orders, the said Committee was a joint committee of both Houses. Consequently, it could not have handled the recruitment which the law places under the exclusive jurisdiction of the National Assembly. Given the then prevailing circumstances, the relevant committee of the House at the time was the Departmental Committee on Justice and Legal Affairs which is not the case today.

In summary, I wish to guide the Committee and the House as follows:

(i) That the Clerk of the National Assembly is directed to immediately commence the requisite administrative process which is necessary to actualise the recruitment of the Commission;

(ii) That the names of persons who shall have made their applications at the expiry of the statutory period shall stand committed to the Committee on National Cohesion and Equal opportunity for shortlisting, interviewing, ranking and recommending the suitable candidates to be nominated by the House as contemplated under the said Section 17(1)(b) of the said Act;

(iii) That in addition to the provisions of the National Cohesion and Integration Act relating to consideration of the applications, the Committee shall also be guided by the provisions of the Public Appointments (Parliamentary Approval) Act, 2012, with necessary modifications, particularly with regard to the requirements on notifications of shortlisted applicants and the general public of the time and place for holding the interviews;

(iv) That the House shall nominate 15 persons for submission to the President from whom he shall appoint Commissioners of the National Cohesion and Integration Commission.

The House is accordingly guided. I thank you, Members.

## ORAL QUESTIONS

*Question No.21/2018*

### POLICY GUIDELINES REGARDING USE OF SCHOOL CHILDREN TO RAISE FUNDS

**Hon. Speaker:** Hon. Members, I have been told there is one more Question by the Member for Chepalungu, Hon. Gideon Koskei. Is he in the House? The Member is absent. Therefore, the Question is dropped.

*(Question dropped)*

## BILLS

*First Reading*

SUPPLEMENTARY APPROPRIATION BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

*Second Reading*

THE HEALTH LAWS (AMENDMENT) BILL

*(Hon. Benjamin Washiali on 2.10.2018)*

*(Debate concluded on 2.10. 2018)*

**Hon. Speaker:** Order, Members. Hon. Members take your seats so that we dispose of this Bill. Member for Mwingi Central, I am not able to tell whether you are standing or seated.

*(Laughter)*

I hope the House heard the Member for Mwingi Central when he was presenting his Petition. He said that the residents of Mui Location have been in that place since time immemorial. The latest definition that came across my mind as to what time immemorial is, it is time when the memory of man did not run to the contrary.

*(Laughter)*

I suppose that the memory of the Member for Mwingi Central does not run contrary to what he is saying.

Hon. Members, debate on this Bill was concluded yesterday and what remained was the Question to be put which I hereby do.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

*Second Reading*

THE URBAN AREAS AND CITIES (AMENDMENT) BILL

**Hon. Speaker:** The Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move that the Urban areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017) be now read a Second Time.

The Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017) was read the First time in the House on 19<sup>th</sup> April 2018. This Bill proposes to amend the Urban Areas and Cities Act, 2011, which was passed by the 10<sup>th</sup> Parliament to review the criterion provided for classifying areas as cities, municipality, town and market centres. Before you call an area a city, municipality, town or market centre, the classification is provided for in the Urban Areas and Cities Act, 2011.

The Senate has seen that a review is necessary since the criterion which is provided in the Act has not been achieved by the county governments under the prevailing circumstance. In other words, the county governments under devolution have met some resistance or headwinds in the implementation of this law. The Senate in its wisdom, and as a custodian of county governments, felt that we need to amend that Act. The proposed amendments in the Bill will enable county governments to efficiently and effectively deliver services in areas designated as urban and cities. That is the genesis of the amendment to the Urban and Cities Act, 2011.

I now want to speak on the highlights of the proposed amendments. I am sure that Members have a copy of the Bill. Clause 2 of the Bill deals with amendments to certain definitions in the Act. The Bill defines “neighbourhood association” and “resident population”. The amendment defines the term “city” to mean a county which is also a city.

Clause 3 proposes to amend Section 3 of the principal Act in order to ensure that in implementing this Act, the county governments comply with the existing National Urban Development Policy. Our counties cannot wake up one morning and decide to implement this law. They must be cognisant of the fact and existence of the National Urban Development Policy.

Clause 4 seeks to make provisions for delineation of boundaries of urban areas or cities. A county government can do that but with the proviso that it must be initiated by the Cabinet Secretary or by the relevant county making a written request to the Cabinet Secretary and in the end form a committee where the chairperson must be a representative of the Independent Electoral and Boundaries Commission as provided for in law and three representatives from the national Government drawn from the ministry for the time being responsible of urban development, and the Ministry of environment. There must be three representatives from county government drawn from the Department of Urban Development, Environment and Agriculture. There will also be two representatives from the Institute of Surveyors of Kenya and Kenya Institute of Planners. The Committee will look at when a county wants to implement this law.

Clauses 5 and 6 of the proposed amendments seek to review the eligibility for granting a town a city status as having the capacity to effectively and efficiently deliver services to its residents. If there is need to upgrade or to grant a town or a city that status, the services provided for in the First Schedule must be fulfilled.

Clause 7 of the Bill makes provisions for eligibility of the grant of the status of a market, which includes having a resident population of at least 2,000 residents. These are areas that if we wish to amend and disagree with the Senate, we will have to go for a mediation process as provided for in the Standing Orders.

These days you find markets coming up between two and 10 kilometres. When they build markets without due consultation, the people ask us to put up a school, dispensary and water. This law makes sure that before you put up a market centre, there is a minimum of 2,000 people living there so that you do not create small chiefdoms of people related in one way or another.

This is very common in the pastoralist areas. Sometimes we tend to favour our clans and create so many markets. Those markets cause the NG-CDF and county government resources to be overstretched.

Clause 9 seeks to amend Section 13 of the principal Act in order to ensure that members of the board of a city are appointed by the county governor as opposed to the County Executive Committee. This is to give the governor some leeway or powers.

Clause 16 of the Bill seeks to amend Section 29 of the principal Act – this is found in the back pages of the Bill – in order to ensure that a city or municipality manager is appointed by the County Public Service Board as opposed to the Public Service Commission. I am sure that our county assemblies are listening to us. Before they make any legislation, they must be cognisant of the national legislations this House passes. That this law becomes the guiding principle on the types or kinds of legislation that the county assemblies will implement.

Clause 17 provides for the qualification for appointment as a city or municipal manager. Clause 18 of the Bill seeks to amend Section 31 of the principal Act to ensure that the management of a town is vested in a town committee as opposed to the administrator.

The Bill from the Senate proposed to amend the First Schedule of the principal Act in order to reduce the number of people residing in a city from 500,000 to 250,000. That is debatable because we must define what a city is if you want it to have 250,000 residents. The current Act stipulates that for you to enjoy a city status, the minimum population residing in that area must be 500,000. But the Senate, in its wisdom, has reduced it to 250,000 while that of a market is at least 2,000 residents.

As I conclude, permit me to observe that this Bill is certainly one of the most important Bills in our country, coming from the Senate. It comes with a framework for regulating our urban areas and cities. It is a very important Bill. If we make further amendments and disagree with the Senate, we will end up with a mediation process. A mediation process is not a crime; it is provided for in the Senate. It is part of consensus building between the two Houses on legislation.

With those many remarks, I beg to move and call upon the Chair of the Departmental Committee on Transport, Public Works and Housing, Hon. Pkosing to second.

**Hon. Speaker:** Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Speaker for giving me this opportunity to second the Bill. I would also like to thank the Leader of the Majority Party for extending that honour to me.

I want to agree with the Leader of the Majority Party that this Bill from the Senate is attempting to do a very important thing which is to create structures in our cities. As we sit today, there is nothing like Nairobi City, Mombasa City, Kisumu City or even towns like Eldoret Town. This is because when the new Constitution came in and created wards, our cities were divided into small units called wards. Therefore, what the principal Act did was to attempt to consolidate and make those cities become cities that we knew before. Therefore, it is a very important Bill. Without cities, towns and municipalities, then we have a problem. Our country will very soon degenerate in terms of living standards. This is the reason for having this Bill. I am urging hon. Members to support these proposals from Senate. Of course, we will show that we are working together but above all that, we want to create these structures so that at least when we go home, we have our cities and towns. Therefore, this Bill is coming up with criteria.

Allow me to summarise some of the criteria that we notice. Of course, my Committee had an opportunity to do public participation. I will come to that in a short while. We have tabled

our report which hon. Members must have gotten opportunity to look at. It is saying that a city will have a population of above 250,000. As Hon. Duale said, that is debatable and Members can debate but that is the wisdom of our honourable Members. This will make our cities five if you were to look at it from population perspective.

The second is about municipalities. We used to hear municipalities in the last Constitution and in the last Parliament but this Bill is proposing that we reduce the number from 250,000 to a minimum of 50,000.

The third point is about towns. A town will be a place that will have a minimum population of 10,000. It can go to around 49,000. That will be a town. This is a very important Bill. I am very certain all hon. Members listening and willing to contribute have something called a town, a municipality or city. This is very critical. I am appealing to hon. Members that we contribute to this because this is our home. This is where most of our voters stay. A municipality will have a population of 50,000, a town will have 10,000 and market a minimum of 2000. I request this House to agree with them.

Secondly, this amendment Bill is also creating structures. It is attempting to answer the question: Who manages those structures and institutions that have been created? Hon. Speaker, it is being proposed that a city be managed by city management board. This is under Clause 9 of the Bill. Municipalities will be managed through a municipal board. As the Leader of the Majority Party said, the Bill also went on to provide for criteria for creating boards. It is very important to tell hon. Members it will be very good for us to go through this Bill carefully so that when governors - because they have been given powers to establish these institutions - establish these institutions, hon. Members will be aware and can participate.

Towns will be managed by town committees. You will see this in Clause 17 of the Bill. Of course, markets are going to be also managed by market committees. You will also see this in Clause 10. That is what this Bill in summary is attempting to do.

So, what happened with our Committee? When we got this Bill as provided for in Standing Orders, this is what we did. It will be good for hon. Members to also follow with us. My Committee considered the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017) in our sitting that we held on 14<sup>th</sup> August 2018 and 5<sup>th</sup> September 2018. Pursuant to Standing Order No. 127(3A), the Committee invited the public through the *Daily Nation* and *Standard* Newspapers of Friday, 13<sup>th</sup> July 2018, as provided for in our Constitution.

This gives me an opportunity to share with you something about public participation. This is something critical that we need to think as a country in both Houses. If the Bill originated from the Senate, as is the case here, then they have done public participation. Why would we go on as National Assembly to do public participation? It is repetitive, in my view. Maybe that calls for us to think about it. That is wasting taxpayers' money. In fact, you will see that when we called these people to appear in our Committee, they came and agreed with the recommendation of the Senate. This means that it became unnecessary to do public participation as the other House had already done it. This is a debate Hon. Members can debate.

It is in my view that we need to agree as both Houses that if a Bill originates from Senate and they have done public participation as required by law, we should not repeat the exercise. This is something that can be debated. However, because of the legal structures which are available that are giving us power to do public participation, my Committee did it. On 13<sup>th</sup> July 2018, the Committee received memoranda from among others, Central Organisation of Hawkers Association of Kenya, Institute for Social Accountability, the Council of Governors and also the Ministry itself. They appeared before us and we had discussion. However, as I said earlier,

most of these people who presented memoranda or who appeared before my Committee agreed with most of the proposals. However, when we retreated, we also looked at their proposals and as a Committee we realised there might be some few gaps. We are proposing to fill those gaps as a House. What did we discover? We discovered that this child is almost born. These institutions are almost being created; that is, the cities, municipalities, towns and markets. But what might have been forgotten is how the kid will be fed. There is no breast milk for this kid to grow. Even God knew very well that the child growing in the womb would need milk to grow. What happened in this Bill? In our observation as a Committee, we realised that this child is almost being born. By that I mean the cities we are almost giving birth to or forming have nowhere to grow. They have no resources. They have no money. So, what happens? We are proposing amendments. Although this will come in the Committee of the whole House, it is very important that we discuss at this level so that we can enrich the amendments that we are proposing. If we leave it where the Senate left, I am very certain these cities will have offices but they will not have resources to grow to become cities that we admire or that we want to live in.

Therefore, this is a very important proposal from our Committee. I hope the House will agree with us that the Senate forgot the breast milk of the child. So, let us give this child some milk.

My Committee went forward to propose an amendment. We are saying that Section 49 of the principal Act be amended by inserting the following new section immediately after Section 49: That, there be established fund to be known as the National Urban Development Fund. The fund shall be applied for purposes of improving and enabling the environment for sustainable and inclusive urban development and to enhance infrastructural service delivery in urban areas.

Our Committee was informed of the fact that these cities require serious resources to develop. For example, when it comes to developing sewerage systems, or water networks, or any other project, the money we give counties is not sufficient to do all that. We will create very beautiful institutions but the money we give to counties is insufficient. I have realised that less than 40 per cent of our money goes to development. For example, my county of West Pokot, Kapenguria Town, which will be a municipality if this proposal is approved, does not have water. For water to be available in Kapenguria Municipality, it requires Kshs10 billion. The money that goes to the county of West Pokot is about Kshs5 billion. What does that mean? It means that we will close the county budget for three years for us to get that money. Is that realistic? It surely is not realistic. That is why I am saying that the Senate did not provide breast milk for this child it is creating. That is why my Committee is requesting this House to create the milk.

What will this fund do? You will get it in our Committee Report from Page 8. We have done very good research and consultations. The fund will, among other things, upgrade urban and metropolitan infrastructure. When there were these long rains that just passed, even Nairobi City County itself could not manage Nairobi. It is until the President himself brought in the national Government team to help Nairobi. So, without this fund, these institutions will be without any development. Two, we are proposing this fund for high priority capital expenditure projects in urban areas. That includes storm water and solid waste management and urban planning and development. Three, development and maintenance of national urban observatory. Four, providing county governments with capacity, development, support and urban planning management and development of urban areas. Five, urban disaster risk mitigation and human settlement safety. That includes urban resilience to climate change and urban integrated programmes. Six, research, documentation and dissemination of information on state of



urbanisation in this country. Seven, management and administration of towns and municipalities that cut across two counties. Eight, any other purpose that will enhance development and promotion of urban development programmers that may be determined by the Director of Urban Development and Management in this country.

The fund shall complement donor funding for urban development. Very importantly, the fund shall be used to provide for conditional grants to the county governments and also counter funding. I had an opportunity to attend a World Bank conference recently, three months ago, and realised that donors might be willing to come and help counties, but they will ask counties for counter funding. They will say: If we are giving you 90 per cent, we want 10 per cent from you to do a certain capital project. With the money we are giving counties, it will not be sufficient. That is why we are proposing that we create this fund at the national level. That is so that if Trans Nzoia County or Homa Bay County, for example, get a donor who gives them conditions, the national Government can rescue them in terms of developing the towns by using this fund. This way, we will have very happy people. Where will the fund come from? Hon. Members, we are suggesting that we create an urban fund. That is on Page 9 of our Report.

If you allow me, I will mention two of them. The source of the Fund shall be:

- a) Such monies as may be appropriated by the National Assembly for the purposes of urban development or;
- b) Any funds provided by bilateral or multilateral donors for the purposes of the Fund;
- c) Gifts, grants, donations or endowments as may be given to the fund, and;
- d) Monies borrowed by the National Treasury.

This is very crucial in providing services to our people. Hon. Members, We have given a lot of notes. Then, there is a reason to create municipalities and cities that have been proposed by the Senate. If we do not do that, we will have a problem. We will have cities without resources; we will have cities without any support system and it will be good only on paper. When it is on paper, it will gather dust and when it gathers dust, we will not have done anything. I hope we will rise to the occasion so that the House agrees with my Committee that we create this fund to help our counties. Everybody here comes from a county and will go back to those counties. We better listen, rise to the occasion and help them. That is one gap we found in that Bill from the Senate.

As I conclude, the second gap is that we asked ourselves the question about timeframes. If we are creating city management boards, municipal boards, town committees and market committees, we need to give a timeframe. If you look at the original Bill, it created those institutions but nothing has happened up to now. My Committee has gone forward to propose an amendment which will come up at the Committee of the whole House. It is in our Report that this is not forever. The governors have been given the powers to establish those institutions, but it will not be forever. We have given a period of between two and three years maximum in this Report. We will propose it in the Committee of the whole House. Governors who are listening to us today should know that they will have only three years to establish those institutions, if the House agrees with amendments from my Committee and the President signs this Bill into law. It will not be business as usual. If we create this without adding anything, what is going to happen? Governors might be forced to wait forever. He might say it does not fit his thinking and leave the provisions of this Bill to gather dust at the shelves. We said it is not going to work like that. We are proposing a maximum of three years. Without that, we have given a condition. If the honourable House agrees with us and finally the Senate, we have said if Homa Bay Town is a municipality or a city and the governor has not established its management within three years,

the management of that town returns to the national Government. So, this is a condition so that they know it is not forever; they will not sit on it or take their easy or sweet time. They will know there is responsibility upon them given by the people of Kenya through this honourable House.

Those are the two gaps that we realised through our deliberations as a Committee and through public participation. If we do that in my view, we will have achieved the two main gaps in the following ways. One, we will have created the breast milk for the child and therefore the cities will grow well. Secondly we will have also given timelines to governors so that they do not take their sweet time. The creation of these towns is not for the benefit of the governors, it is for the benefit of the people of Kenya and the residents in those counties. Therefore, they are not going to take their sweet time, we have given them a maximum of three years. If they do not establish those institutions within three years, it will return to the national Government. So, it is up to them.

As I conclude, let me plead with Hon. Members in this House to agree with the Senate and take this opportunity to say to our sister House, the Senate, that as we process some of these Bills quickly as the National Assembly, they should reciprocate. There are a number of Bills from the National Assembly which are in the Senate and are not moving. One of them is my Bill; Roads Bill. We concluded on it long time ago but it is gathering dust in the Senate. The Urban Areas and Cities Bill just came the other day and this honourable House will be concluding it, hopefully in the next one week and it will be ready. We are urging you, Hon. Speaker to sit with your colleague in Senate because our Bills are gathering dust in the Senate. They should reciprocate so that we can move as a country. For example, my Bill which, is in the Senate is supposed to show us the way forward in term of roads. Critically we have to divide the roads so that others will belong to the national Government and others to the county governments. Up to now we do not know what is going on. Secondly, we need to divide resources between national Government and counties. Up to now, I do not know what is happening. I want to take this opportunity as the Chair of this honourable Committee to urge them to reciprocate. Let us not have this sibling rivalry. We do not have higher, upper or small House. The people of Kenya will not eat that debate; they want the services to be delivered to them. I am therefore urging them to reciprocate. They should do what we are doing.

With those very many or few remarks, depending on how one sees it, I want to thank you, Hon. Speaker and I beg to second.

*(Hon. Kimani Ichung'wah walked in the gangways)*

**Hon. Speaker:** Order Member for Kikuyu!

*(Question proposed)*

Let me first recognise the presence in the Public Gallery of the pupils in the following institutions; Kyangosi Primary School, Masinga Constituency, Machakos County and Musuuni Primary School, Kibwezi East Constituency, Makueni County. They are welcome to observe the proceedings in the House this afternoon.

*(Hon. David Gikaria rose on a point of order)*

**Hon. Speaker:** Hon. Gikaria, what is your point of order?

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Speaker, I know we have passed a Motion in this House that in this kind of Motion, every Member gets 10 minutes. I know this is a House of debate and this Bill has created a lot of interest, just before we start debating it, I am requesting that if we could agree as Members, we be given a maximum of five minutes to air our views.

**Hon. Speaker:** Is that the feeling of the House? This kind of request can be made as per Standing Order No. 47 at the commencement, which is about this time before actual debate commences. Is that the mood of the House?

**Hon. Members:** Yes.

**Hon. Speaker:** I do not seem to hear sufficient voice. This is the kind of issue that the Speaker can easily determine through a voice vote.

*(Laughter)*

There is no threshold required on this one. Hon. Members, can I put it to question?

**Hon. Members:** Yes.

*(Question, that debating time be reduced, put and agreed to)*

**Hon. Speaker:** I can tell the decibels which are higher. The reason, as has been explained by Hon. Gikaria, is there may be a lot of interest. I believe every Member comes from some market place and village and they want to talk about something urban. I hope every one of us has looked at the Urban Areas and Cities Act and the requirements for categorisation. I would want to hear Members address that issue of the quantum that was given in that Act when it was first passed by the 10<sup>th</sup> Parliament.

I will give the first shot to the Member of Alego Usonga. He is absent. Next on the list is the Member for Kitui Central.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. I have read this Bill and I want to support the amendments as presented by the Senate and a further amendment as proposed by the Committee. Even as I do that, I think it is important to appreciate that even though this Act was passed by this House in the 10<sup>th</sup> Parliament, a number of implementation challenges have been faced and that is the reason why the Senate decided to make the current amendments.

The main objective of these amendments is to review the criteria of establishing urban areas. As you rightly put it, we all represent areas which are urban. For example, Kitui Central which I represent is the host of the county headquarters which is in Kitui Town. In the former arrangement, the town used to be a municipal council, but with the new arrangement, it has been tricky to say where it belongs. That is why I am a bit happy with the proposal which is coming up in terms of ensuring that the required criteria in terms of population figures are clearly stated. Even before I comment on the figures, one of the issues which are coming out strongly in these amendments and which I really support is the idea of having area development plans. The more we visit our constituencies and the more we go round, the more we realise that planning has become a major challenge in the towns, markets, cities and urban centers. We cannot call them town planning. Even as we plan for those urban centres, we should talk about area development plans. That is very important.

The other thing which is important, and which I think we need to support as a House, is the requirement that before governors categorise those urban areas as markets, towns or cities, they should consult the CS in charge of that particular area. I think that consultation is very important. Otherwise, the way some of us do our things when we are given a chance to do them without consultation, we, at times, get out of control. It is important that there is a discussion between the national Government and county governments even as we agree on the classification.

The population figures of 250,000 for cities, at least 50,000 for municipalities, 10,000 for towns and 2,000 for markets are reasonable. The earlier figures would make it hard to achieve more than the three cities we have. With this new classification, we are likely to get a number of municipalities joining the class of cities, which will be good for this country. I think these figures are reasonable and it is important that we support them. For example, my own town of Kitui is now a municipality and, if you seriously insist on the figure of 50,000 plus, it might not achieve the status of a municipality. But the fact that now it is a county headquarters and with the new amendment being proposed by the Committee that any town hosting a county headquarters be classified as a municipality, then to some extent it will qualify. The figures are now a bit reasonable. The earlier figures were too high to be achieved.

The other important thing is the proposed fund. For some of those towns to be developed, you require a lot of resources. For example, as we talk now, Kitui Town has no sewer line. This is very critical to a town which is developing. It even discourages investors because they cannot do it in a town which has no sewer line. So, when a fund like this is created, it will help us in developing things like sewer lines and low-cost housing for the people who live in urban areas.

The last thing I want to say - because I can see my time is running out - is about capacity building. The people who manage these...

**Hon. Speaker:** Hon. ole Sankok. Members, you have reduced the speaking time to five minutes.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Speaker, for giving me this opportunity to contribute to this important Bill. At the outset, the Bill is timely and I would like to thank the Senate for coming up with it. For us, we will always endeavour to support what benefits Kenyans.

Our population is continuously increasing. As we increase in population, *manyattas* and villages will be turned into towns. The more we turn a bigger chunk of our land mass into some small towns, cities and villages, the more farming areas shrink. In developed countries, cities and urban areas are controlled so that a majority of the population can live in urban centres and leave some large chunk of land for farming. Let me give you a scenario we are in now. If you subdivide Central Kenya to each individual born there, each person may get only a quarter of an acre. With a quarter acre, you will have only a space for a house; a space for a small *boma* for *mbuzi* and a toilet. If the whole country becomes like that, then we risk running short of food because of lack of agricultural and farming land.

I can also give an example of uncontrolled urban areas or cities. For instance, the town I come from by the name of Narok was planned by the then paramount chief and since it was the white settlers who needed where to put up a town, from their own little knowledge, they decided that because they did not want those settlers to encroach on their grazing areas, they decided to allocate them a ditch that is prone to floods so that they could be washed away before they started encroaching into the grazing areas. It is unfortunate because it is the same residents of

Narok who are suffering from the effects of floods because of what informed the poor planning by the traditional paramount chief.

The Government, as we speak, is using a lot of money to purchase land for development of social amenities. Some of those towns are poorly planned. You cannot have space for development of schools, hospitals or any social amenity. It becomes very difficult for the Government to plan. That is why you see even in large cities like Nairobi buildings are being brought down because they have encroached on road reserves and riparian areas. It simply boils down to poor planning. This Bill will control the categorisation of towns, cities, municipalities and markets. Each categorisation will attract certain levels of social amenities. When investors come from abroad, they know their economic or financial muscle and that is how they will decide to invest in a city, municipality or town. When we refer to a small village market as a city, investors may shy away from investing in our country because they will be turned away by the small market that we refer to as a city. They may even presume that all our cities are like that particular village we are calling a city simply because it is a county headquarters or something of the sort. That is why I do strongly support the Bill.

**Hon. Speaker:** Member for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I stand to support this Bill. It provides a clear process for delineating cities and towns; it provides clear criteria for deciding and establishing urban areas and cities; it also gives the processes for establishing the structures. This will solve the big problem we have had of poorly-planned urban areas where there are no proper roads, no proper sewerage and no proper lighting network.

I support this further because it recognises the value of residents' associations which are very important for participation in the establishment and running of centres. It is also important that this Bill recognises the need to adhere to national policies. That will give uniformity across the country.

On the guidelines on setting up the ad hoc committee for urban areas and cities, I support the idea that the Principal Secretary is involved and the governor can also do the same by writing. I support the composition, including the professionals in the team and executives in the counties particularly from planning, environment and agriculture. I also support the fact that markets have been given to the governor so that we eliminate the whole long process. When we look at the structures of management and establishment of the boards, it is important that the criteria have been put down and the qualifications that they require. In the appointment of the secretary to the city board, we are involving the Public Service Commission while at the lower level we are involving the county public service boards.

There is also provision for appointment of the municipality boards by the governors and approval by the county council. I see that a lot of thought has gone into this. I particularly like the area of looking at the markets. Markets are the precursors of towns and if they are not planned at the very beginning, they will create a lot of confusion in the future. To that extent, I support.

On the issue of funding, it is automatic that when you bring a new structure like this one, you fund the process. Without funding the process, it will just be talk. As I finish, on the issue of schedules and numbers in the schedules, I personally did not see how we arrived at the numbers. We started with 500,000 for cities and then we went down to 250,000. It appears to me that we just cut them by half. I would have liked to see a more detailed criterion on how we reached that number, and an even more detailed criterion on how we are going to delimit the boundaries. As

regards service provision, we must be clear on the kinds of services that shall be rendered at every centre.

We need to look at the numbers even if it means going to mediation. Overall, I support this Bill because it gives direction on establishment of cities and markets. If we do not provide such direction, particularly with devolution, all sorts of structures will crop up all over the country. It will eventually be very difficult to plan them. This is the time to do it.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Gikaria?

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I echo the sentiments of the Chair of the Departmental Committee on Transport, Public Works and Housing; that this is the first Bill that has come from the Senate, and it is moving very fast. We hope that our brothers in the other House will also fast-track some of the very important Bills that are before them. The Chair of the Committee has alluded to the fact that the Roads Bill is still with them. The Bills before them are building up. My Committee has two Bills – the Energy Bill and the Petroleum Bill. It has taken them more than the required 90 days.

First, I do not agree with some of the amendments that have been proposed on the Urban Areas and Cities Act. The aspect of public participation is very critical in any legislation, be it at the national or county level. This House is going to expound the meaning of public participation so that members of the public can be involved in almost every aspect of legislation. One of the issues that have been pointed out in this Bill is delineation of boundaries. The Act states clearly how a delineation process can commence. Section 4(a) states that the process of delineation of boundaries of urban areas or cities may be initiated by the Cabinet Secretary or by the relevant county government by making a written request to the Cabinet Secretary. We should not leave the CS to do that. Public participation is a critical component of this aspect because getting a seat here and expanding your boundaries brings a lot of other issues, including business permits and land rates. Therefore, we need to have the public participating in the process. Also, it is not right for us to give excessive powers to the CS. This needs to be checked. We must bring on board more stakeholders in determination of matters to do with boundaries.

Secondly and most importantly, I want to believe that the constitutional office that is given that mandate is the Independent Electoral and Boundaries Commission (IEBC). As you try to expand the boundaries of a city or an urban area, you might end up affecting the administrative boundaries as indicated in our Constitution. So, we ought to be in the know if we are giving someone like the CS or county governments an opportunity for them to change our boundaries without bringing on board the public.

I have seen that one of the members of the board will be a representative of IEBC. That is not acceptable. There is an independent institution that is mandated by the Constitution to carry out such function. I agree again with the Chair of the Committee regarding the timeframe.

I am the one who moved the Motion on speaking for five minutes and now my time is over.

On the timeframe, this Act came into effect almost 10 years ago, but you can see that, to date, Nakuru County has never formed a municipal board. We need to provide for timeframes just the way we provide for constitutional timeframes for particular activities to be conducted. The other aspect is about governors being given an opportunity to appoint managers of towns. I agree but not competitively. I doubt how a governor will competitively make such an appointment. That is the work of the Public Service Commission.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gikaria, you clearly wanted others to have five minutes and 10 for yourself? I am afraid the law applies to all equally. Let us have Hon. Ochanda, the Member for Bondo.

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. I support the idea of looking at the new aspects that are missing, particularly that of markets. Issues of cities, municipalities and stuff were in the old Act. In as much as they might not have been very elaborate, they were there. But that of the markets is new.

While I recognise that there are a number of things that are still a problem, those are internal historical issues that can be addressed through amendments. In the proposed amendments to Sections 4, 5 and 6, there is the issue of the CS coming up with a team to undertake delineation of boundaries of urban areas, giving that team powers to create an urban area that cuts across counties such that you can get one single urban area cutting across more than one county. When there is a problem, it is transferred to the county Council of Governors. There is a big anomaly here. We are seeking to give powers to the CS to create problems and then transfer those problems to the Council of Governors. I can see an anomaly that is internal in terms of the proposed changes.

The Senate has not looked at the land regimes that we have in the country in terms of the historical arrangements of the land tenure system. Before the promulgation of the Constitution of Kenya 2010, we had a land tenure system that allowed for what we called “trust lands”. Under trust lands, there were clear demarcations of markets under the trusteeship of the county councils. All those still exist in law. However, the new law does not take care of trust lands. When this new law is enacted, all those will not be taken care of. I am saying this in the sense that you can go to a place that is clearly demarcated under what we call trust lands like a market, but it may not qualify to have 2,000 people. Meaning we will have a market under the demarcation of a public land but when it comes to the Urban Areas and Cities Act, that area is not a market. I have seen this contradiction and it needs to be sorted out by this Amendment Bill.

Beyond that, there are areas that are not clearly public. Nowadays, we have a lot of *makutanos* which have developed into big towns. They are much bigger than the public lands that were initially demarcated for markets. Many of the *makutanos* are on private lands. Compare managing a private land in relation to a public land. When they were clearly marked as markets, planning was easy and provision for roads was clearly indicated. But, how do you do this on a private land that has all of a sudden ballooned in terms of population and now has 2,000 people, and qualifies as a market or has more people and now qualifies to be a town?

I think these are some of the things which the Senate needed to have looked into and they ignored. I want to believe at the next level, as we look at this Amendment Bill, some of these amendments need to be brought out. Such that we also look at markets in relation to the traditional and historical markets we have known under the Trust Lands Act which may have been taken over as public land and are clearly demarcated as markets. Then, the new developments in terms of private areas like the *makutanos* that have developed into towns, but are private lands.

Therefore, this means that when private land is subjected to public land arrangements in terms of physical infrastructure, there is bound to be problems. You cannot treat private land as public when looking at the issues of sewer, roads and other things. For private land, you can find that roads were provided for a six meter width but as a public area or with towns, you may require a bigger facility than this. I think there is a major problem in terms of these amendments.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Koyi Waluke, Member for Sirisia. Hon. Iringo Kubai.

**Hon. Iringo Kubai** (Igembe Central, JP ): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017).

I support the Senate on this and, more so, the Chair of the Committee for coming up with this Report. They made several amendments like the one on funding by amending Section 49 and also the given timeframes. We cannot talk of a process without a time limit. Therefore, I support these amendments and also the others which will come as we go on with the process, especially during the Committee of the whole House.

Reorganising our towns, cities and markets is very necessary and, more so, classifying them according to the level of their development and the jurisdiction they serve. Today, you will find that most of our towns are wanting in terms of planning. We need to have controlled development, proper drainages, water and lighting systematically placed and infrastructure and roads easily accessible. We often hear of disasters like fire happening in our cities and it is impossible to put them out because the fire engines have no access. Therefore, it is important to plan well.

However, my fear is that despite having a fund for the same, our current towns have been put up on private land and areas where people have inhabited and are living. Therefore, it will be difficult to develop them to the standards and class of what this Bill is proposing. My own reasoning is that the new towns are the ones which will be put under this Bill. More so, we should rectify the existing ones now. However, we will need funds to compensate some of the people living there.

You may find in some small urban markets, like my area headquarters in Kangeta Market, the commercial land demarcated many years ago is already fully built and people with pieces of land surrounding that environ have put up commercial and residential buildings on their own land and farms. The land that will be acquired by the county government should be put under this programme so that we can achieve what is being proposed. If we will acquire personal land, we will need a fund to compensate the owners.

This will also make taxation and collection of rates easier. You may find in a certain shopping center or town, the people who pay rates and dues to the county government are less than half of the buildings there because of lack of documentation. People have put up houses everywhere and only those on the gazetted areas pay rates and rents. Therefore, revenue is lost. If we arrest this revenue coupled together with what the county governments will give, then it will be easy to develop those structures and, more so, actualise this Bill.

Finally, I strongly believe that we need a timeframe because this cannot be implemented indefinitely. This timeframe will enable each and every county to do its bit of work, so, that this can be uniformly achieved across the country.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kelvin Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Let me make one or two remarks on the same. First and foremost, this Bill is very timely given...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Wanyonyi! A Member has quickly removed his intervention as I started speaking, maybe, because he knows what I want to say. Anyway, Hon. Wanyonyi, please proceed.



**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker for allowing me to continue. First and foremost, we should have some order. Currently, with the increase in population, we see many buildings coming up in urban areas, municipal areas and markets without planning.

Therefore, this classification has come at the right time. We need to have order. Recently, I was in Dubai, a place I last visited almost 10 years ago, when it was just a desert and you could count the buildings. I stayed there for about two months working for a multi-national company called Kodak. When I was there, I looked for that company and I could not find it because the town is very well organised. In fact, as I was there, the Cable News Network (CNN) said Dubai is one of the most dynamic cities in the world today because of good planning.

Therefore, there is need for us to implement this possibly based on population. Also at the same time, as somebody has mentioned, we should set aside some land for agricultural and industrial development. Today, we see people putting up buildings left, right and centre and it is difficult to get the required services. There is need for us to plan our urban areas based on the population and that way, the governors of respective counties will competitively use the boards to run the counties effectively.

Secondly, we have also to take into consideration the social amenities that go with this. In Tanzania those days, there was this *Vijiji vya Ujamaa* which were started by the late President of Tanzania so that they could collectively have social amenities. Today, in my own constituency, I have a district headquarters that is coming up, but looking at it, I think we just have to demolish some areas because there is no plan for it. Therefore, the future of that particular town will become a problem.

I support this Bill because it is a right thing from the Senate. The only question I have is about the establishment of the so-called urban development funds. What is the source of that money? Kenyans today are already over-burdened with taxation. I, therefore, want the Committee to come up and explain to us where the money is going to come from. If it is just going to be from the rates and rent, let it be done so that we can be able to maximise on the migration from rural areas to urban areas, the markets coming up, municipalities, cities and what have you.

Last but not least, I also want to say that if we do not plan our cities today, tomorrow we will be in a lot of problems. Look at our own Industrial Area. Look at Kibera and Industrial Area where people stay, you cannot even access your neighbour. Therefore, I support this and I think we should be able to come up with a proper plan to classify our urban areas as provided. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nyoro Ndindi, Member for Kiharu.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to support. As you know, urbanisation across the world has been seen to bring about economic development because it brings about consolidation of resources, factors of production and, especially labour. Therefore, we have to support any legislation that comes into putting order into urbanisation and do our part to make it the best even as we strive to have better urban areas, towns and cities.

Also, urbanisation brings about ease when it comes to service delivery because the density of people consolidated in one place brings about a lot of ease when it comes to provision of any kind of service by the Government. Even as we talk about it, I have gone through the Report and the Bill and I have seen the creation of the proposed National Urban Development

Fund. Even as we debate this Bill, I hope it is not one of the many that we debate; pass and then we take it to shelves to gather dust. I say so because there is a bit of correlation between this Bill and something else that is called County Development Committee that was supposed to bring about all elected leaders in our counties in so far as development in our counties is concerned.

Also talking about that fund, I have seen a lot of work being allocated to that fund as a body. One of it is the issue of infrastructure. I am just wondering the practicality of it. I will give an example of Nairobi City or any other. Of course, we have other entities and other levels of government and administration that are charged with doing the same work. Even as we pass this Bill, I think we need to align the work of each so that we do not duplicate. That is because as things are now, even on devolution, we already have layers of service delivery. For example, now as we try to build our roads through the Kenya Rural Roads Authority (KeRRA)... Actually, I am not very much aware and sure of which level our roads are and which are county roads, and who should do what when it comes to infrastructural development. In my opinion, this fund should just be a kind of an arbiter, especially in the towns that are in several counties.

Hon. Temporary Deputy Speaker, I am sure even where you come from there are issues about a town that is contested between two counties. One is Keroka. Some part of Keroka is in Kisii and the other one is in Nyamira. Those kinds of towns can be arbitrated and managed by that kind of fund.

However, in other normal scenarios, for example, Murang'a Town where I come from within Kiharu, I think that kind of fund should not do infrastructural development. Hon. Gikaria moved the motion to reduce the time to about five minutes because I believe there is a lot of interest in this Bill. Basically, all of us have got towns in our constituencies. Some of us live in towns, cities and *manyattas* like my brother, Hon. Sankok. Therefore, I am sure when we talk about markets, urban areas and cities, it is just about minding about areas that carry a high density of people. However, our towns are a far cry when it comes to planning and even comparatively to other towns in Africa.

*(Hon. Ndindi Nyoro spoke off record)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ndindi Nyoro, why are you shouting in a manner to suggest you had fewer minutes? You did not. You had exactly five minutes. Next is Hon. Janet Ong'era.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity so that I may also contribute to this very important Motion. Let me, at the outset; congratulate the Senate for coming up with this Bill. It is long overdue. We should have passed it in the 10<sup>th</sup> Parliament. This is a very important Bill.

I support this amendment because I have noted that there is a clear definition on what is now a market, municipality, town and what needs to be delineated. This is very important. I am the MP for Kisii County. We have had great wars between the Kisii County Government and Nyamira County Government over the resources of Keroka Market. I am very sure that for the very first time, if this Bill is passed, those wars will come to an end. There is a clear definition as to what is now a market. The delineation and delimitation of boundaries will be clearly set so that those issues can be addressed once and for all.

I am very happy to see that the amendments give a clear definition of the terms that were defined in the principal Bill. For example, by deleting the definition of "City County" and giving it a new definition. This is a great improvement from the principal Bill. Secondly, I note that the

amendments have now an enhanced professionalism. It further explains how the *ad hoc* committees will be appointed to manage the respective areas and also the various professional associations that shall be included in the number of bodies. For example, I am very happy that the Institute of Surveyors of Kenya and the Kenya Institute of Planners have been included in the amendments.

The delineation of boundaries of urban areas, which I mentioned earlier on, creates very prudent management of those urban areas. The distribution of resources will now be very clear. In terms of resource allocation, there will be proper planning. If we do not have this kind of law, then we will not have proper and organised cities. There will be neither proper development nor accelerated development in our cities. If you fail to put in place proper planning in terms of infrastructure so that you know, for example, where residential areas or drainages will be placed, then you will have everything jumbled up.

One area in this Bill I will be very happy to see enacted is the proper delineation of counties. Kisii County falls here. If Kisii Town becomes elevated into a city, it will have proper organisation. As it is presently, it is far from being called a city. You will find *boda bodas* and *mama mbogas* all over the place. There is no proper arrangement of buildings and plan as to who should carry out what businesses and where. We want the small businesses to be conducted because they promote economic growth in the counties. But if they are not properly planned in terms of where they should be situated, then there will be chaos.

The amendment also gives a clear leadership composition. It addresses the issue of appointment and roles of each of the leaders. That is very important. If this Bill is passed by this honorable House, it means that the Sustainable Development Goals (SDGs) Nos.6 and 7 on clean water and sanitation, and affordable clean energy, respectively, will be realities. I am very passionate when it comes to SDGs.

I support the Bill and thank you for allowing me to speak.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Temporary Deputy Speaker, I stand to support this Bill. By passing this Bill, we will be spurring development in all the areas in our country and not just the cities that we have. Currently, the policies that are in place put a lot of focus on the existing cities. We know that we have the Department of Housing and Urban Development, which carries out development in various urban areas, but with a lot of concentration on the existing cities. By passing this Bill, we will see a number of other areas developing in terms of municipalities and cities. Overall, we will record greater development in our country.

I am particularly happy with the proposal by the Committee to form the urban areas fund. If this fund will be utilised well, then it will ensure that resources are available in some of the areas that are currently underserved. I have in mind my town that may qualify to be a municipality, that is, Ngurubani Town. It hosts an economy which is over Kshs7 billion. That amount of money is earmarked to rise to about Kshs15 billion or Kshs20 billion in the next three years. If you go to Ngurubani, you will realise that despite the large population of people, there is no single tarmac road going through the town. We do not have a sewerage system. Not even a library!

I support this Bill with the hope that when this fund is finally put in place, there will be fair distribution of resources so that some of those hitherto neglected towns also benefit. I say so because I have not been happy with the way resources are distributed in this country. I have said it before and I will say it again. When I see myself going home with a NG-CDF kitty equal to that of constituencies that have three wards only and yet mine has eight wards; or constituencies

with a population of under 50,000 people and yet mine has a population of 200,000 people, I feel that something should be done. When we create such funds, they should be distributed equitably. Fairness in distribution of the funds should be seen.

As we congratulate the Senate for coming up with this Bill, we want to urge them to be more proactive when it comes to dealing with Bills that come from this House. I am particularly interested in a Bill on irrigation that was passed in this House some months ago. That Bill is still sitting in the Senate and we have not heard about it. We hope that the Senate will be more proactive.

I hope that out of this Bill, we will start seeing more cities and towns springing up. We also hope that the Department of Housing and Urban Development will be strengthened or given capacity to ensure that cities and towns are well planned. We do not want the kind of unplanned development we are currently witnessing.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to support this important Bill, which is timely and critical especially as we face devolution. We know what devolution means to the people, especially at the grassroots level.

This Bill is critical because, for once, we are now very clear about the classification of areas; whether it is a city, municipality, town, or market centre. More importantly, we are now recognising the fact that we have county governments. The Bill, therefore, goes further to stipulate and provide for the role of county governments in managing the towns, cities, municipalities and market centres. Even clearer is the fact that the Bill recognises the county cities like is the case with Nairobi and Mombasa.

It is critical that we plan cities and urban centres which are growing at a very fast rate, especially with the advent of devolution. We are seeing more people willing to stay closer to the counties. More and more people are now moving back to the counties. As a result, the towns we saw as small towns are now mushrooming into bigger towns because the population density is rising. With it, comes the challenge of inadequate infrastructure. Most of the towns do not have proper roads, water, sewerage system and so on. Therefore, it is important that proper planning is done so that the towns can grow properly in an organised way. That will ensure that services are delivered in an efficient and effective manner.

Hon. Temporary Deputy Speaker, of course, with this Bill, it will become much easier not only for the national Government, but also for the county governments to collect revenue. The revenue collection base will broaden and it will be clearer as to who should pay revenue and for what purpose. Out of that revenue, the citizenry will expect services.

More importantly, for the first time, we are recognising the role of neighbourhood associations. We know, for example, in the case of Nairobi, many estates are taken care of in terms of security. It is because neighbourhood associations come together and collect money that would cater for issues such as garbage collection and security.

Therefore, it is important to have this recognised in the Act, so that those associations can be empowered to do even more than they are doing now.

Hon. Temporary Deputy Speaker, what is more important is the fact that we have national urban plans that are not recognised by the county governments. This Bill proposes that county governments must adhere to the national urban planning policies that the national Government comes up with. They must comply with them so that we can have controlled and

organised growth in urban centres and markets. The Bill goes further to talk about the need to form ad hoc committees of key stakeholders and designations of the various sectors that need to be in those committees like environment, agriculture, the Institute of Surveyors of Kenya and Kenya Institute of Planners. We should involve the citizenry that will be affected by those urban centres, so that their voices can also be heard. We should have adequate public participation as we develop those cities, towns and markets, especially because of the impact it has on revenue collection and delineation of boundary, so that we do not end up with conflicts.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Bill. As you are aware, 60 per cent of the world population lives in urban areas and it is increasing by the day. In our various areas, there is a lot of vibrancy in our markets and municipalities as a result of the devolution process. We need to see proper planning of those areas, so that we can reap maximum benefit.

This is a very important Bill. However, after going through it, you realise that there are areas that require some improvements as it has been suggested by the Chairperson of the Committee. The criterion for determining a city, municipality, town or an urban area is very limiting. You cannot say that you rely on population and integrated urban area development plan as the only criterion for determining whether an area is a city, municipality or town. We know globally that there are cities in the world which have less population, but they are categorised as cities. For example, Geneva City has a population of about 400,000 and 40 per cent of them stay outside Geneva in France and other countries. However, it is one of the most populous cities in the world because of diplomacy and being a financial hub. We need to re-look at this so that we do not insist on population only. Even globally, we have technology and smart cities. We have just approved money here in Kenya to go into the construction of Konza City, which will be a technology city. It is unlikely to have 250,000 people in the next 10 years. Investors are waiting for its construction. When we say that a city must have 250,000 people, we are limiting the process of many areas to be cities. We need to look at the special features that go beyond population.

This Bill is also not talking about metropolitan areas. It is only limiting us to cities. We need to talk about metropolitan areas like Nairobi, Kiambu and Kajiado. How do we manage that? I come from Vihiga County. The towns along the way are developing very fast and, very soon, they will be part of Kisumu metropolitan. So, this Bill must be forward-looking. It must talk about metropolitan areas.

Secondly, the Bill refers to a representative of IEBC on those ad hoc committees. We need a definition of a representative because Article 83 of the Constitution limits members of the commission from holding other public offices. We will look at these issues in the Committee of the whole House. The most important issue is funding. We must consider that seriously because we cannot talk about all these good proposals without money.

Lastly, the list of services in the First Schedule is very limiting. For example, when you look at cities, they do not talk about Information and Communication Technology (ICT) infrastructure. It is not among the services that are listed. An ICT infrastructure is one of the key services in modern cities. It should be a shared ICT infrastructure. We do not want to see a scenario where people are digging trenches everyday. We want all operators to operate under one infrastructure so that we can have proper planning of technology in our cities.

With those few remarks, Hon. Temporary Deputy Speaker, I beg to support the Bill. I promise that we will bring amendments at the Committee of the whole House to make this Bill more progressive.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Member for Kamukunji. I notice that you have been very patient. For some reason, your card cannot register on the screen. We need to check that. You have the Floor.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute and support the Urban Areas and Cities (Amendment) Bill 2017. I must say that this is quite a timely Bill because we face major issues and challenges in urban development. By 2030, about 40 per cent of our population and the growing majority of our population will be living in urban centres. We already have high urban poverty, inadequate basic services and environmental degradation. This Bill addresses some of the governing and management issues that we face. There is a vacuum or gap because we have counties which have elected representatives, but the people at the lower levels are not involved. That is particularly in cities like Nairobi.

I represent a neighbourhood which has the massive Gikomba Market, Eastleigh business hub and *Jua Kali*. All those areas are lumped together in one district without any structures or ownership. There is no management when there is a fire, flooding or natural disaster. There are simply not enough social amenities or facilities at the time of crisis. Many countries are moving to create smart cities and neighbourhoods which have proper facilities. This Bill contributes in a significant way in creating the structures that will inform the county of the basic needs of the people down there and give ownership to them. So, I welcome it in that sense. However, I am a bit cautious in handing over the responsibility of naming those municipalities, board leadership and town leadership to the county governments that are already overworked and are under a lot of pressure. Therefore, I hope that they will carry out this particular task efficiently once the Bill is passed so that there is uniformity and that in every neighbourhood you will get the structures in place to benefit from the opportunities of decision-making and development that this particular Bill offers.

The other element that is very attractive in this Bill is the creation of the fund because you need money and the means to do some of those things. It is meaningless to have boards or councils that will not do much. When they make decisions, they will not have the necessary funds to implement them. It is important for us to engage the stakeholders at that lower level to create partnerships. This Bill may help in some of those ways. Nairobi, for example, is considered to be one city. One of the Hon. Members mentioned that it is a metropolis. If this Bill comes into force, we will create within the big city, municipalities, towns and neighbourhoods that can function and can deliver basic services like street lighting, roads and sewerage systems; problems that are now in the hands of the big bureaucracy that we have created in the county. This is a way of unravelling the big county machinery that we have created, which is not able to meet many of the challenges or the complexities and problems of inner-city areas like Nairobi.

With those remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us now have Hon. Rasso Ali, Member for Saku.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this very important Bill. It gives effect to Article 184 of our Constitution,

particularly in the criterion for classifying and principles of governance and management of cities and towns, and the participation by the residents.

This Bill has come at the right time, when we are moving towards a knowledge-based economy. If we look back in time, at Independence, had we been given the opportunity, Nairobi would not be what it is today.

At the heart of the Bill is spatial planning. Without it, it will be difficult to control the upcoming towns, markets, urban centres and mushrooming of low dwellings as they expand as we experience in our country. With spatial planning, a place like Salgaa today would be a big centre because it provides a unique economic hub. But it has not been planned from the beginning. It requires traffic planning to cater for trailer parks. As the town comes up, the population increases. Such a town should be planned in a structured manner.

My town, Marsabit was started in 1907. In the recent few months, the Government has put in about Kshs2 billion for new infrastructure like water supply, sewerage system and strong water control. This was not there before. The town's population is almost spiralling, but it does not have basic and important amenities and infrastructure to support the growing population.

The Bill seeks to establish boards. Before, individuals at ministerial or county levels used to be appointed to run towns and municipalities. The structured nature of how the boards will henceforth be employed or put to use will allay fears that funding and other things that will be put into the urban areas by the national Government, the county governments and donors are not likely to be properly accounted for.

Finally, among the boards, we have urban development, agriculture and environment. More often than not, we have seen towns and urban areas coming up and taking up prime agricultural land that is important for food production and ignoring the dangers of putting up certain centres in fragile ecosystems. It is important that the three individuals have been identified to be part of that board, going forward.

With those remark, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mboni, Member for Kitui Rural.

**Hon. David Mboni** (Kitui Rural, CCU): Thank you very much Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this important Bill. I rise to support it because it clearly defines how urban centres, cities, municipalities and markets should be created. Using the proposed criterion, existing towns will be reclassified into municipalities and cities.

The importance of urbanisation cannot be over-emphasised. Urbanisation makes provision of social services like hospitals, schools and water very easy because people are close together. The cost of providing those services is low.

The proposed establishment of the National Urban Development Fund is a move in the right direction. Most of our cities and towns do not have sewerage systems, waste disposal systems and domestic water. The fund will cater for those systems so that people can get water, waste disposal systems and proper roads.

In the management of cities, the Bill proposes committees to manage them. We need capacity building for those committees so that they can understand how a city needs to look like and how it should function. Otherwise, we will have cities that are not well managed. Proper planning of cities is very important. This Bill is important because the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor Programme proposes the establishment of a town within every 50 kilometres of the clusters. This Bill will help us to have proper cities.

There is also need to come up with a clear conflict resolution mechanism because towns like Mtito Andei and the proposed Konza City are being claimed by two or more counties. So, a clear conflict resolution mechanism needs to be established.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Member for Kiambu, Hon. Njomo.

**Hon. Jude Njomo** (Kiambu, JP): Thank you, Hon. Temporary Deputy Speaker. Lack of planning in our cities has been a source of headache. Let me give an example. When the current Governor of Machakos County had taken charge of some activities in Nairobi, he decided to beautify it. He collected some rocks from Ukambani and put them along Uhuru Highway and said: “This is our beautiful city!” A few years later, the Governor of Nairobi, Hon. Evans Kidero, heard that the Pope was coming to visit Kenya. In a hurry, he looked for Kikuyu grass and planted it on the rocks on Uhuru Highway. He wanted the grass to grow in a hurry before the Pope came. Unfortunately, the Pope came before the grass grew and it was a disaster. I wish he had somebody to plant for him and do a good irrigation system that would make that grass grow and remain green. Today, we have Governor Sonko. He has done a better job. He has planted good grass. He has planted some colourful flowers, but he has also forgotten to do an irrigation system. So, the grass will only grow now because there are people who are taking care of it by watering it. But if he had put an irrigation system, we would have a very beautiful city. We need some regulations that will ensure that the herders who bring their herds of cattle in the city know that the grass is not being planted for cows. It is planted to beautify our city. We should segregate. We should have places where people take cows to graze.

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Njomo! What is out of order, Hon. ole Sankok?

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, I rise on a point of order because Hon. Njomo is demeaning the Maasai community and yet, Nairobi used to belong to the Maasai. If we go back to the map of 1901, we may be forced to ask all of you to vacate this Nairobi and leave it as a grazing ground.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order, Hon. Sankok?

**Hon. David ole Sankok** (Nominated, JP): He is imputing improper motive against the Maasai.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Even as Hon. Njomo spoke, I do not know why he looked at you when he talked about cows.

*(Laughter)*

**Hon. Jude Njomo** (Kiambu, JP): Hon. Temporary Deputy Speaker, he has consumed a lot of my time. I just looked at him because he is wearing green and I am talking about green grass. That is why I looked at him.

*(Laughter)*



We should have areas that are segregated for each one. If you go along Outering Road, you will find flocks of sheep and goats which mess up any type of plantation that the city would like to have. We need to have planning. If you leave for Kiambu now, you will get there at 8.00 p.m., a distance which, under normal circumstances, should cover about 20 minutes. There is no planning of proper roads. There is only one small road that leads to Kiambu. Every developer is coming along Kiambu Road. He or she is opening either a bar or a showroom and they are all opening into the main road because of lack of planning. That is why I would like to support this Bill so that when development is being planned, there is proper planning within the city.

I also want to look at the issue of hawkers. We have been having hawkers in town and unplanned kiosks, but this has been in existence for over 10 years. Then one morning, they are all crashed. Our people become jobless. They do not have a business to do. We should have proper planning where markets should be established.

Hon. Temporary Deputy Speaker, Hon. Sankok consumed about two of my minutes. If you could add me one minute...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have 26 seconds because your one minute was not taken.

**Hon. Jude Njomo** (Kiambu, JP): We should have proper planning so that our towns and municipalities look good. When we establish municipalities, we should not open new conduits for corruption or leakages of public funds. There should be systems that are put in place to ensure that public funds do not end up in people's pockets. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Hon. Koyi Waluke, Member for Sirisia.

**Hon. John Waluke** (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to speak. This Bill is long overdue. It is important that it has come from the Senate because if you observe from 2010 till today, it is long overdue. When you talk about urban areas and cities, this country needs proper planning. The population suggested of about 10,000 to 20,000 people is good. Public participation in this Bill must be observed keenly. It is very urgent that participation of the public should be considered. Giving more powers to the Cabinet Secretaries is not important. Some of those Cabinet Secretaries misuse power. The very important thing which I am observing and the House should observe is: Where will the money come from because this requires a lot of money? Sometimes, we give opportunities. For example, the infrastructure has taken a lot of money. Many Kenyans think that maybe the money is stolen but to me, after going round the country, I have seen that the Jubilee Government has done a lot of work in terms of infrastructure. There is building of roads. Tarmacking of roads needs a lot of money and that is where this Government has spent a lot of money. If we can get the money, this Bill is very good and it is very important to this country. Another thing that should be observed is the sewer. In many towns, we have problems of sewerage and it is important that this Bill has come. It will rectify some of the problems that we are having in towns and cities. Many people in this country cannot differentiate between towns, cities and markets. So, the definitions in this Bill will let our people know that this is a town, this is a city and this is a market.

With those few remarks, I support the Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kimani Kuria.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise in support of this Report on the consideration of Urban Areas and Cities (Amendment) Bill of 2017. We cannot over-emphasise the adage that failing to plan is planning to fail. At last, I am seeing

the light at the end of the tunnel because we are going to define what our cities are, what our urban centres are and what our towns are. I am particularly impressed by Clause 18(b) section 60 that talks about the amendment of the principal Act by defining what those urban towns are. I am highly impressed that all those towns that have a population of between 50,000 and 249,000 will now be conferred a municipal status. I am more impressed because two of my major towns, Molo and Elburgon, will therefore fall under this.

Clause 49(a) talks about the establishment of the urban centres fund that is going to look at capital expenditures around our urban centres. We have our towns that are just called towns for the sake of it. But they hardly have any infrastructure to qualify them as towns. We have towns that do not have markets. Those markets exist where our *mama mbogas* have space to just lay down their wares to sell. If we develop those urban towns, we will make sure every town has a market. Our Molo Market will not just be a market, but a world class one where people will be able to sell their wares whether it is early in the morning or late in the evening. There will be enough lighting and even things like good sanitation.

In 2018, it is very sad that some of our towns do not even have public toilets. Our towns do not have water. Our towns do not even have passable roads. I am happy this fund will make sure that those towns are facilitated to have those facilities.

In terms of youth unemployment, I am highly impressed. If the number of urban centres increases, there is going to be increased facilities in those centres. We are going to have libraries. Those libraries are going to support our students who are in school to make sure they have time to study and revise for their exams even when they go home during holidays. We are talking of a place where we could have cottage centres; a place where we could have value addition of our products and services. Once we develop those towns, the Milimani or Green Garden in Molo, the Kenyattas, the Maishanis and the Kasaranis will have enough water and electricity and sewerage systems. It will attract investors in those areas. It is not just about businesses. Government officers will work there and they will be able to attract the cream of our Civil Service. We will be able to attract the cream of our businesspeople to come and settle in those urban centres. When that happens, we are going to create employment for our young people. This development is going to raise the economic status of our areas.

I was looking at the destruction of buildings that has been going on in Nairobi City and several other towns across the country. Some of those buildings had title deeds. Some of them had loans that were given by banks after having done due diligence on the properties. This can only tell us what lack of planning can do to our economy. It would have been good if we knew that the road would pass at place "X". We are going to do a lot of compensation. We do a lot of compensation on roads, railways and other public facilities that we want in some of those areas. But why do we have people settling there and then have to pay them to leave those areas? We need to have a blueprint as a country. We need to have a plan not just for our urban areas, but even our rural areas whose land is being used for agricultural reasons. We have places where we have uprooted our tea, coffee and maize plantations and all we are doing is buildings, yet we are talking about food security. If we do not plan our rural and urban areas, we will not have food security. We will not have places where we want to build. Particularly, the amount of money we are using as a Government in resettling people who have built on roads and where we want railways to pass is an expense that we do not need to incur. That is why we end up spending ten times more than we are supposed to spend on some of those projects.

As I wind up, I would like to talk about...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have already wound up, Hon. Kimani. Shall we now have Hon. Mutai Kiplangat, Member for Bureti?

**Hon. Japhet Mutai** (Bureti, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report. In support, I want to state that the rural-urban migration is growing every single day. People in our rural areas are moving to urban areas seeking green pastures. When they get to those urban areas, they have to earn a living. They have to eke out a living. I am impressed by the amendments to the original Bill. The original concept of the Urban Areas and Cities Act was good, but a good idea gives way to a better idea.

If you look at the amendment, it cascades down from towns to markets. It gives the governor a right to confer a status of an area to be a market. The initial Act ended at the town level. It is now cascading down to markets. This will give a chance to our people to enjoy the benefits of this Act. Initially, areas regarded as markets were out of the purview of this Act. It was difficult for them to enjoy.

If you look at it critically, the creation of this fund is very crucial. One of the functions of the fund is money to be used for research, documentation and dissemination of information on the state of urbanisation in Kenya. That is brilliant. We can know how far we are moving and whether we are on the right direction. It will also provide the county governments with capacity development support in urban planning, management and development of urban areas. We have students who have completed Form Four. Some of them have gone to get trained for courses, but they cannot find a place to get internship or study. This is a perfect place where they can get hands-on experience in issues to do with management and urban planning.

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) took the Chair]*

I am impressed that this fund will create the Directorate of Urban Development and Management. It is a good concept in the sense that it will assist in the management of those towns. What we have is an area which has haphazard and an unclear mode of management and ways of running it. This will bring order. It will bring development. It will pump in money for devolution. This Act will see money cascade all the way down to the common person. I welcome it.

If you look at the initial Act, certain areas were left out. Even the issue of municipalities was critical. The two municipalities were initially Kisumu and Mombasa. At the commencement of the original Act, they were deemed cities. Most of the benefits which are derived from a municipality were not benefitting most of our towns. But, pursuant to these amendments, I will see a town like Kericho benefit. I will see my town of Litein benefit. A lot of benefits will accrue as a result of this amendment. This is an idea whose time has come. Some towns did not even have town administrators because it was difficult for the governors to implement the original Act. As we are speaking, more than 30 counties did not have administrators in their respective areas. With ease which this amendment brings in, it will make sure governors will move with speed to put in place those municipalities and town boards so that they are up and running and people can enjoy.

On that, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Member for Isiolo North.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you very much Hon. Temporary Deputy Speaker for giving me the opportunity to speak to these proposed amendments.

These amendments which I support are timely. We remember that the principal Act which the proposed amendments intend to improve was enacted way back in 2011. It was a year after the promulgation of our new Constitution. After coming to force of the county governments in 2013, we realised that there were deficiencies in the original Act. Especially, you will realise that some of the county headquarters do not qualify to be municipalities, if we go by the qualifications of municipalities. Therefore, I support the amendment which automatically makes all the county headquarters, irrespective of the size or population, municipalities. The proposed amendments have added new categories of urban areas, especially the market centres.

You will realise that in the marginalised areas, the Arid and Semi-Arid Lands (ASALs), most of what we call towns are market centers. They are bigger than villages, they do not qualify to be called towns because of small populations, yet they require services which are required in other towns. Therefore, the aspect of adding market centers to what was in the original Act is an aspect which appeals to those of us who come from ASAL areas.

I also wish to state that we have had situations where market centers have been created haphazardly for political reasons, especially in the rangelands. This has not been good for us because it affects the health of the rangelands and fragile ecosystems. Therefore, because the proposed amendments clearly outline procedures which need to be followed for creation of these categories of urban centers from cities, municipalities, towns and market places, then the objectivity introduced by the proposed amendments will help us to rationalise the existing centers and ensure that the trading centers are not created haphazardly in the ASAL areas. Therefore, it does not affect the management of our rangelands.

The capital city, according to the principal Act, is supposed to be the city of the national Government that will be hosting foreign missions and other things. The amendment which is introduced through these proposals encourages the City County to work closely with the national Government. On improvement of efficiency, particularly the transport network and other key infrastructure required in the city, it is something which is appealing to us. I would like to appreciate the proposals being made, which are not the amendments that came from the Senate, but which had been proposed by the Departmental Committee on Transport, Public Works and Housing such as the introduction of a fund. You would realise that most of the times, we come up with legislations which sets up structures, but these structures can only be helpful if they are funded. Therefore, a fund should be created to actually facilitate the structures created through the principal Act so that the amendments can be effective in terms of carrying out their mandate, something which is very important and I support.

With those few remarks, I support the amendments. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Member for Nyaribari Chache.

**Hon. Richard Tong'i** (Nyaribari Chache, JP): Hon. Temporary Deputy Speaker, I wanted to speak to the Motion on Foreign Affairs. However, I want to support the amendment to the Bill of the urban development because the timing is good and we need to do that for the purposes of ensuring that there is conformity with the changes to our Constitution and the changes in the country so that we do not duplicate efforts.

There have been movements of people from the rural set up to urban centers. With the county governments now, we have seen the former municipal councils being upgraded. They are headquarters of the county government and that has a positive impact to our economy. However, there are things we must address as House. The first one is corruption. When we were devolving functions we might have forgotten and devolved corruption. There has been rampant corruption at the county level. People who have been employed are driving very big cars and own massive properties worth millions of shillings within a short period and that calls for audit of lifestyle. It does not make sense that somebody earning about Kshs 50,000 owns the kind of properties the people in the counties are having today. There is need for us as a House and as Kenyans to do soul searching so that we can find out what we have lost and where we missed the point, because our values as a society are that we take care of our neighbours. By taking care of our neighbours, we will also ensure that what has been put under our care will be taken care of so that we do not take advantage of it, at the expense of the community.

I, therefore, support the amendment, but I think we need to do a lot more to ensure that there is value for money that we are getting as Kenyans. We must make sure that what has been devolved is adding value and changing people's lives. That way our country will go to the next level and employment opportunities will be created for the youth who have been unemployed. About 55 per cent of Kenyans are in the youth bracket and that is a huge number. Most of them are unemployed and that is a cause to worry. Any concerned leader should be worried about that. These are young people who have a lot of energy and a lot of free time and we have not engaged them as much as we should, so that they can use their energies a lot more than they are doing at the moment.

We also need to come up with some provision where Kenyans and our learning institutions will inculcate values in our people and our youth. It should not just be to look at employment as the only source of income, but to appreciate that you can also make money by being a business person. We need to help them appreciate that people who have money in this world sometimes are not employed but are businessmen and women. That needs to be passed on at a very young age so that our people grow knowing that employment is not the only panacea to wealth or success but you can also succeed by simply engaging in businesses. There are many opportunities especially coming out of the county governments because there are tenders which are geared towards the youth and women.

With that, I support the amendment Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tong'i, I heard you say that when one earns Kshs 50,000 only they should not own property that is worth a lot of millions. I think the correct position should be, if you can explain the source of your wealth, then it is well. But if you cannot explain and your only source of income is the employment where you earn relatively low salary which cannot justify the kind of property you own, then there should be a question. If you can explain the source of your wealth, then it should be well. What do you think, Hon. Tong'i?

**Hon. Richard Tong'i** (Nyaribari Chache, JP): Hon. Temporary Speaker, I am ably guided, but I was coming from the background of the fact that one has just been employed without engaging himself or herself in any other extra business other than the income that they are getting in terms of wages and yet they get some abnormal wealth. But if you can justify and explain yourself, that you are moonlighting for lack of a better word, then that makes sense. Where there is no any other source of income known, then there is a query to ask how that is possible because wealth is created over years. It is only in Africa where a fortune of Kshs500

million is created in a very short time. Elsewhere in the world, wealth is created over generations, it is a family tree. But in Africa you wake up one morning... that is why our youth are betting in the hope of winning a jackpot. No wonder, gambling is becoming a very popular thing in the country because our youth believe that you can wake up one morning and become a multibillionaire. We cannot build a society based on guesswork where people are waiting for miracles to happen for them to get wealth. That does not happen, it is not sustainable, it has never worked anywhere in the world and I do not think it is going to work in Kenya.

Therefore, we need to encourage our people to appreciate that it is possible to become a wealthy person regardless of the incoming earnings, but it is a process. It is not an instant that you wake up and you have that kind of wealth without having to work for it. I can see my chairman is looking at me agreeably.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tong'i, you have cleverly allowed yourself a second bite at the pie, but it is well.

Hon. Gichimu Githinji, did you want to contribute to this?

**Hon. Gichimu Githinji** (Gichugu, JP): Yes. Thank you, Hon. Temporary Deputy Speaker. I would also like to make my contribution in support of the Urban Areas and Cities (Amendment) Bill. This Bill comes at the right time in realignment of the county governments with the Constitution. The county governments have devolved both monies and human resource. Therefore, most of the urban areas within the county governments have become highly populated. It is very important to have them elevated to the status of municipalities.

I am very excited because most of the towns that fall within constituencies, like constituency headquarters, will now fit in the categories of municipalities to benefit from the resources that are usually allocated to urban centres. My main excitement is on one of the towns within my constituency, Kirinyaga, which is the constituency headquarters and hosts a number of Government departments. It is also the sub-county headquarters. If you go to that town, and I believe the same happens with most towns that are constituency headquarters in Kenya, you would find that the infrastructure is wanting. There is lack of tarmac, proper lighting and proper planning. Therefore, you will find that most of the services that people receive there are usually substandard because of lack of requisite facilities.

I would propose that going forward we also have Bills coming from the Senate and the relevant committees to amend the Physical Planning Act so that we can have proper planning of our urban centres. You will find very pathetic situations where various Government departmental buildings are small houses crowded within a small area instead of building a storey building and sharing the floors. One of the key areas that we also need to look at in this Bill is planning.

The other good thing about this Bill is the proposal by the Committee that there be established a national urban development fund which will get money from appropriation by the National Assembly as part of its sources of money. Here, we will see a very good link between the national Government and county governments, especially for the urban areas that will fall under county governments. We will then have an oversight role to make sure that the resources that we usually allocate through appropriation in Parliament go to the right places and not to people's pockets.

With those few remarks and owing to the limited time, I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I see no further interest from Members. I will now have the Mover to reply. Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to thank all the Members who have very ably and deeply participated in the

debate this afternoon on the current Bill. We have taken note of the issues they have raised. Some of the proposals that have come forth are very useful and they will be looked at by the Committee as the chair has said. We are sure that we will come up with a Bill that will surely help in urbanisation and the growth of our counties in terms of markets and municipalities. I believe that this Bill will go a long way in bringing the necessary growth and planning that is required as we move forward.

With those few remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I will direct that we defer putting of the Question on this Bill to such a time that the House Business Committee will allocate time. I will direct that we move on to the next business.

*(Putting of the Question deferred)*

### *Second Reading*

#### THE PARLIAMENTARY SERVICE COMMISSION BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Temporary Deputy Speaker, I wish to request that we defer this particular Order because the report of the committee is not yet out. We can defer it until the report of the Committee is ready.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I direct that Order No.11 be deferred until such a time that the HBC will again order for it to be listed.

*(Bill deferred)*

Next Order.

### MOTIONS

#### REPORT ON THE EAST AFRICAN LEGISLATIVE ASSEMBLY PLENARY SESSIONS

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House notes the Report of the Select Committee on Regional Integration on the East African Legislative Assembly (EALA) Plenary Sessions held on 13<sup>th</sup> to 16<sup>th</sup> March 2018 and 17<sup>th</sup> to 25<sup>th</sup> April 2018 in Arusha and Dodoma, Tanzania, respectively, laid on the Table of the House on Thursday, 14<sup>th</sup> June 2018.

The EALA sittings focused on engagements between the Council of Ministers and the Assembly, especially on annual reports published by the Council that required to be tabled in the Assembly. Such reports include the Common Foreign Policy and Security Reports, Establishment of the Peace and Security Directorate and the Northern Corridor Development Reports. The Assembly also considered various Bills including the East African Community Oaths Bill, 2017 and the East African Community Monetary Institute Bill, 2017.

The Committee notes that the implementation of commitments by EAC partner States is slow thus slowing down the implementation process and that there is a general low-level awareness among citizens and institutions of partner states with regard to the integration process. In view of this, the Committee recommends that the Council of Ministers should, in consultation with respective partner state assemblies, develop an enforcement mechanism for the implementation of the commitments agreed by the partner states. Delays in remitting country contributions meant for the financing of East African Community operations and capacity building for critical institutions is likely to frustrate the integration process and delay the East African Federation dream. It is, therefore, important that partner states ensure the contribution to EAC are remitted on time and that EAC institutions are properly funded for their growth to enable them execute their mandate.

It is worrying to note that a big proportion of the EAC Budget given for operations comes from donors. Even as we move to being independent as a continent, it is good that the partner states continue contributing on time for the operations of the EAC secretariat.

Hon. Temporary Deputy Speaker, the Committee was concerned that projects implemented by EAC, such as Lake Victoria Basin Commission, do not have adequate impact on local communities. Further, despite the fact that most one-stop border posts have tremendously reduced the cost of doing business in EAC, they are poorly resourced with critical infrastructural facilities such as fire fighting equipment, ambulances, storage, testing and quarantine areas, laboratory equipment, adequate facilities for people living with disabilities, accommodation for staff, health facilities and livestock areas, among others.

The Committee recommends that the Ministry of East African Community and Regional Development intensifies the sensitisation programmes about the East African Community integration, its aspirations, benefits and the roles of ordinary Kenyans and other EAC citizens especially to ensure that all the projects implemented by the EAC institutions within Kenya are well integrated into the local community development priorities. It is good to note that even in our public functions we normally sing the EAC Anthem but that is not enough. We ought to sensitise the EAC citizens on the objectives and benefits of integrating within the EAC with the Kenyan people so that we embrace it even as we move forward to great aspirations as the region.

The Committee noted challenges impacting the integration process. For instance, different customs management IT systems operated by the partner states frustrate the implementation of the ICT regime. There are also many laws, policies and regulations that are not harmonised within the partner states. This hampers implementation of the Customs Union and the Common Market. Further, it was noted that weigh bridges within partner states at times are not standardised. Therefore, they do not give the same weight readings for the same cargo, and this frustrates the business community.

It is worrying that you can have a container of commodities originating from Mombasa giving a different weight at a weighbridge in another country. This would harm trade itself because trade is about commodity and quantity. So, we need to standardise our weigh bridges. Even as we move towards having a Customs Union, there is need for the Minister responsible to urgently identify the Kenyan laws, policies and regulations that need to be harmonised with similar laws in the partner states and share the same with the Committee for fast-tracking in order to facilitate cross border trade within the region. The Minister should also liaise with the Council of Ministers to direct partner states to ensure effective interphase of different customs and IT systems for seamless operations.



The Committee also urges the Ministry of Immigration to facilitate free movement of persons, particularly for students within the partner states given that we are moving towards establishing a common education curriculum. It is therefore important that we also guarantee free movement of persons, especially those who are seeking skills and knowledge across our national borders.

Hon. Temporary Deputy Speaker, the Committee notes the achievements made by the East African Legislative Assembly in establishing itself as a strong and effective regional legislature capable of carrying out its legislative, oversight and representation roles. The matters, which were canvassed during the EALA committee and plenary deliberations, resonate well with the mandate of our own Committee on Regional Integration and have the potential to fast-track realisation of the EAC Treaty objectives.

I was privileged to be the leader of delegation of the Members who went for this very important event. I have a maximum of 60 minutes but I do not intend to take more than eight minutes extra. In our Committee, we try as much as possible to benchmark even within other regional blocs like the European Union (EU) and the North American Free Trade Agreement (NAFTA), which President Trump ditched yesterday. It is good for Members to know that one of the objectives of integrating is to create a free trade area. It is good to understand that the EAC has a population of over 150 million people.

Therefore, even as we move to create a free trade area, it is good for Kenya to be strategic so that we take advantage of the market that is there for the taking. It is also important to note that another objective of a group of countries integrating is creation of a customs union. As I explained earlier, we have encountered some bottlenecks in this area but we are in good speed moving towards establishment of a customs union as a region.

The other issue is creation of a common market. Nowadays the power of a nation is not measured by the might of its defence forces. It is purely a matter of trade. Therefore, as the EAC, we can negotiate trade deals with other countries as one entity. This would yield much more for the individual countries of the community than it would yield by each country negotiating on its own.

The Gross Domestic Product (GDP) of the EAC countries combined is much more compared to individual country's GDP. We are moving towards a GDP of US\$100. So, the point of us negotiating as a bloc cannot be gainsaid.

Hon. Temporary Deputy Speaker, it is not all complaints because as EAC, we have done and achieved so much. I just talked about EALA, which has turned out to be a vibrant body; it is doing much. We interact with EALA Members every now and then. It is good to note that one of EALA's achievements is that we now have a harmonised monetary and fiscal policy. As you note, the date for presentation of the Budget Estimates for the EALA member states has since been harmonised. This is because we are moving towards having a monetary union which is a bloc within the EAC. We are also doing a lot on infrastructure. Currently, there is a lot of infrastructural development in terms of transportation and communication. We have accomplished great milestones as a bloc of course, with Kenya being a member state; we stand to gain from those achievements.

We have also achieved a lot in as far as education, skill and labour are concerned. As I had stated earlier, we have done a lot in terms of integrating the curriculum of the EAC partner states. This is a gradual and perpetual exercise because even in our own country the curriculum keeps changing. This will bring about a lot of ease when it comes to transfer of labour and personnel. If we have disjointed curriculum then it will mean, for example, a Form Four graduate

in Kenya will have different qualifications from a Form Four graduate in Uganda, therefore, this will be a bottleneck when it comes to labour transfer.

Of course, we also have some failures as a region as we endeavour to integrate EAC and one of it is industrialisation. As we integrate it will only make sense if it will create jobs and curtail unemployment. There is a lot to be done when it comes to industrialisation, as a bloc and region because it will bring a different and better meaning to the pockets of the many jobless youth in the region. We have also encountered some failures when it comes to imbalance benefits. It is worrying to note that we have tariffs enforced on the Kenyan goods to a tune of over 859 commodities by Tanzania. Without reciprocity from Kenya and of course our traders and manufactures lost because of these imbalances.

We also have a long way to go when it comes to a unified monetary union and it is an aspiration of the EAC to have one common currency as other regional blocs do. It is also an aspiration of the EAC to have one central bank with a governor. We have a long way to go in this because of some of the issues we encounter originating from some of our partner states. As I finish, broadly speaking, there are many advantages of integrating, but as Members of Parliament, it is important for us to talk directly even to our other Member states.

I want to say without blinking an eye that EAC would have done much better were it not for the leapfrogging of some of our partner states. The EAC continues to encounter bottlenecks and roadblocks when it comes to our engagement with our sister state, Tanzania. Just recently our Cabinet Secretary, Foreign Affairs, enumerated the number of Kenyans who are in foreign jails. It was worrying to note that for a majority of Kenyans who are out there rotting in jails, Tanzania came second after China. We need to reverse this kind of narrative and start talking of the gains that each country will get by integrating other than this hide and seek games that we continue to encounter especially from Tanzania.

Going through history books, the industrialisation of many countries and even huge economies like the United States of America (USA) and the United Kingdom (UK) are based on having a liberal economy. It is retrogressive for any country on earth to continue having protectionist on my country list kind of policies. I am saying this because of Tanzania. When we embrace these kinds of things, the only people who stand to gain are the elites. Even in Kenya any time we try to invoke protectionism the consumer stands to lose because competitiveness goes down and when it does so, it means you will buy commodities expensively in the name of protecting your manufactures and the businesspeople within your nation.

We need to speak as Kenyans and the leadership. I am even challenging our CS for Foreign Affairs and CS EAC that, it is high time they saw the chains that hold EAC from integration as one country that belongs to EAC and SADC. Then they need to make important and tough decisions so that we can move forward as a region.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nyoro, I do not mean to interrupt you but you know the countries in the EAC in relation to our country are friendly. Therefore, we should not speak in regard to them in an adverse way which might be interpreted to be negative on the Floor of the House, without moving a substantive Motion in that regard. You are doing well, but I would like you to just temper your language so that we can continue being friendly. Please proceed.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I stand guided. Just recently, one of our daughters from Kenya who was working for Safaricom and was highly qualified to get a job at Vodacom in one of our partner states was declined the

opportunity. There are many issues because when we talk about integration there should be free movement of labour and skills.

Countries stand to gain when we open our borders to expertise. As I wind up, allow me to give an example of a very important policy that was done by the USA back then called Science Technology Engineering and Math (STEM) which encouraged immigrants from other countries to migrate to the USA and especially those who were gifted in science, technology, engineering and mathematics. Silicon Valley as we know it is a brain child and product of STEM. This came about because the headquarters of STEM was around San Francisco and Stanford is also around there. The combination of those foreign skills plus of course, having financial back-up from venture capitalists and other private equity funds in Wall Street brought about the Silicon Valley we know.

I can give many other examples, most of the behemoths and big conglomerates even in the USA were created by foreigners. I am talking about free movement of labour. When we talk about a bank like Goldman Sachs and even groups that bear American names like American International Group (AIG), these were founded by foreigners yet, they mostly benefit the Americans.

Currently without going back to those who were there before, there is our African son called Elon Musk, the founder of Tesla Motors, PayPal Holdings and many other companies. When you talk about Twitter itself, people like Kalanick were not originally from America yet these are currently known as American companies.

Coming back home, I do not think Safaricom would be the current biggest earner in this nation giving Kenya the tax bag to the Kenya Revenue Authority (KRA) of over Kshs40 million per annum, were it not for the expertise of Michael Joseph. I am just encouraging Members, even as we debate this Motion, that we need to embrace and challenge our partner states to embrace free movement of skills and they stop worrying about Kenyans being more qualified. If we go there and run their country better, it is not Kenya that benefits. It is them. For example, if we have a Ugandan or any other country...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nyoro, I like your line of presentation. You are talking about Elon Musk who is sending the first tourist around the moon. Your line of presentation is that there is a big benefit in being the bigger brother. This is what Kenya is really doing by opening our borders. We should not bother too much sometimes when the people we deal with are mean to us or appear to be mean to us. I think the generosity from us should come from the heart. We should not give so that we expect to receive. We should give with the heart. I think that is what Kenya is doing. It is a lesson to our brothers whom we are in association and we hope that they will learn. The good Lord never forgets the giver. I am sure you know that. So, proceed. I like your line of presentation.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I am actually winding up and I stand guided. I hope you will be among the first tourists to Mars as it is being done by Elon Musk.

This is my last point. Integration makes sense when we benefit as a nation especially when it comes to trade. I want to mourn the current situation. As you have rightly put it, Kenya has been the big brother of the region. It has been the big brother because our GDP is much higher and our abilities and efficiencies are much more streamlined. I want to bring a very worrying fact to the Members of this House that even as we continue chest thumping as a nation and taking pride on being a big brother and leader and giant within the region, this year alone, a country that has never enjoyed surplus when it comes to trading with Kenya has now overtaken

Kenya when it comes to our trade. As I speak now, our brothers whom we love so much, that is, our neighbours here Uganda currently enjoy a positive balance of trade. When it comes to Kenya, I challenge our policy makers that we need to put our act together. There is no way we can have a port that actually handles over 82 per cent of all the commodities that go to Uganda and then we are here being overtaken like people who do not know where they are going. I also challenge this House that we continue making policies that synchronise with the EAC policies so that we can continue enjoying the benefits and the markets of the big bloc that we are creating in the name of EAC.

I want to wind up with that point and I do not know whether to call the Seconder. You know I am a new Member. I will stand guided.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You need to move first then we shall go to that one.

**Hon. Ndindi Nyoro** (Kiharu, JP): I beg to move.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is quite in order. You have done well. I am told there is Hon. Ruweida from Lamu.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): We arranged that Hon. (Dr.) Ochanda was to second and not me.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ochanda, proceed. You are seconding.

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you a lot, Hon. Temporary Deputy Speaker. You know in this delegation where my good friend, the leader of delegation, was leading from the front, some of us were whipping from behind. As you are guiding, it is true that Nyoro is more nationalist than regionalist in the Committee on Regional Integration.

I want to second this by bringing in a few facts that, in my view, are clear. It has been mentioned in terms of sensitisation about the regional integration. I think we are very slow on this as a region and not necessarily as a country. While this was happening, as we were visiting and going round in the EALA meetings, I want to state that in the last two or so weeks ago, I happened to share a platform with the Speaker of the Parliament of Uganda and one or two of the other Members of that Parliament together with my neighbour, Hon. Raphael Wanjala, in a remote island in Lake Victoria called Sigulu. One thing impressed me. In as much as we had all many other issues that we were addressing, one thing that impressed me is the way the Ugandans handle the issue of the regional anthem, which apparently we do not do here.

In Uganda, in terms of that kind of a function, what they played first is the national anthem and proceeded to do the regional anthem immediately after as a procedure. That is one thing that I do not see us do. I believe that if all countries were doing this, the whole element of sensitisation about the regional integration might move a little bit faster. We are talking about business and these are the main drivers when it comes to issues of integration.

So, the more we have our people particularly along the borders or the communities we are bordering, understanding and agreeing that we are a region, I think it is going to be much more useful. It is one thing that will help us move forward in as much as the sensitisation exercises are a little bit low, particularly in this country.

The other thing that I wanted to mention is the whole issue of commitment. There are all manner of scenarios in terms of suspicion across members. There are certain deep-seated institutionalised kinds of attitudes that we have across different communities in the region. There are thoughts that Tanzanians just have hatred against others. There are attitudes of other communities against others. I think these are some of the things that are slowing us down. If we

got a way of how to address them we may move a little bit faster. All these are bringing in issues of fear and suspicion until when you are somewhere, you are very quickly noticed that even the way you are walking, talking and behaving, you are definitely Kenyan. These are some of the institutionalised attitudes that we are facing as a country.

That aside, issues of commitment need to be demonstrated in a much wider way. It needs to be demonstrated even in terms of how we look at the East African Community. In terms of commitments particularly in terms of paying up as members, we have done fairly well. Kenya is really ahead of the others but then this is not commensurate with the kind of things that happen in the region. We have a general secretary from a member state and that member state has never paid anything and that is the Secretary General of East African Region. I think these are some of the things that we really need to look at. I think Kenya is hosting one or two of the commissions of the EAC and yet we are really ahead in terms of our contribution and stuff like that. In my view, the issue of commitment needs to be tied with some of the things that the region does.

The other thing that I wanted to mention is how EALA operates. I think there is some little challenge here. In our National Assembly, the biggest source of our agenda is from the Executive - the Government. Ninety per cent or so of the agenda we consider here is drawn from the Executive. In a similar manner, for purposes of enhancing regional integration in my view, the East African Legislative Assembly needs to look at a lot of issues that are generated from the Council of Ministers and the secretariat of EALA. Yet you realise that EALA mostly considers individual Bills. Just before we went for recess, we were looking at a report that stated that almost two or three Bills that were discussed lapsed. Some of those Bills were critical and important and would have enhanced some of the things that we are talking about. Hon. Ndindi is talking about this lady from Safaricom. In one of the Bills that lapsed, there were very clear ways of how to handle issues such as those ones. That Bill lapsed. It has to be regenerated or it just dies.

The Secretariat and the Council of Ministers of the East African region need to ensure that EALA works in the same way our Assembly works here. We need to isolate a number of issues that can move the integration forward. They are many. We are talking about legislations and laws that are not harmonised. Some of our laws are completely different from those of Burundi. They are completely different from those of other countries. How then do we enhance issues of cooperation? If the Secretariat and the Council of Ministers were to concentrate only on issues that are challenges to integration, then EALA would be more active in terms of what it does than what we are seeing it do today. Those are some of the things that if we looked at, things will move.

The harmonisation process of our legislatures and the laws that exist is fairly slow. This is exactly what is bringing about a lot of the conflicts that we have around. You wonder why we talk about one-stop border posts on land but then we fight over Lake Victoria. We are harmonising and looking at how to do things properly at the border post in Isibania, Namanga and Busia but we constantly fight at the Lake. Why should we have a problem in a place that should not even have a border? We should not even have a border line. But we are constantly fighting with Uganda. There are all manner of forces, fights and torture issues. We are giving a lot of space for pirates to operate in the Lake like I witnessed last week.

As I second this, there is much more that EALA can do. Much of what EALA can do needs to be generated and fast-tracked from the Secretariat and our Council of Ministers.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I see interest from Hon. Kimani Kuria.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report by the Hon. Members. There are several areas that we should try to overemphasise. The Report talks about the Kenya Revenue Authority and the challenges that it is experiencing in terms of its delivery of tax collection from Kenyans. There is a specific clause that we need to overemphasise to the KRA. We have passed budget in this House on several occasions on the implementation of the regional electronic cargo tracking system that ensures that cargo is tracked from the time it docks at the port to the time it is delivered to its next destination. We continue to lose a lot of tax on this and have contraband goods that get into the market because this system has not been implemented. What is stopping the KRA from implementing this system? Is it that we are happy because revenue is being lost?

Think about all those penalties that are also levied by the KRA. This is raising the cost of operation of business especially for those that import goods into this country. It is becoming highly expensive. This Report mentioned the East African Development Bank. It is impressive to notice that this bank was named as the best performing development bank in Africa in 2015 with a balance sheet of US\$394 million and a portfolio of US\$190 billion. The member states have underfunded this bank and when they fund it, the Report talks about late submission of their contributions to this bank. This Bank could revive our cottage industries in Kenya and East Africa and support the manufacturing agenda that we are talking about. If the East African Community is serious about implementation of its economic agenda for the region, we really need to think about this bank and invest in it.

We talked about free mobility of labour across the region. How will we have free mobility of labour across the region when the curriculum in our universities remains unharmonised? Our fees structure remains unharmonised. Why does it cost so much in one university *vis-a-vis* in another and then we expect that those professionals who come out of those universities will compete competitively with other university graduates in the area? We should expedite the amendment of the protocol establishing the curriculum of universities within East Africa so that we harmonise both the programme and fees structure and ensure that we have enough and sufficient exchange programmes to support this education.

In our engagement, we are also talking about the *Ujirani Mwema* Policy which is one of the policies of the EAC. How do we support this policy only when it is beneficial to our sister countries and not to our country? I went ahead and looked at what theories of regional integration we are looking at. Are we using constructivism where we say that just because we are in the same area and have the same interests, we should trade together? Or should we look at only where our country has a competitive advantage and not just saying that since we are the EAC, we should engage in business with those EAC countries and not engage other countries? I wish that as Kenya seeks for her true state in the EAC, we will look at ensuring that we only engage where we have a competitive advantage.

We should also look at globalisation more than we look at regionalism. I cannot overemphasise the example of this Safaricom director that was denied employment in Tanzania, even though she was qualified for that particular position. We are quick to open our borders but when will we harmonise our taxes? When we sit down as a country and pass our Value Added Tax (VAT) and excise duty that makes it expensive to operate in Kenya more than the other countries? What do our sister countries do? They do not amend their tax laws. Some of those big

companies are now finding it cheaper to incorporate and operate business in Tanzania or Uganda and export their products and services into Kenya. Even when we sit here to talk about the EAC and market it as a regional bloc, as both a market for our goods and services and for labour, we should make sure that our country is not disadvantaged.

With that, I support this Report.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution. Members, as we deal with this and look at the region and global market, we must reckon with this artificial intelligence phenomenon that is also called the internet which is really the future of things. If you are going to have your physical borders where you say that you would not pass here and yet the artificial intelligence is there, we have to reckon with it. What are we going to do as a nation, leaders in this country, East Africans and Africans? What is our place in the world with the advent of artificial intelligence? I am sure Hon. Ochanda has explained this. We want to coalesce with our neighbours and become partners in this East African platform but these are problems which we have. However, there are bigger global problems with artificial intelligence which are taking up jobs. A lot of jobs which we think are secure will not be there tomorrow. So, we need to think about this as Africans, Kenyans, East Africans and leaders. These are the challenges that we have.

Hon. Ongeru. Sorry, it is Hon. Ongeru but not Ongeru.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Hon. Temporary Deputy Speaker, it is Hon. Ong'era. Thank you for giving me this opportunity. There is a big difference between Ong'era and Ongeru.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I know. Please accept my apology.

**Hon. (Ms.) Janet Ong'era** (Kisii (CWR, ODM): Temporary Deputy Speaker, I stand guided. Thank you for giving me this opportunity to contribute. I rise to support this Motion. At the outset, I want to congratulate the Mover and the Secunder of this Motion.

I am a Member of this Committee. I want to first of all congratulate the Mover for tabling this Report. There are certain key issues that arise from this Report that beg me to think that the dream of bringing integration within the East African Community is really... There are issues that are of great concern which need to be solved in order for us to fully integrate and have a harmonised system, for example a harmonised taxation system, a system of free trade and movement of persons. We need to have political goodwill of the partner states. One area that concerns me greatly is the question of having a common foreign policy within the partner states.

The second area that concerns me greatly is not having a proper awareness amongst the citizenry. We visited all these countries. When we went to East African Legislative Assembly and the border post that we shall be presenting, we found that our citizens are not really aware of what the integration process is all about and how far we have reached in it. Unless your citizens walk in partner with you, integration cannot become a reality.

The other area that concerns me greatly is that Kenya has borne the brunt of meeting the expenditure of these partner states. Many of them do not meet their financial obligation. As a result of this, EALA is not properly funded. It keeps worrying me that we have very good conferences where we discuss the regional integration or integrating within the EAC. Our partner states give lip service in the conference rooms but behind the tables, they pull the rugs. Therefore, these are some of the concerns that come to my mind.

The last one is the concern that the one-stop border programme has very tremendous achievements. However, it cannot succeed unless we commit ourselves to have necessary

infrastructure. The ones that I have in mind are fire fighting equipment, proper ambulances, storage, quarantine and testing areas and laboratories. We found that these services were wanting. They are not properly catered for.

Lastly, there is need to have harmonised immigration laws, so that we all speak one language. With those few remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Hon. Ong'era. We shall have Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Report. I am extremely educated this afternoon, especially having listened to the Mover, the Secunder and Members of the Committee who really understand what is going on. I wish the entire House could appreciate the issues as the Members of the Committee do. The first thing that crossed my mind is how many Members of Parliament today really understand what integration is all about. How many even know how much has been achieved and what challenges we face. I hope that at some point, through this Committee, we can have our East African Legislative Assembly representatives coming for a special *Kamukunji* to share with the House the challenges that the country faces in the integration.

I had the opportunity of being an Assistant Minister for Tourism for five years. I remember for five years we were very clear that there was need to have univisa for tourists coming into East Africa. The idea was to make sure that once tourists land at Jomo Kenyatta International Airport, they are able to move in Kenya and cross over to Tanzania. It was for a common marketing strategy for East Africa as a tourist destination. The biggest challenge we faced was that one member-state felt that it was not in their interest. They thought Kenya had a hidden card. Therefore, they frustrated the effort to a point where we would organise inter-state ministerial meetings and the minister for that country would not show up. So, we never made any progress.

I am happy that eventually, in the current regime of President Uhuru Kenyatta and other presidents who felt that the visa issue is of interest to the region, went ahead without that other member state to actualise it. I feel the frustration when certain member states do not see things in the same way. Therefore, they need to harmonise policies and laws so that everyone is on the same wavelength. At one point, one of our biggest challenges was the boundary between Serengeti and Maasai Mara. When tourists left Maasai Mara to cross over to Serengeti, each van would be asked to pay US\$100 by authorities across the border. However, when they moved from Serengeti to Maasai Mara, they would not be asked to pay any money.

I am also concerned about this big brother thing we believe in. Kenya believes it is the big brother in the East African Community. We have to be the humble ones and, in the process, we lose in a big way. Even as we get into this partnership, there is need for our interests, as a nation, to be taken care of before anything else. A time has come when economic competition across countries, across regions and across the globe has become extremely aggressive that we cannot afford to give up certain things that would make us stay in a disadvantageous position.

I am extremely impressed by the work of this Committee. I feel the Committee on Regional Integration is doing a great job except that the rest of the nation needs to know. I am happy that the Committee said there is little awareness of what is going on. The awareness campaign must start in this House. The awareness must start here before we go to Kenyans so that Kenyans can begin to understand the opportunities that are available for us outside our boundaries. I was very happy the other day I was in Rwanda. One of the things I noted is that in any office you visit, when they hear you are a Kenyan, they are extremely happy to welcome



you. I went to Rwanda Investment Board and they were very clear to me that, if you are a Kenyan in business, you are free to do any business in Rwanda. Actually, they would make it very easy for you to start your company. They would tell you the opportunities that are available. That should be the spirit across the entire East Africa Community. That way, we become stronger.

With those few remarks, I beg to support and congratulate this Committee for the great work they have done. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Cecily Mbarire, I am also educated from your contribution that we need to be a little selfish to protect what we have so that it is used for the good of Kenyans.

We shall have Hon. Obo Mohamed, Member for Lamu County.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Asante, Bw. Naibu Spika wa Muda kwa kunipatia hii nafasi. Ninataka kusesitiza zaidi kuhusu ujirani. Ukiwa na jirani mwema na mkiwa na mawasiliano mazuri, mnakaa vizuri hata wewe mwenyewe huwa unapata utulivu wa moyo. Ninahimiza sana huu ujirani na ushirikiano.

Kusema kweli, tumetoka mbali kama jumuiya ya Africa Mashariki. Hapa tulipofika, wengi watakubaliana na mimi kwamba kulikuwa na matatizo mengi na tulianza pahali na saa hii tumefika pahali pazuri. Kuna mambo mazuri yanayopatikana upande wa usalama kwa sababu vile tunashirikiana kibiashara na tunafaidi. Ninataka kuhakikishia Bunge hili kwamba sisi Wakenya kwa ukarimu wetu, kama vile ulivyosema Bw. Spika, wewe ukiwa mkarimu sio lazima utarajie mwingine akulipe. Kwa hilo, mwenyezi Mungu anatubariki na ninawahakikishia kwamba tunafaidi kwa hilo. Nina hakika majirani zetu watakuja kuona. Hawako mbali kuja kuona kwamba sisi tunafaidi na wao watafungua njia.

Mwanzo ningependa kumpongeza Rais kwa kutoa nafasi majirani waje bila kutumia pasipoti ila kitambulisho pekee. Hiyo imetufungulia biashara vizuri Kenya. Wameanza kuhisi. Wako karibu watakuja kuona. Wakiendelea kukaa mbali, sisi tutaendelea kufaidi.

Sina mengi zaidi isipokuwa hayo tu. Ninawahakikishia Wakenya kwamba tukiwa wazuri tunafaidi. Mimi pia niko kwa hii Kamati na tumeuliza maswali na tumehakikishiwa kwamba tunafaidi. Hatuendi hasara. Asante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Hulufu Oda.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I would like to start by thanking the leader of the delegation, Hon. Nyoro. I must say that I am also adequately educated on what East Africa Integration is all about and the challenges that we are facing as a country. If you are perceived to be a big brother in a union like ours, the East African Community, it always comes with a lot of challenges. We are perceived to be very aggressive. Our aggression is perceived to be geared towards taking over the entire region, which is not a bad thing. But it puts us at a disadvantage because as we open up our borders, as we allow our brothers and sisters from other Member states to take up jobs without subjecting them to unnecessary hurdles; our own citizens are denied the same privileges. Of course, if that does not stop, it will reach a point where as a country we shall also be forced to think selfishly. I would not like to advocate that kind of attitude. We are better off if we think as East Africans.

I would like to highlight one key issue which the leader of the delegation told us. It is about the change in trade between us and Uganda. Uganda is not one of the countries where we are having these challenges. If they open up everything, the countries worried by our aggression - I do not want to mention specific countries which are fearful - may even benefit better than us as Kenyans.

There are a number of challenges which are slowing down the integration process. Key among them is the poor state of infrastructure in terms of transport and communication. There has been a lot of effort for the member states to think regionally. The conception of the idea of the Standard Gauge Railway (SGR) was partly contributed to by the need to come up with improved infrastructure. As we speak because Tanzania has done the same and because of some kind of competition, we may have lost out. As a country, there is something we need to seriously work on - corruption. We may not necessarily be more corrupt than other member states. Probably, our media is freer. We are a more free society compared to other member states. Because of that, whatever is done is highlighted in our free media. Therefore, this is something which we need to work on as a country. That is so that our brothers can view us positively and we achieve what we intend to as East Africa.

Actually, the starting point of integration is a customs union where member states are supposed to zero-rate all goods and services which originate from member states. As highlighted by the leader of delegation, in one member state, 859 goods originating from Kenya attract customs duty which I think is not something we should just take lightly. It is something which our authorities need to discuss with that country. That is so that if the same is not addressed, we will need to see what we can do to whatever goods emanate from their end so that they see the importance of not doing the same. The most basic thing we ought to agree on as member states is the customs union or the taxation bit so that we have a common approach in zero-rating whatever originates from the member states and have a common tax. That way, we will be more competitive as a region.

I am sure no country is going to lose if we stick to whatever protocols that have been established by the union. We are going to be a bigger economy. The aspect of economies of scale will come in.

For other sectors like agriculture and food security, we know we may not be able to meet our requirements most of the times because of drought and other vagaries of weather. Therefore, instead of importing food from elsewhere when our member states have surpluses, it will be cheaper for us to import things like maize and other cereals.

It is also important that the East African Legislative Assembly, which is supposed to help us as a country address issues of harmonisation of policies and legislation, is adequately resourced. If there are member states which are not submitting what they are supposed to, the subscriptions which will enable EALA to be effective, this needs to be taken up at the level of our Heads of State so that it can be adequately addressed.

Another key challenge is that, we can only have integration if our laws are in harmony. We can only have effective integration if our policies relating to key sectors like health, agriculture, food security, customs and infrastructural development are harmonised. With lack of harmony in our individual countries, policies and laws, it will be very difficult for us to have effective integration of East Africa. Therefore, funding of EALA is something that we need to take up as National Assembly. We are told Kenya is doing its part, but if there are other member states that are not submitting their subscriptions, then we need to take it seriously to enable it perform its function.

Another key challenge in integration is the national strategic interest of different member states which are not aligned with the bigger vision of the integration. These are some of the issues that need to be sorted out at Heads of State level and also at Cabinet Secretaries' meetings so that whatever is in strategic interest of any of the Member states should not be seen to fail. It should be in line with the broader vision of having one big region where all citizens feel that they

are Members and they can move freely within this bigger region. They can get employment, invest and do other things.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, I see no further interest from Members; I will therefore allow the Mover to reply.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker. I want to take this chance to thank the Members, starting with the Seconder, Hon. Dr. Ochanda who is a Member of the Committee. I also want to thank Members who belong to the Committee and other Members who are not in this Committee for their great contributions. We have also learnt big time and I am sure we are more sharpened as the membership of this Committee on how to move forward.

What we need to note is a point you brought forward. Even as you talk about challenges of integration, the 21<sup>st</sup> Century challenges are not the challenges we are encountering as EAC. The EAC is talking about labour, competitiveness, and there is a very important point you brought about, which is the challenge of technology. It is about analytics. It is about the data that is mined by the IT companies, how are they used for the advantage of the home countries. The challenges of the 21<sup>st</sup> Century integration are bigger than a Kenyan moving to Tanzania. It is about artificial intelligence as you mentioned; it is about robotics. When you talk about jobs, you talk about jobs to be done by people. The 21<sup>st</sup> Century jobs are those that are designed to be done by robots, that is, robotics. They are geared and infused and run by artificial intelligence. The irony of it is that technology knows no borders. I am moving forward and we are going to be well guided so that even as a country, we can continue to make policies that make sense when it comes to technology.

Even as I wind up because I have listened to so many Members, we are in a generation where previously we have been told about free trade, free markets and big economies, which are a creation of those two. Clearly it is true that the USA, UK and other big countries especially the western countries came from feudalism generated from mercantilist economies and then they became competitive market. I am sure that is how they grew. But the challenges were wider. The 21<sup>st</sup> Century fastest growing economy in the world is China. China is not liberal.

Therefore, it is an irony and a paradox that yes we espouse and praise what was there in the 19<sup>th</sup> and 20<sup>th</sup> centuries that open up markets and economies to grow; on the basis of opening up entrepreneurship, as it was in feudalism, to any other person. Therefore we get the brainy people in the cream of society not on the basis of their names but the theory now is being confronted by countries like China and Russia which have nothing to do with liberalism. In fact, China is an absolutist state, yet it is the most growing country in the world. This is a paradox even to economists. I think we will be going back to the drawing board to see if countries which help their entrepreneurs, like it happens in China, have their goods becoming more competitive pricewise. What do you call that? It is some form of tariff.

We are in a generation where Uncle Sam is becoming more protectionists. You saw yesterday the USA President threw away NAFTA, a trade agreement between the USA, Mexico and Canada, for more protectionist measures. We have seen the same Uncle Sam eloquently pursue a trade war with China. We are going back to retrogressive tariffs and I am sure we are learning as an economy and as a people so that we can continue building a better and more competitive Kenya for the current world and the world to come.

Hon. Temporary Deputy Speaker, I thank you very much.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very enlightening contributions. Members, I must say that I have enjoyed this particular session. I think these are the challenges of our time and we must internalise them as we go forward as Kenyans, East Africans and Africans and as leaders with an eye to giving something to our children and our grandchildren. These are things that we must put in our minds as we consider the fate of Kenya in the global market.

For good reasons I will direct that the Question on this particular Motion be deferred to such a time that the HBC will allocate for it to be put. I, therefore, direct that we move on to the next Motion.

*(Putting of the Question deferred)*

#### REPORT ON INSPECTION VISIT TO ISIBANIA ONE-STOP BORDER POST

THAT, this House notes the Report of the Select Committee on Regional Integration on the Inspection Visit to the Isibania One-Stop Border Post in Migori County from 22<sup>nd</sup> to 25<sup>th</sup> March 2018, laid on the Table of the House on Thursday, 14<sup>th</sup> June 2018.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I direct that this Motion be deferred to such a time that the HBC will allocate time for it.

*(Motion deferred)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned till Thursday, 4<sup>th</sup> October 2018, at 2.30 p.m.

The House rose at 7.00 p.m.