

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 25th February 2021**

The House met at 10.00 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]***PRAYERS**

Hon. Deputy Speaker: Hon. Members, we are just short of the required Quorum. I order the Quorum Bell to be rung for 10 minutes.

(The Quorum Bell was rung)

We have the numbers. So, business can begin.

(Hon. Members consulted loudly)

Order Members! Let us maintain some silence and proceed with the business of the House.

PAPERS LAID

Hon. Deputy Speaker: Is it the Leader of the Majority Party or the Majority Whip? Majority Whip, you have the Floor.

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The Crops (Sugar) (General) (Amendment) Regulations, 2020 and the Explanatory Memorandum from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

Reports of the Auditor-General and Financial Statements on Donor-Funded Projects for the year ended 30th June 2020, and the implementing agencies:

1. The United Nations Population Fund (UNFPA) 9th Country Programme for Kenya – Ministry of Health.
2. Support of the Health Care Financing Strategy - Reproductive Health - Output Based Approach Project - Ministry of Health.
3. Support of the Attainment of Vision 2030 through Devolved Land Reforms in Community Lands of Kenya Project – The National Land Commission.
4. Kimira Oluch Small-Holder Farm Improvement Project – State Department for Regional and Northern Corridor Development.
5. Lake Victoria Environmental Management Phase III Project - Ministry of Environment and Forestry.

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6. Small-Holder Dairy Commercialisation Programme.
7. Infrastructure Finance and Public Private Partnership Project - The National Treasury.
8. Micro-Finance Sector Support Credit Project – The National Treasury.
9. Public Financial Management Reforms Program – The National Treasury.
10. Programme for Rural Outreach of Financial Innovations and Technologies (Profit) – The National Treasury.
11. Study and Capacity Building Fund Project – The National Treasury.
12. Technical Support Programme – The National Treasury.
13. Financing Locally-Led Climate Action Program - The National Treasury.
14. Financial Sector Support Project – The National Treasury.
15. Global Fund Programme - To Accelerate the Reduction of TB, Leprosy and Lung Disease Burden through Provision of People-Centred Universally Accessible, Acceptable and Affordable Quality Services in Kenya - The National Treasury.
16. Additional Financing for the Infrastructure Finance and Public Private Partnership Project – The National Treasury.
17. Reduce Morbidity and Mortality Caused by Malaria in the Various Epidemiological Zones by Two-Thirds of the 2015 Level by 2020 Programme – The National Treasury.
18. Technical Assistance to Enhance the Capacity of the President’s Delivery Unit – The Presidency.
19. East Africa Skills for Transformation and Regional Integration Project – State Department for Infrastructure.
20. East Africa Trade and Transport Facilitation Project – State Department for Transport.
21. Kenya Transport Sector Support Project – State Department for Infrastructure.
22. National Urban Transport Improvement Project – State Department for Infrastructure.
23. Kenya Informal Settlement Improvement Project – State Department for Housing and Urban Development.
24. Nairobi Metropolitan Services Improvement Project – State Department for Housing and Urban Development.
25. Kenya Transport Sector Support Project – State Department for Infrastructure.
26. East African Trade and Transport Facilitation Project – State Department for Transport.
27. Northern Corridor Transport Improvement Project – State Department for Transport.
28. National Urban Transport Improvement Project – State Department for Transport.
29. Eastern Africa Regional Transport, Trade and Development Facilitation Project – State Department for Infrastructure.
30. Kenya Urban Support Programme - State Department Housing and Urban Development.

Hon. Deputy Speaker: Those were quite a number of Papers being laid. Let us have the Chairperson of the Departmental Committee on Labour and Social Welfare.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

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Report of the Departmental Committee on Labour and Social Welfare on its consideration of the President's Memorandum on the Employment (Amendment) Bill (National Assembly Bill No.15 of 2019).

Hon. Deputy Speaker: Very well. We now move on to the next Order.

NOTICE OF MOTION

Hon. Deputy Speaker: Let us have Hon. Mishi Mboko.

KAZI MTAANI PROGRAMME

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Thank you, Hon. Deputy Speaker.

I beg to give Notice of the following Motion:

THAT, aware that the National Hygiene Programme (NHP), dubbed Kazi Mtaani, is a national initiative that was designed to cushion the most vulnerable but able-bodied citizens living in informal settlements from the effects and response strategies of the COVID-19 Pandemic; acknowledging that the first phase of the programme started in April 2020 covering eight counties employing over 26,000 workers...

Hon. Deputy Speaker: I thought you were just giving notice.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Yes, this is a notice.

Hon. Deputy Speaker: But I can see you are already beginning to delve into the debate of it.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): No. It is just a notice.

Hon. Deputy Speaker: Okay. Proceed then.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that the National Hygiene Programme (NHP), dubbed Kazi Mtaani, is a national initiative that was designed to cushion the most vulnerable but able-bodied citizens living in informal settlements from the effects and response strategies of the COVID-19 pandemic; acknowledging that the first phase of the programme started in April 2020 covering eight counties employing over 26,000 workers, while the second phase which began in July 2020 was expanded to cover 34 counties employing over 200,000 workers and was expected to run for six and a half months; appreciating that the programme continues to gradually achieve most of its objectives which include, amongst others, provision of economic empowerment to the youth, prioritisation of labour-intensive approaches to Extended Public Works Projects (EPWPs) and utilisation of local suppliers while giving preference to locally manufactured goods and services; cognisant of the fact that the programme has greatly assisted in the reduction of social vices that arise as a result of poverty and idleness such as drug abuse and emergence of criminal gangs; concerned that the effects of the COVID-19 Pandemic are still prevalent and the country will take a long time for the economy to restabilise; this House, therefore, resolves that the national Government rolls out subsequent phases of the Kazi Mtaani Programme to cover all the 47 counties to address youth unemployment and further cushion the vulnerable members of society, and reviews the current remuneration of the workers in accordance with the Wage Order of 2018.

Hon. Deputy Speaker: Very good. We can now move on to the next Order.

ORDINARY QUESTIONS

Hon. Deputy Speaker: On this particular Order, we only have Ordinary Questions. There is a special request by the Member for Nyeri, who is going to Kamiti. Hon. Ngunjiri will have the first shot before I go back to the Order Paper as it is. Proceed, Hon. Wambugu.

Question No.042/2021

CRITERIA FOR DISBURSEMENT OF SCHOOLS INFRASTRUCTURE FUNDS

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you very much, Hon. Deputy Speaker for that consideration. Mine is Question No.042 of 2021. I ask the following Question to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary provide a breakdown of disbursement of Schools Infrastructure Funds since 2013, giving details on specific amounts allocated to each school in each county?
- (ii) Could the Cabinet Secretary also explain the criteria used to allocate and distribute such funds?

Hon. Deputy Speaker: Very well. That will be replied to before the Departmental Committee on Education and Research. What is it, Hon. Gedi, the Member for Wajir?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Deputy Speaker, I have a concern and need your guidance. Hon. Wambugu is the Vice-Chair of the Departmental Committee on Education and Research. He is directing the Question to the Committee of which he is the Vice-Chair. Is that in order?

Hon. Deputy Speaker: That is a fair concern. I am looking at Hon. Wambugu as the Member for Nyeri Town and also the Vice-Chair of that Committee. If he can confirm to us that he is asking that Question as the Member for Nyeri Town, then we are at home and can proceed. In any case, Members represent their constituencies. Sometimes they have to be heard to be representing them.

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you very much, Hon. Deputy Speaker. I am asking that Question as the Member for Nyeri Town Constituency.

Hon. Deputy Speaker: In any case, he probably asked the Question before he became the Vice-Chair, so it is finding him there. We are okay with that. It will be answered before that Committee on which he sits. However, when it will be answered, you will not sit in the Committee as the Vice-Chair. Definitely, it will be someone else who is either the Chair or any other Member. Let us proceed with the business as it is in the Order Paper. We will go to the Member for Nakuru Town East.

Question No.018/2021

LACK OF PUBLIC PARTICIPATION FOR ROADS IN NAKURU TOWN EAST CONSTITUENCY

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No.018/2021 which is directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the CS explain why the management of the Kenya Urban Roads Authority (KURA), South Rift Branch has not been holding public participation forums for roads identification for the last eight years in Nakuru Town East Constituency and has also failed to avail procurement documents to interested parties as required?
- (ii) Could the CS provide details on all the funds allocated to roads projects in Nakuru Town East Constituency since Financial Year 2016/2017 under KURA?
- (iii) Could the CS consider dispatching the Roads Committee of the Ministry to inspect the quality of roads approved by KURA in Nakuru Town East Constituency?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Member for Nakuru Town East, take your seat elsewhere. The seat you are sitting on is designated specifically to an individual, but not the county. Let us proceed.

(Hon. David Gikaria moved to another seat)

The next Question is by the Member for Matuga, Hon. Kassim Tandaza. Proceed.

Question No.024/2021

PLIGHT OF PERSONS WITH DISABILITIES IN MATUGA CONSTITUENCY

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Deputy Speaker. I stand to ask Question No.024/2021 to the Cabinet Secretary for Labour and Social Protection.

- (i) Could the CS provide a list of all registered Persons with Disabilities (PWDs) in Matuga Constituency, indicating the nature of the disability and category in each case of disability?
- (ii) What action has the Ministry taken to ensure that all PWDs in Matuga Constituency are registered to enable them to benefit from public programmes and facilitation meant for PWDs?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That Question will be replied to before the Departmental Committee on Labour and Social Welfare. Next is the Member for Mwingi Central, Hon. Mulyungi. Where are you?

(Hon. Kassim Kamket and Hon. Paul Koinange congregated)

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): I have not grown taller, Hon. Deputy Speaker. I had asked this Question in the last Session. Therefore, I am reactivating it.

Hon. Deputy Speaker: What is this congregation that is somewhere here? There is a congregation there. All Members must always face the Speaker, but not the other way round. Proceed.

Question No.033/2021

WATER SECURITY IN THREE CONSTITUENCIES IN KITUI COUNTY

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker. I had asked this Question in the last Session. Therefore, I am reactivating it. It is directed to the CS for Water, Irrigation and Sanitation.

- (i) What plans has the Ministry put in place to construct and develop dams, boreholes and water pans in Mwingi Central Constituency?
- (ii) Could the CS submit a list of dams, boreholes, water pans and piped water supply lines constructed or developed by the National Government in Mwingi Central, Mwingi West and Mwingi North constituencies from the Financial Year 2017/2018 to date?

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Environment and Natural Resources. The Chair of that particular Committee should fast-track it, so that Hon. Mulyungi does not reactivate it. Let us go to the next one by the Member for Mwatate, Hon. Mwadime. He requested for the Question to be deferred because he is attending a Committee meeting. That is done. We will move on to the Member for Jomvu, Hon. Twalib.

(Question No.037/2021)

PROVISION OF INSURANCE FOR LIVESTOCK IN TAITA TAVETA COUNTY

(Question deferred)

Question No.039/2021

FAILURE TO HONOUR A COURT RULING IN OWINO-UHURU VILLAGE

Hon. Bady Twalib (Jomvu, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.039 of 2021 to the CS for National Treasury and Planning on behalf of my great people of Owino-Uhuru Village.

- (i) Could the CS clarify why certain State agencies have not implemented a court ruling made on 16th July 2020, arising from Petition No.1 of 2016 relating to Owino-Uhuru Village in Mikindani Ward, Jomvu Constituency, where the court ruled that five State agencies and two private entities were liable for the health and environmental harm afflicted to the residents of Owino-Uhuru Community?
- (ii) What action is the CS taking to ensure the court decree is implemented considering that the 90-day period given by the court for the community to be compensated lapsed on 15th October 2020 and that the 120 days' period given for the clean-up exercise to be conducted in Owino-Uhuru lapsed on 9th November 2020?

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Finance and National Planning. Next is the Member for Magarini. I have been informed that Hon. Baya will ask the Question on his behalf. However, Members must make up their minds in future. At one point, Hon. Kingi requested that the Question be deferred. Then, secondly, he came and requested it to be asked by Hon. Baya Yaa on his behalf. Members must make up their minds. I will give you this opportunity to ask the Question. However, Members

should make a decision on whether they want their Questions to be deferred or asked on their behalf in future.

Question No.050/2021

STATE OF LAND ADJUDICATION EXERCISES
IN MAGARINI CONSTITUENCY

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Deputy Speaker. I would like to ask Question No. 050/2021 on behalf of the Member for Magarini to the Cabinet Secretary for Lands and Physical Planning:

- (i) Could the CS explain why most land adjudication exercises carried out in Magarini Constituency disadvantage the local residents by either displacing them or denying them their rightful parcels of land?
- (ii) When will the Ministry undertake an audit of the adjudication exercise of Chakama Phase I and Phase II in Chakama Location in Magarini Constituency, with a view to ascertaining that it was fair and free of irregularities?

Hon. Deputy Speaker: Very well. That Question will be replied to before the Departmental Committee on Lands. Next is the Member for Changamwe.

Question No.058/2021

KENYA DEFENCE FORCES RECRUITMENT EXERCISE

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Deputy Speaker.

Hon. John Mbadi (Suba South, ODM): On a point of order, Hon. Deputy Speaker.

*(Hon. (Ms.) Fatuma Gedi sat on the seat designated for the
Leader of the Majority Party)*

Hon. Deputy Speaker: Order! What is it, Hon. Gedi and the Leader of the Minority Party?

Hon. John Mbadi (Suba South, ODM): Hon. Deputy Speaker, I have just noticed that there is a strange object on the seat of the Leader of the Majority Party. I am wondering what it is. Hon. Fatuma Gedi seems to be very casual about it.

Hon. Deputy Speaker: Hon. Gedi does not require it. I will leave it at that. Leader of the Minority Party, let us leave it there.

(Laughter)

I thought I had resolved your issue.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR, PDR): Hon. Deputy Speaker, Hon. John Mbadi is excited about the back support because he is the one who requires it. It belongs to the Leader of the Majority Party because we know that he has a back problem. So, there is nothing that can excite you.

(Laughter)

Hon. Deputy Speaker: I will leave it there. I do not want to open that bit. I have realised that the Leader of the Majority Party has many lawyers in the Chamber. Let us proceed. Hon. Gedi does not require the back support. We will proceed. Hon. Mwinyi.

(Hon. (Ms.) Fatuma Gedi moved to another seat)

Question No.058/2021

KENYA DEFENCE FORCES RECRUITMENT EXERCISE

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.058/2021 on my behalf and that of the people of Changamwe Constituency, to the Cabinet Secretary for Defence:

- i) Could the Cabinet Secretary state how many persons were recruited into the Kenya Defence Forces (KDF), how the recruitments slots were distributed among the 290 constituencies and the criteria used in distributing the slots in the just concluded KDF recruitment exercise in the country?
- ii) What special considerations will be given to areas or constituencies where no persons were recruited for not meeting the academic and other set qualifications?

Hon. Deputy Speaker, I would also like to ask the Cabinet Secretary for Defence to harmonise the bribes given because, in some constituencies, it is Kshs500,000 while in others it is Kshs300,000.

(Laughter)

Hon. Deputy Speaker: Order, Member for Changamwe! You are not allowed to ambush the Speaker. You have set out your Question very clearly. The last bit you have just asked is ignored because it is not in the Order Paper. This Question will be referred to before the Departmental Committee on Defence and Foreign Relations. Feel free to go and articulate any extra issue to what you have here to the Committee.

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Deputy Speaker, I stand guided. I was asking as a matter of interest because perhaps we need to set aside money from the National Government-Constituencies Development Fund (NG-CDF) to bribe the officers to have our people recruited to the forces.

Hon. Deputy Speaker: You are out of order. You can go and state all your issues in the Committee and not in the House. Let us proceed.

What is your point of order Hon. Wangwe?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. This is a House of records. Those who will come after us will want to read the *Hansard*. The good friend of mine and the Member of Parliament for Changamwe has asked that KDF to rationalise bribes. Finally, he withdrew without really mentioning that he has withdrawn. It is important that we ask the Member to officially withdraw, for the purpose of record.

Hon. Deputy Speaker: That is absolutely correct. Therefore, Hon. Member for Changamwe, you have set out and asked a Question which is to be responded to before the

Departmental Committee on Defence and Foreign Relations. Anything extraneous to that is absolutely out of order. Now, would you withdraw that, so that we can expunge it from the record?

(Hon. Omar Mwinyi spoke of record)

Just withdraw!

(Technical hitch)

Hon. Members you do not even need to have a Statement, when this matter is being responded to at the Committee, you can go and freely state all those issues, within the rules of the House.

Let us proceed to the next one by the Member for Githunguri, Hon. Kago.

Question No.062/2021

DISMISSAL OF MR. CHARLES N. NGURE

Hon. Gabriel Kago (Githunguri, JP): Thank you, Hon. Deputy Speaker.

Firstly, kindly allow me to convey a message of heartfelt condolences to the family, relatives and people of Juja Constituency for the loss of their Member of Parliament, Hon. Francis Munyua Waititu.

Hon. Deputy Speaker: That will be fine. Ordinarily, you would not be allowed to do that because we had an opportunity to do it when the matter was brought by the Speaker. You are supposed to ask the Question. So, let us proceed from there, but I was a little soft because I understand he comes from your neighborhood.

Hon. Gabriel Kago (Githunguri, JP): Thank you very much. I rise to ask Question No.062 of 2021 to the Cabinet Secretary for Agriculture, Livestock & Fisheries:-

- (i) Could the Cabinet Secretary explain the circumstances that led to the dismissal of Mr. Charles N. Ngure, of Personal No.39664/79061358, a Hides and Skins Officer in the Department of Veterinary Services, Ministry of Agriculture, on 10th November, 2001 despite being away on approved study leave?
- (ii) Could the Cabinet Secretary outline what procedures were followed in establishing the whereabouts of the officer before dismissing him from service?
- (iii) What actions has the Ministry taken to resolve his complaint on this matter given the fact that the Ministry had sponsored the officer for further studies and issued him with the requisite travel clearance?
- (iv) Will the Ministry pay Mr. Ngure the benefits that were due to him from his dismissal date in November 2001 up to his expected retirement date and if so, by when?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That will be replied to before the Departmental Committee on Agriculture and Livestock.

Next is the Member for Igembe Central, Hon. Kubai Iringo and that will be the last one.

Question No.063/2021

RECRUITMENT INTO THE NATIONAL POLICE SERVICE

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Deputy Speaker for the opportunity to ask Question No.063 of 2021, directed to the Cabinet Secretary for Interior and Coordination of National Government.

- (i) Could the Cabinet Secretary state the number of persons recruited into the National Police Service across the country during the just concluded 2021 recruitment exercise and provide the number recruited at each recruitment center?
- (ii) How many persons were recruited during the recent recruitment exercise in Igembe Central Sub-County and could the Cabinet Secretary provide their names and respective administrative wards of origin?
- (iii) Could the Cabinet Secretary explain why the recruitment exercise which took place at Kangeta Recruitment Centre, Igembe Central Sub-County on 22nd February, 2021 was conducted from 8.00 a.m. until midnight?

Hon. Deputy Speaker: Very well. That will be replied to before the Departmental Committee on Administration and National Security.

Next Order!

BILLS*Second Reading*

THE CROPS (AMENDMENT) BILL

(Hon. Kassim Tandaza on 11.02.2021)

(Debate Concluded on 18.02.2021)

Hon. Deputy Speaker: Hon. Members, this one had been conversed and finalised. What remained was for the Question to be put and I can confirm that we have the numbers.

(Question put and agreed to)

First Readings

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

THE CENTRAL BANK OF KENYA (AMENDMENT) BILL

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

Second Reading

THE LAND (AMENDMENT) BILL

*(Hon. Simon King'ara on 15.10.2020 – Morning Sitting)**(Resumption of Debate interrupted on 15.10.2020 – Morning Sitting)*

Hon. Deputy Speaker: On this particular one, we are resuming debate. We have a balance of one hour and 52 minutes. Members be warned that those who had spoken should not be speaking to this, otherwise, they will be flouting the Standing Orders. So, let us proceed.

I see Hon. Maanzo Kitonga. Have you spoken to it?

Hon. Daniel Maanzo (Makueni, WDM-K): Not yet, Hon. Deputy Speaker.

Hon. Deputy Speaker: You can proceed.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me an opportunity to speak to this Amendment Bill of 2019 by Hon. King'ara. He has made proposals to amend the Lands Act, 2012. What I understand from what he is proposing is that when you have a big piece of land and you want to surrender it for development like building a new city like Konza City, then it means that part of the installations to be built will include public utilities such as schools, hospitals and playgrounds. What happens in such a case is that you will find that new titles have been issued to private utilities, but when it comes to public utilities, those particular utilities are not given titles.

What Hon. King'ara is seeking is to make sure that titles for public utilities are given priority. Similarly, he also states that every other public facility like a school which has no title should be issued with a title, so that public land is secured all over. This proposal could be coming from the national or county governments. This is a great thing because land grabbing is a very serious matter in this country. In fact, its technicalities have been used to disinherit people of their lands that were allocated to them. So, if they fail to meet the conditions in one way or another, then they end up losing that land or another person is issued with an allotment, and subsequently, a title deed even before they develop that land. Therefore, we have some loose ends in this law which are important to be cured now.

This is a great amendment which covers a lot of lands all over the country especially where there are schools, hospitals or lands which are just set aside for public utilities. For that matter, you will realise that allocation of public lands as provided under Section 12 of the current Act has some deficiencies and loopholes which cunning or smart people can use to acquire public land. This is what it is seeking to cure. There have been cases where public lands are reallocated for whatever purposes when highly connected people just have appetite for public lands. For that matter, this Bill is seeking to cure that.

Although this Bill had been moved in 2019, I still believe it involves county governments, and this matter will still go to the Senate because part of it will largely affect what is happening in the counties. The counties have a lot of trust lands under their custody, and they can easily take advantage and give the lands to private developers or any other person who want to develop them. Although there is a requirement that 10 per cent must be surrendered for public development, a lot of times it is not happening. At times, a public land is allocated for building a nursery school and then after sometimes, it is recovered and its records just disappear. So, where there was supposed

to be a nursery school so that children do not travel far to school, you will find that the land is no longer available although initially it was allocated for that purpose.

That is why the Physical Planning Act is coming in and the Registrar of Lands are strongly being given mandate, and they “shall”, meaning that it is mandatory for the Registrar of Lands to act as quickly as the National Land Commission does all the necessary requirements for that land to be allocated. So long as the Registrar of Lands has not issued a title deed, then the whole matter stays in limbo. The ownership of land is only proven by a title deed. If one has no title deed, they may never prove ownership of land. They may have to go to court to say, for instance, that they have occupied the land for 12 years without interruption and other sorts of things.

So, this begs the question of what happens when public land is occupied, let us say, by squatters, people who have been affected by election violence or those who have just decided to move there out of one disaster or another. It also begs the question of what happens to wet lands, forest lands, eroded lands, riparian lands and those other public lands where one would not imagine that development can be done. How do you tie all these together? A lot of times, you will find that what was a forest has been developed and what was a wet land has been dried up and the land has already been reallocated.

What happens to a land which was allocated for a school whether public or private school? If you are doing a new establishment like Konza City, and a private developer like Hon. Mbui here decides to invite other people to build the city, what does he do with the land he allocates for schools, supposed he builds private schools there which serve the same purpose of education? So, I still think that although this amendment has been proposed, at the Third Reading, we would be seeking to have a word with Hon. King’ara, so that we can expand it to take care of what happens when it is a private or a public school. Even when a private developer invites other people, he or she has to surrender some land. So, who does he or she surrender the land to, supposed he or she wants to use it for the same purpose? These are private people who intend to build private entities like schools and hospitals, to be utilised by the public. So, there are many questions which need to be answered.

Land issue is very emotive in this country. Land is a very serious source of capital. Without land, you cannot achieve development or generate wealth. It is one of the key factors for generating wealth. We have this initiative of cities coming up like Tatu City and Konza City, and any other person can still come up with a new city somewhere. So, how do we deal with the land question here because if you take an example of Tatu City, it must have public utilities? Should they be public or private? That does not come out clearly.

When Parliament passed Section 12 of the Lands Act, 2012, they did their level best at that particular moment, but things keep on changing on a daily basis. What we should be curing is land grabbing. When you allocate land for public utility and at some point you subdivide it further, you must be specific on the size of land that is needed for a school, university or , hospital. This is also dictated by the population around that area.

So, I believe it is a good Bill, and I am sure it is open. Hon. King’ara is a very open-minded legislator, and I congratulate him. As a new Member, he has made an effort to amend the Act, and I believe in a lot of things in the Bill. I believe this is also happening in his constituency, and that has motivated him. While it assists his constituency, it is also going to assist the whole country.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Next is Hon. Murugara Gitonga.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Deputy Speaker. I rise to support the proposed amendment to the Lands Act, 2012. It is a timely piece of legislation that has come

quite in time so that we can continue to deal with the emotive subject of public land. We know very well that in this country, land that is available for grabbing, misuse and misapplication is basically public land. It is for the simple reason that public lands do not have titles.

Hon. Deputy Speaker, it is for that simple reason that public land does not have a title deed and as such it is available for any roving eyes with the intention to grab it. This Bill proposes that all public land allocated to public entities should be registered in the names of those entities. Upon passage of this Bill, our schools, hospitals, colleges and universities will get their title deeds in respect of the land on which they sit. This is commendable and how it should be because the NLC, an entity mandated to deal with public land, has been slow in registering these pieces of land in the names of those institutions.

Our courts are replete with cases of public land grabbed by individuals. Some of this grabbing is quite notorious; it is well known and documented, but it has taken ages to recover that land, so that it is restituted to those public entities. Once this Bill is passed and implemented, we can correct those anomalies so that our institutions can have titles deeds to their lands. I want to mention that it is not just the public land because we have private lands in communities and constituencies that are not registered until today. It is pathetic that we are discussing about Kenyans with lands that have not been titled. It is important that I raise the case of Tharaka Constituency. We have huge tracks of land that are not demarcated, adjudicated and registered. I have been following up this matter with the Ministry of Lands and Physical Planning. I was promised that the process of registration would start off immediately and would be executed, but that is better said than done. Tharaka Nithi borders Meru County and the net effect of having a piece of land that is not registered will be skirmishes between the two communities because some are eyeing the unregistered land that belong to the residents of Tharaka. I am not sure whether they are doing so with a view of grabbing or registering it, but I am sure it is not with any good intention.

I want to call upon the Ministry of Lands and Physical Planning to extend their services to the following areas in my constituency; Turima, Karocho, Mukothima, and Ntoroni, and issue title deeds to the residents. This will be in consonance with the provisions of the Bill that public land should be registered to public institution while private lands should be surveyed, demarcated and registered to private individuals. If we do that, the sanctity of land and title deeds will be upheld because land as a factor of production in any economy is extremely important. There cannot be any meaningful development and progress without issuance of title deeds to owners of land. As we title our institutions to stop land grabbers, we should also move in to title private lands in the country so that every citizen can enjoy that factor of production.

With those remarks, I support.

Hon. Deputy Speaker: Hon. (Prof.) Oduol Odhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Deputy Speaker, for the opportunity to contribute.

Hon. Deputy Speaker: I think the records should be clear because here is a name that is associated with you more. So, the name Jacqueline should be on record. Proceed.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): That is true, but in the interest of supporting the African culture, if the other names appear, we would be happy to work with that.

I want to support the amendment of the Land Act, 2012. I also thank the Hon. Member for drawing attention to this important area. I want to recognise that we are operating in a country where land issues are extremely complicated. In many cases, land allocation and management fall into extremely difficult challenges.

I support the amendment because there is need to look at the way we settle disputes and ensure that public land does not fall into hands of those who want to abuse and shortchange the citizenry and those relying on the Government and those who are in charge to protect them.

Hon. Deputy Speaker, as it has been indicated by other Hon. Members, land issues are not only emotive, but in disputes what would arise in the absence of this kind of legal specification, citizens are at the mercy of the courts, title deeds and in many cases, it is impossible to determine original title deeds.

Hon. Deputy Speaker, my main reason for supporting this Bill is because of the way it addresses disputes. We used to have tribunals that addressed land disputes, but they were removed and replaced with the magistrate courts which were given the jurisdiction. They were effective because in a number of cases, those who are on the ground find it difficult to engage yet they have facts. The tribunal was able to engage the ordinary citizens, who could approach them when they were aggrieved in instances where public land was being used inappropriately. When the magistrate court was given the jurisdiction to handle those disputes, we have so many unresolved disputes because the court system is not only intimidating, but even those who are supposed to address them are not able to. When we look at the issues of land, they tend to be adversarial and at the end of the day, proof of ownership and protecting land in the interest of the people become difficult.

I support the Bill because it is clear that in Kenya, we not only have challenges in handling disputes relating to land, but also with allocation, implementation and protection of policies that would want to ensure that land allocated to public utilities is not used inappropriately.

I support the Bill.

Hon. Deputy Speaker: Thank you. Let us have Hon. Korei ole Lemein.

Hon. Korei ole Lemein (Narok South, JP): Thank you, Hon. Deputy Speaker. I rise to support the Land (Amendment) Bill, 2019. As it has been said earlier, land is a factor of production. Therefore, as the population increases, land gets affected. I want to thank the Hon. Member for coming up with this particular amendment. It is true that public lands are being grabbed left, right and centre. I believe this particular amendment will cure the “disease” of land grabbing. It is true that where we come from, a number of community lands and ranches do not have title deeds. As much as this Bill talks about public land, it will also address a number of issues. The public schools that do not have titles are getting affected by land grabbing. Therefore, I thank the Member for coming up with this amendment because, at the end of the day, it will address a number of issues.

I support.

Hon. Deputy Speaker: Very well. Let us have Hon. Nguna Ngusia.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Deputy Speaker for the opportunity that you have given me.

First, I want to congratulate Hon. King’ara for bringing this emotive Bill to the House. Land is a factor of production which can be acquired in many ways; for example, through inheritance and allocation. Adverse opinion has increasingly caused a lot of conflicts in our society. I am, therefore, supporting this Bill to cushion public land from being grabbed by greedy people. I support this Bill based on the fact that we have, in the recent past, seen many conflicts in public institutions. I do not want to mention any of them but we have seen in the media schools suffering from land grabbing. This Bill is important. Registering a public utility land will enable our institutions to access funds in case they have shortages. This issue is also going to solve the land grabbing problem that we have seen in many public institutions. Population pressure is increasing and we will be forced to settle people on some public land.

If this Bill is enacted, we will curb issues of land grabbing. One of the key issues I want to quote from the observation that was given by the Committee is that the role of the Land Registrar is limited to registration of title documents. He does not prepare certificates or leases. We have seen in many cases the Land Registrar seeking ways of digitising title deeds. Most of the time they end up having two or three people registered on the same piece of land. This Bill will sort many issues. One of the land issues in my constituency is land cases that have been referred to tribunals. Most of the people who have been aggrieved do not have the legal fees to pay so that their issues can be sorted out by the tribunals. This Bill will support such people and cushion the poor.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Nasra Sahal, do you want to speak to this Order or the next one? Which one do you want to speak to?

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

Hon. Deputy Speaker: What is your point of order, Hon. (Dr.) Otiende Amollo? You seem to be having a problem with your microphone. I am trying to connect you. Move to the next one over there. We seem to be having a problem with that entire line. Go back one step.

(Hon. (Dr.) Otiende Amollo moved to another microphone)

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Deputy Speaker. I rise on a point of order requesting that you give guidance by way of a quick ruling on a small matter of this Bill. It is with regard to the constitutionality of the proposed Section 12 (16). It should be noted that I have no problem with the Bill in principle. My only problem, which I seek your ruling and guidance on, is in light of Section 67 (2) (a) of the Constitution that creates the National Land Commission and gives it jurisdiction over public land. Specifically, Article 68 gives this House the power to make legislation relating to land. However, it appears to me that, that power does not extend to the power to de-classify the three classifications of community land, public land and private land. The proposed Section 12(6) states: "For avoidance of doubt, where land set aside is part of land to be subdivided among the shareholders of a land buying company ..."

Hon. Deputy Speaker, land buying companies are private companies that deal with private land and not public land. To the extent that this section seeks to be transposed into the original Section 12 that deals with public land, I seek your guidance. To what extent will that proposed provision be constitutional and in tandem with Articles 67 and 68 of the Constitution?

Thank you.

Hon. Deputy Speaker: Very well. That will not attract a very quick ruling. I will have to consult on that particular one. We will allow the Member to proceed as I look into the matter you have raised, which is, indeed, weighty.

Hon. Mwirigi Paul.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this Bill. Currently, most public lands are not registered. They lack title deeds. Because of lack of registration, they have attracted many people whose interest is to grab them. I support this Bill, so that all public land can be registered and issued with title deeds bearing names of institutions so that institutions that are constructed in the constituencies of this country do not suffer demolitions. Many public lands are grabbed by private investors and they start developing them. If they are in existing institutions, the investors demolish the institutions.

So, it should be mandatory that whenever someone has decided to give out public land, that public land should be registered within a very short time. In my constituency, those are some of the difficulties I undergo. I meet an existing institution that lacks a title deed and somebody comes forward to claim that he owns the land. There is need for all public land to be registered. It should not only be public land, but also private land. Most of our constituents are suffering.

(Hon. (Dr.) Otiende Amollo interjected)

Hon. Deputy Speaker: Order, Hon. (Dr.) Amollo. You have asked something very weighty and I think it would be proper for you to wait for a few more minutes. It is something that we want to try and see how to deal with. It would be better if you got to know what comes out of it.

Proceed, Hon. Mwirigi.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Deputy Speaker. Most of the private land in this country is owned by individuals without title deeds. The work of registering private land is supposed to be done by the Ministry of Lands, so that people can have ownership of their own land.

In my constituency, most of the people who elected me suffer a lot because of boundary disputes and lack of title deeds. It is the right time to support this Bill. When it is enacted, it will help our people to have ownership of their land. It will also help the Government to develop institutions within public lands. In most areas, when the Government wants to develop a certain facility, it lacks land to allocate so that the facility can be constructed. Lack of a place to construct public facilities has contributed to grabbing of public land. So, it is the right time to support this Bill and ask the Ministry, which is supposed to enforce the laws, to move with speed after this Bill is passed so that all public lands can be legally registered.

With those few remarks, Hon. Deputy Speaker, I beg to support. Thank you.

Hon. Deputy Speaker: Let me get back to what Hon. (Dr.) Otiende Amollo had raised. It is really weighty because it is a question that goes to the core of this Bill. Looking at the matter you raised on Section 16, you bring in the issue of shareholders' property being private which is, indeed, true. But we are also trying to ask: How about those particular portions in the shareholders' land that are taken to be public land? Those are some of the principles we are trying to apply ourselves to. I do not want to rush the matter. What we will do is that we will proceed with debate as we apply ourselves fully to the questions. Probably, we do not need to put the question, but then that would stop it for no absolute reason. We could still proceed and put the question, but we do not take the Bill to the Committee of the whole House before your matter is resolved, so that we do not take a rush on it and we apply our minds fully. It is a weighty issue. I can promise that, that will be done. Before the Bill goes to the Committee of the whole House, if we decide that we put the question for Second Reading, we will make a ruling on your question. Is that okay with you, Senior Counsel?

Hon. Patrick Makau (Mavoko, WDM-K): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. King'ola?

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. I have just looked at the Bill and the said Section 16. I am sure Hon. King'ara will agree with me. What he meant is that in any sub-division, you are supposed to surrender 10 per cent of that land. Nobody should be allowed to sell land before they register that 10 per cent which is perceived to be public land. I think that is where he is coming from. I listened to the Senior Counsel very well and I think

there is no provision in this Bill that contradicts Section 67 of the Public Land Act. Unless the drafter of this Bill clarifies if that is what he means, then Hon. Otiende would be right and the point he raised would apply to this.

Hon. Deputy Speaker: That is exactly what I indicated earlier. I was looking at the matter from that point of view. Yes, a property that is sub-divided among shareholders is definitely private but there is that portion which belongs to the public. That is exactly what we are trying to understand. Unless Hon. Amollo withdraws the position he has taken, we would want to happily make a ruling on it. But if he is convinced, of course, it is perfectly fine. I will give an opportunity to Hon. King'ara and another Member then see if we have some agreeable ground. If not, I will definitely proceed to make a ruling in due course.

Hon. King'ara, what is your position on the issue? We are trying to understand what you had in mind. It looks like it is in black and white, but you have the spirit of the proposal.

Hon. Simon King'ara (Ruiru, JP): Thank you very much, Hon. Deputy Speaker. I hold the Bill very positively and I appreciate all the deliberations, contributions, support and even disagreements. It is part of life. I come from Ruiru, an area whose entire land was coffee, sugar and sisal plantations. There is no more sugar, sisal or coffee. Actually, the last coffee plantation was the 15,000 acres belonging to Tatu City. The land has just been transformed into the Tatu City. It is out of that concern that I realised most of the land was taken. We have no land for schools.

I would want to give an example. I did not want to do this at this moment, but because of the nature of the concerns, I want to put it this way. We have Mwiki Primary School with 4,000 pupils in one-acre of land. If you check the records, public land for the school was more than 70 acres. At the time when the land in Githurai was private land, 70 acres or thereabouts was set aside as public land during registration. Now, you cannot see the 70 acres. That is the nature of the problem. The proposal requires owners of private land to give, at least, some part of their land for public use. That is the spirit of the proposal.

Hon. Deputy Speaker: Let me get the last contribution from Hon. T.J.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, allow me to support you in the manner in which you have proceeded on this point of order raised by Hon. Otiende.

It is clear that Hon. Otiende has a constitutional point in the sense that these legislations seem to be giving Parliament jurisdictions to interfere with an alienable property which is private. That is unconstitutional because what is private property may not be interfered with unless provisions of the Constitution have been applied.

In the benefit of the spirit that the promoter has spoken, we do not need to kill it at this stage. This is how legislation is done. Sometimes, legislation could be badly done at the raw stage, but is processed and properly done at the Committee of the whole House stage. For example, someone can rightly come with an amendment to delete Section 16, for example. That does not make us leave or avoid discussing this Bill. It would only lead to a further amendment by deleting Section 15. However, you do not even have to delete Section 16 if you read it properly. The problem is that the promoter of the Bill has used terms which are not known in conveyance circles. For example, this thing called "land set aside", we should have called it "surrender". That way, we would have understood what we are talking about. However, we have given it a layman's term and called it "where land is set aside" is part of land to be subdivided. Assuming, we say that "where the surrender", that surrender has already been identified although it is within the private property. The surrender itself is definite. So, where it is definite, we are now not talking about the private owners at all. You are simply talking about the surrender which is within the estate of the private people. Probably and to be fair to the promoter of the Bill, we may want to think through it, and

where Members want to improve it, they should do it by way of Committee amendments rather than to guillotine it for its unconstitutionality.

Hon. Deputy Speaker: Leader of the Majority Party, kindly have the Floor.

Hon. Amos Kimunya (Kipipiri, JP): I have heard the comments and I agree with your ruling that we need some time. I am also cognizant of the fact that, indeed, the matter was picked up by the Departmental Committee on Lands.

If you look at the Report on Page 5, they are proposing some amendments on the same matter. They recognise that the Registrar does not have the power to approve sub-divisions. That is a domain of another person. The work of the Registrar is to register titles hence an amendment has been proposed by the Committee which would resolve part of those issues.

Let us continue with the debate because by the time...

Hon. Deputy Speaker: Leader of the Majority Party, there is this issue of whether we need to rule at all.

Let us hear from Hon. Otiende if he is fine with the fact that we can progress and then we can handle it in any other manner to tidy it up. Then we can stop putting any caveat and allow this to be processed. What is your view, Hon. Amollo?

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Deputy Speaker, I am in agreement with your ruling that we can proceed pending your guidance on this matter. We do not need to stall the discussion. However, it is important to note that the point is quite fundamental beyond the promise of an amendment. This is because an amendment can be moved or not. It can be withdrawn or otherwise, and it can pass or fail. However, the constitutionality question remains throughout. The good intention of these amendments is that they can all disappear if we do not remedy what might be an apparent unconstitutionality. It is important because when the Mover rose to address the issue, he actually compounded it. He has now moved from “public” to “private” land. What is now described as Article 63 is possibly community land. That question must be resolved in the interest of the good spirit of the amendment. However, I agree with your ruling.

Hon. Deputy Speaker: We will then proceed unhindered until such a time when we are about to go to the Committee, then we will make that communication.

Let us have Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you very much, Hon. Deputy Speaker, for giving me the opportunity to support the proposed amendments to the Lands Act, 2012.

I am glad because land issues, as they are emotive and contentious, are issues to do with women. Women in this country also suffer disproportionately because of land. The Constitution of Kenya has tried to address the issue of land reforms in this country. Women of this country do not even have rights to own land. Women do not have land which usually, forms part of collateral even when they want to do business or anything.

This Bill is extremely good especially for women whose right to own land is usually attached to marriage only. As much as we are talking about this Bill, it is also important to address the issues of injustices when it comes to issues of women and access to land in this country.

Women are the hardest hit when we talk about land. Land reforms in this country as per the Constitution seek to empower women and are key to food security. It empowers women so that they can get collateral to do their own businesses. It is a Bill that seeks to empower women.

I come from Kuria East Constituency, Migori County. We border the Maasai of Narok, Lolgorian and Mashangwa and in those areas, when we talk about community or public land, it is still not clear as per our Constitution what those lands are.

The Ministry of Lands has not come out clear especially on land that is within the borders and that is why the Maasais of Narok, Mashangwa, Lolgorian and the Kurias of Ntimaru where I come from, are often at loggerheads and war when it comes to issues of land.

Before the Committee puts together a report, it is important for them to map out areas where land is contentious like in Kuria East where I come from.

Quite often, men in Kuria do not even attend to their normal work. They are always at the borders of Maasai trying to safeguard their land because they have no title deeds. As much as the Constitution of this country has guaranteed land rights in this country, the Departmental Committee on Lands must sit down and look at areas that are contentious when it comes to land in this country, to which my Committee has done. We must address land injustices within our communities where we live.

Many of our schools are constructed on public land. There are a lot of problems when it comes to issues of public land. Schools and churches have also gotten themselves into those wars. You will find them fighting over where they will put up their buildings. The Ministry of Lands, National Land Commission and the Departmental Committee on Lands must sit together and address the historical injustices when it comes to land in our communities and borders. Many of our people, schools and churches do not have title deeds of land where they have built or where they do businesses. More often than not, children do not even attend schools because of land fights.

The other day we went to Mombasa. I want to tell this House that Mombasa has issues with public land and schools that must be addressed. At the same time, we should look at the land injustices that have existed in this country. Therefore, land being an emotive issue, land being a contentious issue, land being a problematic issue, I think it is high time the Ministry of Lands moved very fast even with its own digitisation... You know now they are talking about digitisation. How do you digitise when communities do not even know what digitisation is all about? Communities that are especially traditional and that own land in traditional areas need to be told the Ministry of Lands and Physical Planning has a responsibility to educate them about their land rights. If you look at this country, many of our communities have no idea of their land rights. That is why you see they do not even know whether a school is built on a public land or community land.

The Ministry of Lands must bring those issues clearly so that people get educated about their land rights. Women must know that they have a right to inherit land in this country, and not wait to be married to be able to acquire land. You know, we have a lot to do to enable us empower our people when it comes to issues of land rights.

Hon. Deputy Speaker, allow me, with those few remarks, to really support the amendment to this Land Act of 2012, and thank the Hon. Member for speaking for so many of us who have been grappling with land issues in our communities and constituencies.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Bady Twalib you are next, but I can see the Leader of Majority Party is interested in speaking.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mheshimiwa Naibu Spika...

Hon. Deputy Speaker: You know when it is the Leader of Majority Party, you actually passed that he should be given priority. So, you will be next.

Hon. Bady Twalib (Jomvu, ODM): Much obliged, Hon. Deputy Speaker.

Hon. Amos Kimunya (Kipipiri, JP): Thank you very much, Hon. Deputy Speaker and I want to thank the member for the indulgence. Hon. Deputy Speaker....

Hon. Deputy Speaker: Do not worry. Hon. Mbui, you are now after him on top of the list. Do not worry.

Hon. Amos Kimunya (Kipipiri, JP): Yes, and I assure the Member you will have enough time.

Hon. Deputy Speaker, I rise to support this Bill by the Hon. Member for Ruiru and you can tell from the passion with which he talked about the issue, he is really feeling the pinch given the population density that is in that area. I know the issue having served in the Ministry of Lands. The first Ministry that I served with the Joint Cabinet was the Ministry of Lands and Social Protection. The biggest challenge was the status of all the land that had been set aside for public utilities. This is because traditionally, the Government did not have to issue a title deed to itself. The setting aside was enough and everyone knew this is land set aside for a school or for a town. It is only until early 1990s all the way to 2002 that all these...

An audit was done to identify public lands. The intention was obviously to protect public land. However, people misused that information to now start saying we can allocate all that land to a few people and hence most of the public land that had been set aside ended up being grabbed. You know the land grabbing mania that we witnessed. In addition, that did not spare the road reserves, markets and literally about everything. Moreover, we had to then restart in 2003. One of my biggest challenges was how to start getting back all that land, including Kenyatta International Convention Centre, which had already been grabbed, and Karura Forest. So many places like the Processional Way had been taken. We managed to start that and here the task was bigger than just calling people to return titles. Hence, the Ndung'u Commission was set up to actually now identify, on a nationwide basis, all those pieces of land.

Moreover, if you read that Report, it basically tells you the gravity of the matter in terms of how much land has been appropriated for personal good. It was set aside for public good. In addition, if you then look at, perhaps, some of that land, we are even buying it back through compensation for public roads. That is because people have titles and they claim they were given in good faith. Some are innocent buyers and, therefore, it becomes complex. Consequently, this amendment that is now compelling that all public land must be registered and titled comes in very handy. We do not just assume that because land has been set aside and is known as Government land, that it will be protected. It has now become mandatory that a title must be issued.

(The Deputy Speaker (Hon. Moses Cheboi) left the Chair)

*(The Temporary Deputy Speaker
(Hon. Patrick Mariru) took the Chair)*

In addition, I know we have that issue that Hon. Otiende has raised and I was going to raise the same in terms of Section 16. The proposal in our amendments in clause 16 is about the role of the Registrar. I can see the intention is obviously where people decide to have as part of a sub-division or sale of land, land that has been set aside as public land. Traditionally, what would happen is that people would actually produce a subdivision plan which would include private and public facilities. However, at the point of land allocation, you find the same directors allocating land meant for shops and schools. We see that in Runda and in various other places.

Therefore, there is need to be protected as public because public assets have been set aside and I am very happy that the Committee did pick that and has proposed some amendment. It is not the issue of the Registrar stopping a subdivision because that is not his power anyway. The

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first title deed – the way I look at it from the reading of the Committee’s Report – needs to be registered. It will be the title for the public utility and then other titles will follow. Issuance is almost simultaneous. The public land that has been set aside will be registered as the first item and all the others will be registered later. I think that cures the mischief, which is that people have set aside some land, but then they have not set aside the appetite to be part or partakers of that land. I think that will solve the problem. I think that is the thing that has been identified and is included in the amendments. It is that Government land; there is a system in which it is allocated.

If it is not specific, like for example for Kipipiri NG-CDF or for a certain public school, all that land is allocated to the Principal Secretary for the National Treasury as an institution pursuant to the National Treasury Act. Therefore, there is now that provision in terms of not just saying it will be religious or public body, the Committee is actually proposing three ways of registering public land. This is just to align it with the current laws and with the current regulation. Therefore, basically, I think the spirit of the Bill is good and we must commend the Member for Ruiru as a wearer of a shoe that has pinched so hard to actually get him to come and appeal to us to see the point of registering all those pieces of land that are public.

In addition, the only thing we need to do is to be alert and for the Member to accept that we need some amendments even for clarity. This is so that we do not end up passing a Bill that creates more problems or that is not practical. It becomes a challenge. Not like the challenge here, but it could be challenged in court. In addition, I know the various players. The National Land Commission and the Attorney-General have brought their proposals on it and so, it is something that has attracted quite some attention and I must commend the Hon. Member.

So, let us support the Bill and any others that Members may wish to bring plus the necessary amendments as captured in the Committee, so that we can sort out this issue of the injustices that have come up on public land and they are quite a number.

Hon. Temporary Deputy Speaker, it is painful when you see children not going to school and yet, they used to have a school. Recently, we saw a case at Lang’ata Primary where school children were tear-gassed when they were fighting to have their land back. We have seen in other areas within the public roads and forests. We saw the late Prof. Wangari Maathai being tear-gassed and fought while trying to save Uhuru Park and Karura Forest. All those are public lands and yet, people had the audacity to try to commercialize them as part of campaign financing. When we start talking about some of the issues, saying there are people who have been evicted from Kariobangi and so on, the timing may have been wrong because of COVID-19. However, nobody, small or big, has the right to occupy land that is set aside for public good.

That should be something we are all looking at so that we are not sympathetic that, because such people are poor, they can occupy that market or such a person is rich and so can be allowed to get away with it. Public assets and land should be protected from the mighty and the poor. It is for the public and there is nobody who should extract a private gain from it, except within the wider issue of the public participation and being a member of the wider public.

With those few remarks, I beg to support and seek support from other Members for this Bill. Let us all meet here at the Committee of the whole House to polish it up and give the teeth it requires for its operation.

I thank you, Hon. Temporary Deputy Speaker.

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

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana Mheshimiwa Naibu Spika wa Muda kwa kunipatia fursa hii ili na mimi niunge mkono Mswada huu ambao Mheshimiwa King’ara ameuleta.

Kwanza, nampongeza kwa kuja na Mswada huu mzuri ambao tumeona una faida tele. Vile vile, nampongeza Mkuu wa Chama Kikuu Mheshimiwa Amos Kimunya ambaye alikuwa ni Waziri wa Ardhi wa zamani kwa kutufafanulia vizuri sana juu ya maswala haya. Kwa hivyo, nikiangalia mzungumzaji mwenzangu Mheshimiwa Denittah Ghati, ameeleza na akasema walienda hata huko Mombasa. Nataka kusema kuwa swala la ardhi likiongolewa wakati wowote, sisi tuliyoko katika maeneo ya Pwani ndio watu ambao tumeathirika zaidi. Tukiangalia, tunaona katika Mswada huu mahali ambapo panawekwa kuwa ni ardhi ya umma, hasa katika ugawanyaji wa ardhi. Tunajua kuwa watu kupata vyeti vya mashamba ni lazima waweke majumba yanayoshughulikia maswala ya kijamii kama makanisa, misikiti, shule, hospitali na manginge. Nataka kuungana mkono na Mhe. Amos Kimunya kusema kuwa wakati wa ugawaji wa ardhi, kitu cha kwanza kabla hujapeana cheti, katika vile vipande vingine, hivi vipande vya shule, hospitali ama makanisa, ni mwanzo vipewe hati miliki kabla ya wale wengine kupewa.

Jambo hili limetupa shida sana. Ukiangalia mahali kama eneo langu la Bunge la Jomvu, kuna mahali wananchi wamekaa kwa muda mrefu sana katika sehemu za Ganahola, Bangladesh, Kibarani na sehemu zingine. Wananchi wenyewe wanatoa ardhi wakitaka shule ijengwe hapo na pesa za *National Government Constituencies Development Fund*, lakini unaona shida ni kuwa ufikapo kwa bodi, hapo huna makaratasi ya hati miliki. Kwa hivyo, inabidi uanze kuenda kwenye mpangilio mrefu sana wa kuweka mikutano na vile vile kupata vyombo vya Serikali kuthibitisha kama hapo mahali kweli panatakikana shule, kanisa, hospitali ama msikiti.

Naona kuwa tukiangalia shule kwa kuwa hii ni shida kubwa sana... Kule Mombasa, shule zote hazina vyeti miliki vya mashamba, ilhali zimekuwa pale tangu tulipopata Uhuru. Kupitia Mswada huu, nina hakika kuwa shule zote zitapata vyeti miliki na kuweza kujisaidia. Tukiangalia hati miliki, ina faida kubwa sana kwa sababu ukiwa nayo, unaweza kwenda benki na kupata pesa na ikakusaidia. Kwa hivyo, pia katika hizo shule, wakipata hati miliki, wakati mwingine wanapata pesa kutoka kwa Serikali kupitia Wizara ya Elimu. Wanapata pesa kupitia kwa vyama vya wazazi na waalimu au kwa mambo yao ya shule. Pia, watakuwa na uwezo wa kuchukua hati miliki na kupeleka benki na kuendeleza mambo yao ya shule.

Vile vile, mambo haya yataweza kutusaidia sana kupunguza mambo ya uporaji wa mashamba. Hii ni kwa sababu kuna watu katika dunia hii, wakiona ardhi ya umma, wanadondokwa na mate. Wanafikiria tu ni jinsi gani wataiba ardhi ile. Ukifuatilia, watakuambia ardhi ilikuwa tangu wakati wa mitume na haijakwisha hadi leo, sisi ndio tutamaliza? Hao ni watu wabaya na wafisadi. Lakini tukiangalia mambo kama haya, yataweza kusaidia kuona kuwa zile ardhi ambazo zimewekwa kwa ajili ya umma, hazitaweza kuvamiwa na kuchukuliwa. Nazungumza haya kwa ajili ya mfano ambao niko nao.

Mwaka 2007, nilikuwa Diwani kabla ya kuwa Mbunge. Wakati huo, kuna hospitali inaitwa Mugusi ambayo tulipigania sana kuona kuwa inahudumia wananchi. Lakini baada ya muda fulani kidogo, tukaona kuwa kipande cha ardhi hicho kimekatwa na kimejengwa nyumba za ghorofa. Kiliachwa kipande nusu na ndicho ambacho kinatumika katika mambo ya hospitali.

Hivyo basi, mimi nikiwa Mbunge, nataka kusema kuwa jambo hili limekuwa ni la kutufungua macho kupitia kwa Mswada huu. Mambo kama haya hayataendelea katika jamii zetu; mambo ambayo yametajwa hapa na Mheshimiwa Kimunya kama ya Shule ya Msingi ya Lang'ata na sehemu nyinginezo. Leo tukiwa Wajumbe, imetubidi sasa tuweke pesa sana kwa kujenga ua za kuta katika zile shule. Wakati huu wa COVID-19 ambao ni wakati mgumu sana, watoto hawana madarasa. Lakini kwa ajili ya kuogopa ardhi ya shule iibiwe, twaweka hizo pesa kwa kujenga vikuta badala ya pesa hizo zitumike kujenga madarasa katika hizo shule. Kwa hivyo, ukija

Mswada huu kwa upande wa sheria, itakuwa hamna haja ya kupata shida sana kuweka pesa zile kwa sababu kila ardhi itakuwa inajulikana kipimo chake kinatoka mahali gani mpaka wapi.

Kwa hivyo, jambo muhimu ambalo mimi nauliza ni hili: Kando na Mswada huu, Wizara ya Ardhi iende na nguvu sana na ihakikishe shule zetu zote na hospitali zimepewa hati miliki za ardhi. Vile vile, nachukua fursa hii kusema kuwa mimi katika Eneo Bunge la Jomvu, tumejaribu sana tangu wakati wa Mhe. Muhammed Swazuri, tumempeleka katika sehemu 32 ambazo zilifaa zipewe hati miliki za ardhi. Lakini mpaka saa hizi, ni sehemu nne peke yake ambazo tunaanza kuzifanyia kazi. Tukiangalia sehemu ya Mikanjuni, tumepata hati milki 639. Nashukuru Serikali ya Kaunti ya Mombasa kupitia Mhe. Ali Hassan Joho ambaye atakuwa Rais wetu wa tano kulingana na sisi watu wa Pwani.

Kwa hivyo, kupitia huu mpangilio wa Benki Kuu ya Ulimwengu, tumeona kwamba ameweza kutoa hati miliki za sehemu za Misufini na Kwakya Kwa Thome ambazo ziko tayari. Juzi, tumeona hati miliki za Kisumu Ndogo zimetoka.

Kwa hivyo, Mswada huu wa Mhe. King'ara utaweza kutupunguzia matatizo makubwa sana. Hili swala la ardhi halitakuwa donda sugu kwa sababu limepata suluhisho la kudumu la kisheria, na sio ile ya kubambanya bambanya.

Kwa hayo machache, nimeeleza nataka kumpongeza Mhe. King'ara wa Ruiru kwa kuja na Mswada huu. Tunaunga mkono. Mimi mwenyewe binafsi kama Mbunge wa Jomvu, naunga mkono.

Ahsante sana, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I get to my right, I am told Hon. Yaa's system went off. By the way, he got very agitated when you mentioned a certain presidential candidate. I could tell he was shaking in his seat. Hon. Yaa.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. You know my friend Bady thinks we have a fifth president in Mombasa. I want to support this Bill by Hon. King'ara. I served with him in the Departmental Committee on Lands. I think that is where he sharpened and honed his skills in matters of land.

This is a great amendment for protecting land...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Order! Actually, I have been told Hon. Yaa had contributed to this. Order, Hon. Yaa! I have a record. Please take your seat. I do not need help on this one. Hon. Yaa, please, take your seat. You see this list is not for this morning but last week. The record I have is that you contributed and your starting time was 12.57 p.m.

Hon. Owen Baya (Kilifi North, ODM): I would like to see the *Hansard*. I was not here when this Motion was moved.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Order! We will sort that out. In the meantime...Order! Order, Hon. Yaa!

Hon. Owen Baya (Kilifi North, ODM): I would like to see the *Hansard*.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Hon. Yaa, as Hon. Kiai speaks, I am going to sort out your issue. So, do not be agitated.

Hon. Owen Baya (Kilifi North, ODM): I am.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Do not be agitated, Hon. Yaa. If you have not spoken, you can be sure the Speaker will get you a space to speak. Hon. Yaa, please, we are taking time to sort this out. In the meantime, Hon. Kiai can speak. Hon. Yaa, no one will deny you a chance to speak.

Hon. Antony Kiai (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Bill that has been brought to Parliament by Hon. King'ara. Land issues in Kenya are very emotive. This piece of legislation is very timely because it is dealing with public land. You will appreciate the issue of public land has been very contentious since 1963, when we got our Independence.

I want to congratulate my colleague for bringing this piece of legislation. I want to start by saying that it seeks to ensure that land that is given out whether by the Government or private individuals for usage as public utility, is ring-fenced or hedged against grabbing by those who have the appetite for land. When you look at Section 12 of the Bill, it states that any institution that is given public land, be it a school, ministry or any other institution, must be given a title deed.

Also, when I read Section 31 of the Physical Planning Act, it talks about land buying companies. I want to believe that whenever a land buying company buys a piece of land, it is mandatory for the same to set aside land for public utilities. It is on the basis of this that the proposer came up with this piece of legislation to ensure that such land is also titled.

The reason why we find our capital city in the mess that it is in today is because most of the public land had not been titled. What happened is that the same land that was set aside for public utilities like schools was grabbed by the so-called private developers. The essence of this is to put into disarray the land planning that was put in place to develop our towns and urban centres in an orderly way.

You only need to look at places like Githurai that is represented by the proposer. You will see the kind of damage that has been done by grabbing of public utility land. I also looked at some of the sections and noted this Bill also speaks to environmental conservation. It states that the land allocated should not fall under riparian land, a forest, land that is prone to erosion or any other place that we would call a water catchment area.

The reason why this section has been put up is to ensure that we do not put up buildings or institutions near riparian land. If you look at many towns in our country today, some of the buildings are put up near rivers or water catchment areas. This timely piece of legislation will ensure that water catchment areas, riparian land and such other land that may be sloppy or gazetted as a forest is not grabbed and converted into private use.

I have in mind Karura Forest which, way back, was targeted by private developers until the late Wangari Maathai rose up, demanded and protected the same. Today, we enjoy that piece of serenity because of her efforts. If there was such a piece of legislation in place, that would not have happened. The same with Uhuru Park. We all know what happened. It had been earmarked for grabbing by the so-called private developers.

While talking of the same issue, in my place Mukurweini, because of lack of titles for public land, some of the land that is meant for public utilities has been converted into private land. The same title deeds are used as collateral to secure loans that are not repaid and the end result is that the same public land is disposed of by banks to private individuals thereby denying the public a chance to enjoy the land that was set aside for public utilities. It is not only that. This piece of legislation comes with other benefits.

Hon. Temporary Deputy Speaker, you will agree with me that currently, because of devolution, many towns are sprouting up all over the country. You realise that most of these towns are not planned and because of their fast growth, public land is in danger of being converted into private land. The fact is that many Kenyans have been conned by people purporting to have converted public land into private land thereby attracting land buyers, little do they know that the

same land that is being sold to them is public land. We have heard of very many cases. People have lost their lives because of having bought what is purportedly private land yet it is public land.

Again, most schools in this country are also in danger of losing their land simply because they do not have title deeds. This piece of legislation will ensure that not only do they have land, but also the same is protected from the grabber's eye. Therefore, we should ensure that the intention of the law of leaving and setting aside public land for public utilities is protected.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, before I give the Floor to the next speaker, Hon. Yaa Owen Baya, I told you it is your word against the Hansard. On 15th October 2020, you spoke on this matter. So, please, do not even challenge the Hansard. On 15th October 2020, you spoke on this particular matter. You shall not speak again on it.

Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. First, I would like to congratulate Hon. Simon King'ara for an excellent job.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Mbui! What is it?

Hon. T.J. Kajwang' (Ruaraka, ODM): Before Hon. Baya leaves the Chamber, I think he owes the House an apology because a Member must be taken for his word. If Hon. Baya spoke at some point, the drama that we have seen between the Member and the Speaker should not be there at all. In terms of the tradition of this House, a Member never argues with the Speaker. The Speaker is ever right until you prove yourself otherwise. In fact, it is Hon. Baya's responsibility to look for the Hansard and prove that he did not speak. That is the tradition of the Commonwealth jurisdiction everywhere, including in the United Kingdom. You do not speak to the Speaker when the Speaker has made a ruling even if he is wrong because Speakers are never wrong.

Under this circumstance, I have seen that the Speaker has bent backwards and has accommodated Hon. Baya, but he owes this House and all of us, Hon. Members, an apology for the drama that we have just seen. You cannot argue against the *Hansard*. That is why the *Hansard* is there. We cannot hear you say that there is anything that we can add to or reduce to the *Hansard*. That is the law of the *Hansard*. So, until Hon. Baya apologises, there is something seriously out of order in the House.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, certainly, Hon. T.J. Kajwang' has raised a fundamental issue because Hon. Owen was quite firm, saying that he had not spoken. Hon. Kajwang' has raised it.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I respectfully apologise to you and the House. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Thank you, Hon. T.J. Kajwang' for raising that issue to make it tidy. Obviously, it was last year. So, I think Hon. Owen also thought it is from last week. However, having apologised, let us move on.

Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker. As I was saying, I thank the Member for Ruiru, Hon. Simon King'ara, for bringing this very timely Bill. One of the responsibilities we have as Members of Parliament is to deal with issues that affect the people who elected us to this House. Clearly, from his discussion, we can tell that this is a problem that is really affecting the constituency that he represents.

I also thank the Leader of the Majority Party, who is also a former Minister for Lands. He shed a lot of light on these matters. Hon. (Dr.) Otiende Amollo raised fundamental constitutional issues that we need to address. The importance of title deeds cannot be over-emphasised. I really

do not even know how much we can talk about this matter because there is no one who legitimately claims to own any piece of land anywhere in this country if one does not have a title deed because a title deed is the only proof of land ownership by law. We have a lot of public utilities in this country. We represent people and the public have schools, dispensaries, health centres and hospitals. All these amenities fall on public land. Unfortunately, a lot of our public utilities and institutions are still operating without proper titles. In fact, I would like to thank His Excellency the President because from the time this Government was elected, he has actually issued a lot of title deeds. In the current situation, I think the Ministry of Education has insisted that all our schools must be titled. So, it is really an important Bill.

The other big problem we have in this nation is the issue of land grabbing, which the Mover wants addressed. Apparently, a lot of public land in Ruiru Constituency has been grabbed. That is why the constituency does not have enough land for public schools. We have seen this trend continuing. In the last Parliament, we had a situation where children of Lang'ata Road Primary School were beaten up and tear-gassed to submission because someone wanted to grab the playing field of that school. This is a private developer who was grabbing the land so that he could expand his hotel and create parking space. It is such a shame. Land grabbing has created many millionaires and a lot of paupers in this country. So, it is something we cannot play around with. I appreciate the Member for bringing this Bill because we are now addressing the issue of titles, so that all our public utility land can have title deeds so that children of Lang'ata Road Primary School do not have to go through what they went through last year. Children in other parts of the country also do not have to go through the kind of beatings instigated by private developers trying to grab their school land.

I also have a similar problem in my constituency. I have a school called Qalicha Secondary School built on land which is clearly private land. The land was set aside as public utility land long time ago, but there are people who are already claiming ownership. When we started doing construction of certain classes, somebody made a phone call and said: "You know that is my piece of land." The Deputy County Commissioner, the area chief and assistant chief and all other Government officers are aware that the land does belong to the public. It is really a shame and it is something we need to deal with. The law requires that when you subdivide any land, you set aside a small portion for purposes of public utilities. I think that is where the problem is. I have also noted another problem. Sometimes people who are supposed to surrender some portion of land corrupt the local authority leaders. They pay money instead of surrendering pieces of land. At the end of the day, you end up with situations where we do not have public utility land. That is why you find that there are areas where we cannot even put up schools because all that land was never subdivided. Instead of the subdivision and the surrender being done, somebody took some money corruptly and therefore they end up not creating that space. Unfortunately, again, if it is not well protected, as the Members wishes us to do, by ensuring there is a title issued, it gets grabbed. So, it is really a major problem.

However, Hon. Temporary Deputy Speaker, I have only one question on this matter, which is what has been raised by a number of us, namely, the issue of public land in private development. You have your piece of land, you subdivide it and you are supposed to surrender. The surrender that you are supposed to do is for public amenities. Public amenities would be schools, hospitals, roads and such things. I am aware that a lot of times, developers create some of these as part of their own development. You come up with a housing development project but in there you factor in a school and build it, you factor in a hospital and build it, you factor in roads and do them. Why again is there need for surrender? That is where the problem is because when you surrender, that

is the land that goes to grabbers. So, it is important to figure out how we address this matter. If we are talking about surrendering land, why do we have to surrender it for public amenities when those public amenities are already put up? That is the fundamental question. That is why we are asking: How can you bring the public into private land?

With those few remarks, I support strongly. I thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Maoka Maore, it is your chance.

Hon. Maoka Maore (Igembe North, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this amendment and to congratulate the Member for bringing it at a time when many institutions had overlooked it.

Before the amendment or even before the Ndung'u Land Commission, there was a lot of agitation that was protesting the issue of grabbing of public land. In those days, or the yesteryears, those who wished to be rewarded for doing favours with the Government of the day would normally go for a favour and in most cases, they would identify an empty piece of land and seek it to be allocated to them and the allocation was usually swift. You have seen also the trend that has been happening over the years. People who have appetite for land are merciless in very many ways. This Bill gives the Registrar the power to designate public land in the process of the land adjudication and consolidation.

The Committee has done quite a thorough job after they received the memoranda. In that process, they have come up with very good comments and recommendations that have enriched the Bill. When the Committee goes to do the amendments, specifically what has been happening in Nairobi over the years in other settlement schemes, people do adjudication or demarcations of land and make sure they do not make any reference to what should happen to public land meant for schools and other institution.

Hon. Temporary Deputy Speaker, I know you have been following the battle between the Kenya Civil Aviation Authority (KCAA) and Weston Hotel, where they wish to expand and have their offices. You found the drama that happened between the courts, the office of the Permanent Secretary in those days, and finally, the disaster that was visited on it, specifically where Weston Hotel stands. Whereas in other places they would demand the land back, on this one, they came up with a weird recommendation that the land can be bought. It is okay, yes, you can buy the land, but what will you do with the future intentions of the institutions or the extension of the offices or the facility that is just across the road in the name of Wilson Airport?

You do not know to what extent our institutions can bend over backwards to accommodate some things to which they do not care to have their names appended for posterity. That is the kind of unscrupulous conduct you may not see. If you are a land commissioner and your signature is on such a document, what will you see when you look into the mirror in future? You will see a lot of shame.

When this Bill is enacted and it empowers the Registrar to go ahead and pick land pieces that are needed for development of institutions or public utilities, those institutions must take preference over other interests. After you have given land to private individuals, in the not-so-distant future you will find yourself paying excessive amounts of money to buy back the same land which you should have obtained free of charge. As Members contribute, they should know that land may be needed for a museum, a public library or an institution that is needed by a community, only to turn around and find that all the land was allocated to individuals. They may not have grabbed it, but whoever was adjudicating the land was very myopic and never thought that those kinds of institutions would be needed.

We need to go to our urban centres. In a short time, we will need public cemeteries. I remember how there was a cemetery land dispute in the then Nairobi City Council and how reckless officers took money to buy a plot of land. The type of soil in the place they bought was not suitable for graves or a cemetery. Public money was stolen. Those are the kinds of things or ailments that we want addressed or cured by this amendment Bill by Hon. King'ara.

Without taking much time, I support this Bill. It is timely and very good for all of us as a country and for posterity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Omar. Hon. Omar, I am afraid you may not take your 10 minutes because the Mover must be called to reply shortly. I will give you four minutes or so.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill by Hon. King'ara, who was a Member of the Departmental Committee on Lands.

I support it on the premise that as reported by Hon. Kimunya, during the colonial days, there was a register in all the municipalities where land set aside for public utilities was clearly demarcated. Unfortunately, due to appetite for power and money, all these utilities were turned into private properties.

Hon. Temporary Deputy Speaker, there was a time people were joining politics to get power to grab land. Any allocation of public land can still be referred to as grabbing. This happened during the campaign period when people were allocated land and then they sold it and used the money for campaigns. This leads to bad politics even today. The one who has money is regarded as the leader and he or she is favoured. That is why we get bad leaders who give us bad directions and there is lack of proper development in this country.

As it has been alluded to by Hon. King'ara, we have an example in Miritini Ward which is represented by Hon. Baya. There was a piece of land which belonged to an individual. The politicians asked the Government to tell the owner of the land to surrender it for purposes of building jua kali sheds which were not built. Instead, it was given to a developer who developed other things. This is corruption.

There was also land which was given to Tawheed Muslim School in Malindi as a result of land that was set aside by a private developer to set up public utilities. The school was built but they were not given the title deed. The owner or person who initiated the idea was elbowed out by prominent business men who made title deeds behind the scenes and they now claim ownership of that land. We have Mwidani College in Changamwe near the Airport. This land was also grabbed. We took it over. We put up a Technical and Vocational Education and Training (TVET) institute, but we do not have a title deed.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Omar, as I had mentioned earlier, I am afraid this business was time-limited. It is now the time for the Mover to reply. If Hon. King'ara is gracious enough, nothing stops him from donating a few minutes. If he must do that, he should pronounce to whom he will give the minutes. You have 10 minutes.

Hon. Simon King'ara (Ruiru, JP): Thank you, Hon. Temporary Deputy Speaker. I have noted the interest of Members to contribute to this Bill. Land is a universal problem in our country. Therefore, I have decided, if the House allows, to donate at least one minute to the following Members, so that people are equitably represented in the contribution of the Bill. I will give one minute to Hon. Kiarie, Hon. Tandaza Sawa, Member for Bomet County, Hon. Joyce, Hon. Ngugi, Hon. Mishi and Hon. Nassir.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Who is the first one?

Hon. Simon King'ara (Ruiru, JP): I have also given one minute to Hon. Memusi.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. You must also remain with some few minutes to say something.

Hon. Simon King'ara (Ruiru, JP): I have two minutes. I do not need more time.

(Hon. T.J. Kajwang' consulted Hon. Simon King'ara loudly)

The Temporary Deputy Speaker (Hon. Patrick Mariru): I can tell that Hon. Kajwang' is shouting at you.

Hon. Simon King'ara (Ruiru, JP): I have given one minute to Hon. Kajwang'. I had donated two minutes to Members, but others came here. So, I decided to give them one minute each and then I was left with two minutes. As we proceed, you will do the mathematics with the Clerk-at-the-Table.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall make sure that the Members will contribute for one minute. Hon. Kiarie, you have the Floor.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I applaud the magnanimity of the Mover of this Bill. I congratulate him for bringing such an amazing and revolutionary Bill. What he is addressing is critical. Because I only have one minute, in support, I can only say that this is a danger that we are trying to cure here. The mischief is rife.

In the case of Dagoretti South Constituency, even where the office of the Member of Parliament sits - it is part of the 9.5 acres of land on which sits a public school, an area for *Jua Kali* workers and the Dagoretti South Empowerment Centre - is not titled. This was originally community land given out for public use. Mischievous people have been trying to lay their hands on this land with an intention of grabbing it.

As I speak, we have an individual who wants to get into a public-private partnership with the people of Dagoretti South in order to build a stadium known as the Riruta BP Stadium. However, this person is not able to move forward because the land is not titled. It is for this reason that I say that what Hon. King'ara is moving here is revolutionary and will cure the mischief that is public land grabbing.

There is not much one can say in one minute, so I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. T. J. Kajwang' you have one minute.

Hon. T. J. Kajwang' (Ruaraka, ODM): Hon. King'ara, we support you. My only parting shot is: Please look for legal advice from the Directorate of Legal Affairs to clean-up the texts of your legislation. For example, you are talking about a person or land buying companies giving out land. Do you not think about the cooperatives, the trusts, the estates, and such other entities which are not necessarily in law, persons, and not necessarily land buying companies, but who would then give us a surrender?

Two, think about cleaning up the text on this thing you are calling 'allocated land'. There could be land which is not allocated. It is just a surrender by virtue of the fact that when you have a sub-division and you have a development, you have to provide a surrender. So, the verb 'allocated' and that kind of thing, denies you the scope of what you are intending. So, please, seek legal advice from the relevant directorate. I am sure they are going to clean your text in a way that will further the interest that you have put.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Tandaza, you have one minute.

Hon. Kassim Tandaza (Matuga, ANC): Asante sana, Bw. Mnenaji kwa sababu katika Kiswahili sanifu, Spika anaitwa mnenaji. Kwanza, natoa pongezi kwa Mhe. King'ara kwa kuleta Mswada huu ambao utaweza kusawazisha donda sugu hasa kwa mimi Mbunge wa Matuga. Ni wiki iliyopita tu ambapo niliitwa katika shule moja inayoitwa Bombo pale Kiteje. Kuna bwenyenye mmoja ambaye alikuwa ameweka ua kwenye afisi ya mwalimu mkuu akidai kuwa iko kwenye shamba lake. Hii ni shule ambayo imekuwa pale kwa zaidi ya miaka 30.

Hali kadhalika, imenibidi kutoa pesa za *National Government-Constituency Development Fund (NG-CDF)* kujenga afisi ya Chifu Kwambani ambayo imekaa pale kwa zaidi ya miaka 20 lakini sasa hivi kuna bwenyenye amekuwa na kuweka ua pale akidai ile ardhi ni yake kibinasfi.

Natoa pongezi. Mswada huu uungwe mkono na upitishwe ili mali ya Umma ipate kutetewa vilivyo.

Asante sana.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Joyce Korir.

Hon. Joyce Korir (Bomet (CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker. Let me also take this opportunity to thank the Chair and the Members of that Committee for bringing us this amendment. Land is a very emotive issue that has really affected a number of Kenyans. We have lost a number of lives and we have a number of people living by the roadside despite the fact that they have Government documents like the people from Mau.

Hon. Temporary Deputy Speaker, I have also been lucky to serve as a leader for a long time in Bomet County where we have an issue of a private investor who is alleging that he owns land that a university sits on. So, this Bill is going to assist us to cure a number of issues to help the present and even the future generation in terms of acquiring public amenities.

I support the Committee and urge this House that the relevant Committee should also be sitting with the Select Committee on Implementation so that when the Bill is passed, see whether it is being implemented to the letter or it is just a Bill that will just be there. These are issues that have been affecting us year in, year out.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

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

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, with all due respect to my colleague, the Member for Bomet County, Bills do not go to the Select Committee on Implementation. They go to the President for assent, and if he has a reservation in line with Article 115 of the Constitution, he returns it. So, we need to go on record that once the President...

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): On a point or order.

Hon. Aden Duale (Garissa Township, JP): Relax, Madam. We are not in Bomet County Assembly.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Joyce! Hon. Duale is on a point of order and so, there cannot be another point of order on another one.

Hon. Aden Duale (Garissa Township, JP): I am only giving clarification to go to the *Hansard* that reports and Motions go to the Select Committee on Implementation to be followed up with relevant Government agencies. However, for this Bill, once we finish with it, it goes to the Senate because it touches on the counties, and then it goes to the President. The President has

a choice to either assent to it and then it is implemented, or he returns it under Article 115 of the Constitution.

So, Hon. Joyce, do not be worried. This Bill will go to the President and it will come back if he has issues with it. If he has no issues with it, he will assent to it.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Duale, it looks like you are giving information to Hon. Joyce. Hon. Mishi.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Thank you, Hon. Temporary Deputy Speaker, and congratulations to Hon. King'ara. I have seen that leaders have already talked about safeguarding of our public institutions and also protecting the 10 per cent which has been given as surrender for public amenities. I want to talk about the issue of the leases. Sections 6, 7 and 12 of the Lands Act provide that those leases which have been given to non-citizens, at expiry, have to revert back to the county governments or to the national Government, as the case may be. This will regulate the issue of leases because there have been many cartels in various structures of the Government dealing with land issues, where they have been renewing leases without following proper regulations.

The second issue is about public land which has been allocated for public programmes. This issue needs to be done in a way that, if a piece of land has been allocated, maybe, for agricultural purposes or any other public project, it has to remain for the same purposes. We have seen, for example, in Kilifi, there is a piece of land which has been earmarked for agricultural purposes under the Agricultural Development Corporation (ADC) but, right now, that piece of land has been allocated to various influential people in this country. Previously, it was under public projects.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Ngugi.

Hon. Joseph Nduati (Gatanga, JP): Thank you, Hon. Temporary Deputy Speaker. I also congratulate Hon. King'ara for bringing up this good Bill. However, Hon. King'ara, I would like to ask you to tidy up this Bill which you are coming up with.

First point, there is nothing called a land buying company. There is nothing like that. Where land is jointly owned by individuals, it will be hard to implement. You know how land is sold in this country. The moment the physical planner approves the sub-division, the owner will most likely pay 10 per cent. He will continue selling that land and after he or she is through with that process, he or she will move out of it.

Hon. King'ara, that is why I would like you to, maybe, come up with a proposal to protect the individuals who are going to buy that land. We know it very well. You come from Ruiru where most of those offices are situated. The moment they sell land, they close those offices. They do that very fast. So, we need to look for a way of how we are even going to protect our people so that we do not tie them up in a process which, sometimes, they are not involved in.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Memusi.

Hon. Memusi ole Kanchory (Kajiado Central, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Let me congratulate Hon. Simon King'ara for coming up with this very timely legislation.

Hon. Temporary Deputy Speaker, nothing has been spared in this country from this bad habit, from our public schools to hospitals. Land that is intended to benefit many people has been grabbed to their detriment. The land grabbing menace affects everyone as it has been noted by many Members. In Kajiado Central, there is a piece of land that has been set aside for the establishment of a hospital, but it is currently under dispute as a private individual is now claiming

ownership. We should educate the citizenry on the importance of public land. The Mover should borrow advice from our distinguished lawyers here, like Hon. Kajwang’.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nasri.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD- K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. The current state of non-registration makes public land susceptible to grabbing. There are reports which show that a high percentage of public land does not have title deeds or lease certificates. There are no documentations of land ownership and is, therefore, vulnerable to encroachment and grabbing. So many schools have reported cases of land contestation, encroachment and grabbing to the National Land Commission which necessitated a Presidential Directive to the Ministry of Lands and Physical Planning to title all public school land.

With the passage of this Bill, land allocated for public purposes will be easy to identify and, therefore, unsuspecting public will be better informed.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. King’ara, you have the remainder of two minutes to reply. You donated some of your minutes.

Hon. Simon King’ara (Ruiru, JP): I donated my minutes willingly and so I have no regrets.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. King’ara. Hon. Duale, what is out of order?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I want to seek your guidance. In line with the Standing Orders, where is it provided that when the Mover is called upon to reply, he is allowed to donate his minutes? I am sure that is not provided for in the Standing Orders and if that is the position, then this should stop. This is a House of rules and is guided by the Standing Orders. Going forward, once the Mover is called upon to reply, he has no powers under the Standing Orders to donate his reply to either a Bill or a Motion. I need that guidance.

Hon. Jared Okelo (Nyando, ODM): On a point of order, Hon. Temporary Deputy Speaker.

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

Hon. Jared Okelo (Nyando, ODM): It is Hon. Okelo.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Sorry, Hon. Elisha is seated next to you. What is it, Hon. Okelo? Please, use the next microphone so that we can proceed.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Speaker, drawing from what Hon. Duale has alluded to, this House is run courtesy of the Standing Orders, traditions, rules and regulations. Donation of minutes to those who have requested, courtesy of the Mover of any Motion, has been a tradition of this House. You do not have to put everything in writing or in law. We have practised this for a long time and we cannot run away from it now. We can continue with it because traditions are part and parcel of our living.

Thank you, Hon. Temporary Deputy.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Duale, let us not make it a point of argument.

Hon. Aden Duale (Garissa Township, JP): I want to make a clarification.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What clarification? We need to close this business.

Hon. Aden Duale (Garissa Township, JP): I wanted to close the debate. I presented this matter to you and a Member has come in. I want to go on record as a ranking Member of the House.

The first point of call is the Constitution and the Standing Orders. If that provision is not found in the Constitution and the Standing Orders of this House, then we refer to traditions, practices and, ultimately, come to Standing Order No.1 that gives the Hon. Speaker discretion to decide. That was just to inform my colleague that, yes, they are there, but the first point of call is provided in the Standing Orders. You can guide us on that, but you need to rule first whether this practice is in the Standing Orders. Our minds are on you to guide us and give the way forward.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Duale, that has been the practice, especially where business that has a time limit has come to an end and the Mover has his or her specific time to reply. The practice is that the Member can donate his or her time. Maybe, it is a discussion that the House, particularly the Procedure and House Rules Committee, can have. When the Mover has, for example, 10 minutes, he can reply in two minutes and, therefore, donate the eight minutes to Members who did not get the opportunity to speak. Where the Mover thinks he or she needs the 10 minutes, he or she will be at liberty to use all the 10 minutes. This is a discussion that we can have in the Procedure and House Rules Committee. We decide that, in replying, the Mover will not donate time to any Member. The Standing Orders do not prohibit that now. Where a Member rises and calls upon the Speaker to ask the Mover to reply, the Mover is not at liberty to donate his time while replying. That is a different circumstance. Hon. Duale, that is an issue we can keep discussing.

Hon King'ara, you can have your two minutes so that we make progress.

Hon. Simon King'ara (Ruiru, JP): Thank you, Hon. Temporary Deputy Speaker for your guidance. I do not know why Hon. Duale, who was our Leader of the Majority Party, saw Movers donating time while replying to Motions, but he never questioned it. I am not saying that it is wrong for him to question now. I do not know why he did not question then.

I am grateful to everyone who has supported the Bill, particularly the Committee Members who had a lot of work to tidy it up and come up with the final green paper. It is hard to come up with a green paper in this House. This is my second green paper. The language, tone and writing may not be understandable, but there is need to sober up on land issues in this country. The only way to do that is by having rules and regulations which can only come through this House. I am pleading with Members. As we proceed, there will be many hurdles to jump. There is a constitutional issue that has been raised. I have picked it up and I have been advised on who to consult. I will do that. I am open-minded. Whoever has an issue that can shed light on it, I beg that you share with me, so that we can head in the right direction.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Reply.

Hon. Simon King'ara (Ruiru, JP): I now beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we will not put the Question on that one. Let us move to the next business.

(Putting of the Question deferred)

Next Order!

BILL*Second Reading*

THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Elisha Odhiambo.

Hon. Elisha Odhiambo (Gem, ODM): Hon. Temporary Deputy Speaker, I beg to move that the Kenya Information and Communications (Amendment) Bill, 2019, be now read a Second Time.

By way of introduction, according to the Communications Authority of Kenya (CA), quality of service refers to the level of performance that a service provider provides to its subscribers. In telecommunications, this relates to the ability of the service provider to give reliable, accessible and easy-to-use services. The principal object of this Bill is to amend the Kenya Information and Communications Act (Cap 411A). These amendments will provide a regulatory framework for businesses that operate within the telecommunications sector.

Consumers in Kenya, over the last several years, have had to accept the fact that the services they subscribe to are, sometimes, not satisfactory. There are instances when the network is inaccessible, making it impossible for Wanjiru to communicate with Awino; for Kariuki to communicate with Wanjau and for Mohamed or Duale to communicate with Elisha Odhiambo. Although the failures of quality of service by telecommunications service providers have somewhat been inadvertent, there is need to protect the consumer who bears the heavy cost of the inadequacies by putting in place legislative measures to ensure compliance with international best practice.

There are many instances when Wanjiru wants to talk to Onyango and in the process of talking the phone is disconnected. Whether it is disconnected by a third party or by the inefficiency that exists in the infrastructure of the service provider, Wanjiru would wholesomely think that it is the service provider that has deliberately refused to provide a service equitable to the money she has paid. A majority of issues related to quality of service are related to call drops. The Bill seeks to introduce a new Section 34A to the Act to provide for compensation to a consumer who initiates a call that gets terminated after connection, at the rate of Kshs10 for each call drop. However, a service provider shall not be liable to compensate a consumer when the call gets terminated due to third party interference.

The last several years have witnessed telecommunications service providers engaging in other businesses other than provision of telecommunications. Examples are money transfer services and credit facilities such as M-PESA, Airtel Money and *M-Shwari*. The current legislative framework does not address the issue of telecommunications service providers engaging in other businesses other than their core business as stipulated in the licence. By way of example, Safaricom, which is one of the dominant telecommunications service providers, operates mobile money transfer service under M-PESA, mobile money lending platforms, among them *M-Shwari* and *Fuliza*. In the first six months of 2019, *Fuliza* alone outpaced the loan book growth of any individual bank, surpassing issuance of the closest lender by 2.4 times.

In just under nine months of operating the Safaricom *Fuliza* Overdraft Service, Kenyans have tapped up to Kshs140 billion.

I must acknowledge that *Fuliza* and such other innovative solutions of lending products have enabled the Wanjiku, Chebet and Akinyi access financial services that they would otherwise,

not be able to access from mainstream lending facilities like banks and such other financial institutions due to their stringent conditionalities.

Those innovative products have joined the long list of criticisms leveled on other digital lenders, as it is accused of saddling Kenyans with more debts and should, therefore, be regulated.

The *Fuliza* Service is charging Kenyans between Kshs5 and Kshs30 per day on amounts borrowed, with funds ranging from Kshs100 to Kshs70,000, an amount considered too high.

Similarly, Airtel and Telkom just like Safaricom are operating mobile money transfer platforms, a 24-hour mobile commerce and *T-kash*, a mobile financial service that enables subscribers to send money, buy goods and pay bills, respectively.

Additionally, Airtel is operating *M-Fanisi*, a mobile banking and mobile money lending platform that gives its customers access to quick, easy banking services and loans on their mobile phones.

All the banking and lending services offered by telecommunication companies do not undergo the banking regulations established by the Central Bank of Kenya as other banks, hence, susceptible to manipulation and extortion on the part of unsuspecting Kenyans and, further, cause an unfair competition to the banks.

If those telecommunication companies were regulated by Central Bank of Kenya, and were able to pay taxes that are paid by banks, we as Parliament would not be asking the Treasury to release NG-CDF Funds. We would be sure that Treasury has enough funds, generated from those telecommunication institutions that offer money lending services. We are sure that the country would have a more robust economy that would afford to pay loans and pay for services that the country is looking forward to.

In this regard, the Bill further seeks to amend Section 25 of the Kenya Information and Communications Act by inserting a new Section 25A that would require telecommunication service providers to legally separate their mobile talk, their voice and data services from any other business. This is so that they can participate like mobile money transfer and mobile money lending services, provide separate accounts and detail reports and generate revenue for the Republic of Kenya.

The Regulation will also serve to not only protect consumers, but also enable Government to effectively, as I have said before, collect revenue through the clear distinction of various businesses. In this regard, the proposed amendment seeks to provide a regulatory framework, as I have mentioned earlier, for persons operating telecommunication to engage specifically only on their core business.

Hon. Temporary Deputy Speaker, the current Kenya Information and Communication Act provides for the establishment of the Universal Service Fund (USF), which is administered and managed by the Communications Authority of Kenya (CAK). The purpose of this Fund is to support widespread access to ICT services, promote capacity building and innovation in ICT in the country and ensure that we can enhance our capability as a growing economy in East and Central Africa. It also aims to provide benchmarks for the countries that exist in the region so as to demonstrate that Kenya has the best capability in innovation.

The USF was developed in 2009 to provide a common pool of capital to fund connectivity in areas across the country that do not access the critical infrastructure. As at February, the amount that was collected was Kshs7.1 billion. All licenses in the ICT sector contribute 0.5 per cent of the annual gross turnover to the Fund.

Hon. Temporary Deputy Speaker, despite the anchorage of the funds in the statute, the management and implementation of the USF has been faced with several challenges which the

legislative proposal wants to address. The proposed amendment in the Bill seeks to improve the management of the USF by expanding the objective of the Fund, and prescribing the requirement for reporting on how the Fund is utilised in every financial year. Let me add that in the Bill itself that was printed, I will be bringing amendments to the House because I realise there are mistakes I need to correct.

As I conclude, I wish to assure Members that the proposals contained in the Bill are in conformity with international standards and best global practices on consumer protection and regularisation of anti-competitive practices. They have been developed because of continuous monitoring of failures identified in the Act and are a culmination of widespread consultations. It does not take any metaphysical or transcendental science to know that we need to regulate the telecommunications sector.

I beg to move and request the Member of Nyando to second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Who is seconding?

Hon. Elisha Odhiambo (Gem, ODM): The Member for Nyando, Hon. Jared Okelo.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Jared Okelo if you could just pronounce yourself to that because I think you will not be able to conclude that.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Speaker, how I wish I could contribute but, in the interest of time, I can just say I second and I will be making my contribution towards this Bill as and when it will be subjected to debate.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. The Secunder has 10 minutes and so, in the interest of time, you shall obviously have the space and time to speak to this. Therefore, you have not concluded your piece. In the interest of time, you have taken one minute.

Hon. Jared Okelo (Nyando, ODM): Most obliged.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Therefore, when this is scheduled again by the House Business Committee, you will have nine minutes to finalise your seconding.

Hon. Jared Okelo (Nyando, ODM): I thank you, Hon. Temporary Deputy Speaker.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.