

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 16th April, 2008

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

INTRODUCTION OF PLASTICS CONTROL BILL

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

`THAT, recognizing the immense contribution to the economy by the plastic industry, and further appreciating the fact that the management of plastic wastes has for a long time been a major issue of concern for both the Government and the plastics manufacturing sector, this House grants leave to introduce a Bill for an Act of Parliament entitled the "Plastic Control Bill" to regulate the production, distribution, consumption, recycling and disposal of plastics in the country.

Mr. Linturi: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order No.20 where I am seeking leave--

Mr. Deputy Speaker: Under Standing Order No.20 or Order No.20?

Mr. Linturi: Under Standing Order No.20(1)

Mr. Deputy Speaker: Okay.

Proceed!

POINT OF ORDER

SITTING ARRANGEMENT IN THE CHAMBER

Mr. Linturi: Standing Order No.20(1) states:-

"Any Member may at any time rise in his place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance".

Mr. Deputy Speaker, Sir, as a requirement, and in compliance with Part 2 of Standing Order No.20, I gave notice yesterday that I will be rising today. The matter of national importance here is the fact that this House does not have an Official Opposition. There are Committees in this House that cannot be formed without the Official Opposition.

Mr. Deputy Speaker, Section 45 of the Constitution talks about the constitution of the Parliamentary Service Commission, which is a creation of this House.

If anything, Section 45B(1) says:-

"There shall be a Parliamentary Service Commission which shall consist of -

(d) the Leader of the Official Opposition party with the highest number of seats in the National Assembly or a Member of the National Assembly deputed by him;"

That provides for a Member of the Opposition or Leader of the Opposition being a Member of the Parliamentary Service Commission.

Section 45B(1)(ii) states:-

"three shall be nominated by the parliamentary party or parties forming the Opposition".

Mr. Deputy Speaker, Sir, Parliament, being the supreme law-making body--- I think it is very important to note that we cannot sit here now and see Parliament itself contravene the Constitution that it swore to safeguard and protect. That is why I think that the business of this House should be suspended until this matter is discussed by Members. Members should agree on the way forward on matters that relate to the constitution of those committees.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

Mr. Deputy Speaker: Hon. Members, I gave an undertaking to the House yesterday that there is going to be a considered ruling on the sitting arrangement in the House as well as the composition of the Watchdog Committees of the House; both Select and Departmental Committees.

I do understand the constitutional provisions as well as the Standing Orders. But it is weighty, in the sense that in a democracy, where there is an adversarial competition between parties in a multiparty situation, you can get into a situation where you do have a very insignificant opposition at times. So, taking all those into consideration, and given the fact that there is no party that qualifies to be an Opposition party--- No Opposition party today has the mandatory minimum threshold of Members of Parliament to qualify as the Official Opposition Party. The Chair is going to give a considered ruling. We will take into consideration the need to also have the Chairs of those relevant Watchdog Committees and how they shall be selected. That will be done with all the restrictions that the Chair has in, itself, based on the *status quo* we have in the House. That ruling will be made tomorrow. So, hon. Members have no option but to wait for the ruling. But, since the Chair has given a ruling on the composition and the chairmanship of these very important scrutiny and Watchdog Committees, the Chair rules that the Leader of Government Business in the House and the Whips do not constitute the Committees until the ruling is given.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I understand that Standing Order No.20 says that the Chair may give a ruling, whether what has been raised is a matter of national importance. If it is, then I beg you to give a ruling and give us an opportunity to discuss this matter as a House, despite the direction that you have given to the Whips.

Mr. Deputy Speaker: The issue raised by the hon. Member for Igembe South does not qualify as a matter of national interest under Standing Order No.20, but the Chair has taken the liberty to go ahead and give a ruling that is relevant to the ruling that is going to be given by the Chair tomorrow, 17th April, 2008 on the same. That is the ruling.

Mr. Namwamba: On a point of order, Mr. Deputy Speaker, Sir. I beg to humbly disagree, and insist that the question of the presence of an Official Opposition in this House is, indeed, a grave matter of national importance. As an attorney, I do believe that a law is made both in letter and in spirit. I do believe that when the National Accord and Reconciliation Act and the Constitution of Kenya (Amendment) Bill, 2008 were enacted by this House, envisaging a situation where this House would unite to form a Grand Coalition Government, the spirit of the same law was that, that Grant

Coalition Government would be checked by a Grand Coalition Opposition. It is the expectation of the people of this country that in the same spirit that a Grand Coalition Government sits in this House on your right hand side, a Grand Coalition Opposition must sit on your left hand side.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I do rise again to ask you to reconsider your ruling. Democracy in this country has come a long way. There was an era of a single-party State. In essence, in your ruling you are saying that we are back to the era of single-party system. What the Backbenchers are asking is very simple: Since the three - parties involved in the grand coalition did not find it necessary for very strange reasons--- I know my brother served under a single-party state. When you are in power and there is no Opposition, ruling can be very sweet. What we are asking is that we be allowed to form an Official Opposition, which is recognised by this House. The House Committees are obviously going to be constituted by party leaders. If you are perceived not to be toeing the line, you will obviously not sit on those Committees. All we are asking is to be allowed to keep the Government on its toes. If you do that, this country will always remember you.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Under Standing Order No.20, we are putting across a request to discuss this issue as a matter of national importance, notwithstanding the fact that you will rule on several other issues surrounding that matter. We are requesting that this House be allowed to ventilate on this issue. We believe that it is of national importance that we discuss this matter before the Government continues to function. Unless we form that Grand Opposition, our failure to do so will be tantamount to giving the Government a blank cheque to spend public funds without any oversight from the Backbench. We are of the opinion that you allow us to discuss this issue as a matter of national importance, notwithstanding the fact that you will make some other ruling tomorrow. We are requesting that you allow us to ventilate on this issue.

Mr. Deputy Speaker: Hon. Members, Mr. Namwamba is a lawyer. It is very important for hon. Members to acquaint themselves with the provisions of the Standing Orders, the Constitution and the Statutes that we have in this country. Coalitions are not made inside the House but outside. The Speaker has absolutely no role in the formation, reformation or disbanding of coalitions. The Speaker will rule on this matter, which is of great importance, but it will be on the sitting arrangement due to the unique situation that we have now and the membership or the chairmanship of the Watchdog Committees. It is your business, as Members of Parliament in the Backbench to form your own coalitions, grand or super-grand, and demonstrate your principles and ideals and what you want to do on the Floor of the House by bringing in the right Motions. It is your business. The Chair cannot rule on the formation of a Grand Opposition Coalition. There are no provisions in the Constitution, Standing Orders or in our own statutes. So, the Chair rules that the matter that you have right now, you might think it is of national importance, but this House has a problem getting enough business to transact. Create your caucuses, or coalitions, outside the House and demonstrate it by bringing in what you think is going to be your role in being the watchdog of the people of Kenya. I agree that we need a powerful watchdog, but the Chair does not have any responsibility in the formation of grand coalitions, whether they are in the Government or in the Opposition. Let the matter rest. I have ruled on it, and I will make a further ruling tomorrow on the sticky issue about which I gave a promise yesterday.

Proceed!

MOTION

INTRODUCTION OF PLASTICS CONTROL BILL

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, recognizing the immense contribution to the economy by the plastic industry, and further appreciating the fact that management of plastic wastes has for a long time been a major issue of concern for both the Government and the plastics manufacturing sector, this House grants leave to introduce a Bill for an Act of Parliament entitled "the Plastics Control Bill" to regulate the production, distribution, consumption, recycling and disposal of plastics in the country.

Mr. Deputy Speaker, Sir, today, there is no law dealing with production, distribution, consumption, recycling and disposal of plastics in the country. The Plastics Control Bill seeks to control that multi-billion Kenya Shillings industry. For one to understand the importance of the proposed Plastics Control Bill, we need to look at the plastics sub-sector industry. For a start, we have between 110 to 115 plastics factories in Kenya, including recycling plants. The industry employs about 18,500 people directly. More than three times that number are employed indirectly in distribution, retail and other levels in the chain of supply. Those factories, combined, have a production output of about 15,000 tonnes per month.

Mr. Deputy Speaker, Sir, plastics are not only what we manufacture. There are plastics which are imported. For example, from 1989 to 2003, we imported over 300,000 tonnes of plastics and plastic sacks into the country. The plastics industry itself is actually growing at a rate of between 8 per cent and 10 per cent annually. That means we have more jobs for our people and more revenue is being collected by the Government. At the same time, we have multiple problems with the waste management evolving from the industry. The industry supplies its products locally. Locally, you will realise that the biggest consumers and beneficiaries of plastics are the poor people. Those are the people who go shopping. They cannot afford glass bottles. They use plastic bags to buy paraffin, cooking fat and so on. So, the industry supplies the local market and also the region. Even the European market is supplied through the same industry, through the flower sector.

Mr. Deputy Speaker, Sir, we are talking about an industry which is contributing about Kshs1.3 billion in form of Value Added Tax (VAT), about Kshs300 million in corporate taxes and, of course, another Kshs300,000 also on Pay-As-You-Earn (PAYE). Despite that impressive look, the industry and the country lack a well-functioning waste management system and a legal framework to regulate the production, distribution, consumption, recycling and disposal of plastics in the country.

Why do we have a problem with plastics? Why do we have rampant plastics in the country? Why are we complaining? Why do we need legislation? Because of lack of legislation, today, plastic bags are being manufactured from non-renewable and non-biodegradable material. This situation is very pathetic. When you go to virtually all urban centres and cities, the situation is terrible. We see plastics lying all over.

Also, low public awareness on the responsible disposal of wastes has contributed to the present trends of littering without caring. It has resulted in pollution by the plastic bags. A common example is when you are driving and you go to a petrol station convenient shop. You buy yoghurt, water, sweets which are packed in plastics and you are driving all the way to Mombasa. You go throwing those plastics through the window and nobody will ask you anything purely because you do not have legislation. We need legislation which will be a deterrent to such offenders.

Another reason why we have a serious problem of plastics is because we have a relatively low recycling of post-consumer plastic wastes by the formal manufacturing sector. Failure by local authorities who have the mandate to ensure proper garbage collection and disposal is, perhaps, one of the biggest issues we need to address. Most local authorities are unable to carry out garbage collection and disposal duties. We know that local authorities have by-laws which have proved to be ineffective in deterring littering, illegal dumping and open burning of wastes. That has resulted

in the mushrooming of the private sector, which is actually not regulated.

Mr. Deputy Speaker, Sir, another cause of the problem is that majority of the end consumers are not paying for the advance impact that waste plastics are causing on the environment. Another cause is outdated local authorities by-laws. They are very weak in their ability to deter offenders. A sizeable proportion of inhabitants in urban areas live in informal settlements which lack basic sanitary and waste management infrastructure; for instance, Mathare, Dandora where we have the biggest dumping site, Kangemi, Kawangware, Kibera and so on. In those settlements, the adverse impact of plastic waste is highly pronounced, as the practice is open dumping. In addition, those areas serve as a dumping ground for garbage from high income areas. We spend more in areas where people have high incomes like Lavington and Karen, and the garbage is taken to where the poor people live. We need to have legislation to address those issues. Mr. Deputy Speaker, Sir, there are many solutions but, without proper legislation, they have no purpose. I know that National Environment Management Authority (NEMA), Kenya Institute for Public Policy Research and Analysis (KIPPRA) and Kenya Association of Manufacturers (KAM) have come up with quite reasonable proposals but, without legislation, those proposals are actually of no use. It is for that reason that we need this Bill to go through, to ensure that only plastics, for example, of recyclable thickness are allowed in the Kenyan market, whether manufactured locally or imported.

Mr. Deputy Speaker, Sir, separation of plastic waste from other wastes should be encouraged at the source. If you go to the United Kingdom (UK), for instance, the wastes are separated at the source. That is also practised in virtually all parts of Europe and the United States of America (USA). If it is a restaurant you are going to, the wastes should be separated at the source.

Mr. Deputy Speaker, Sir, we need legislation to encourage consumer awareness and anti-littering laws so that, a person who throws a bottle of plastic from his car, and is caught, can face the consequences.

We need to have a law which will phase out the production of flimsy plastics. Those are the ones that are blown away by the wind. They are actually very thin and light. Those are the ones which kill our livestock. They are the ones which are not biodegradable.

Mr. Deputy Speaker, Sir, the development of a well-managed disposal system to cater for plastic bags that will enter the waste stream is also crucial. We need to have plastic manufacturers compelled to recycle a particular percentage of their industrial output. We know it is more expensive to recycle. But we need to have laws. For you to be licensed to operate in this country, a particular percentage of the raw materials should be from recycled plastics.

Mr. Deputy Speaker, Sir, in the last Parliament, in the Finance Bill, we introduced some taxes. But we need to be very careful, because some of the taxes we introduce will kill the industry and will encourage the use of imported plastics. This will not solve the problem. When we are dealing with the issue of taxes, we need to ensure that the taxes we introduce are environmentally effective, economically efficient and the administration cost is efficient. They should also be acceptable. Mr. Deputy Speaker, Sir, this Bill is long overdue. If this Bill goes through, it will bring a big change to this country. We are saying that we should not kill the plastics industry. There are countries which have killed this industry. The biggest consumers of plastics are the very poor. Rather than kill the industry, through taxation, we should introduce this Bill to ensure that we do not have a problem of a polluted environment.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move the Motion and ask Mr. Rege to second it.

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. I beg to second the Motion. Indeed, the control of plastic waste has not been practical, because our people are not brought up to understand

the use of litter boxes. Our motorists have not been trained to use bags in their cars and, therefore, not to litter around when they are driving. In the developed countries, if a motorist throws waste out of the car through the window, there is always a heavy fine. I believe this rule can also be imported into Kenya.

Mr. Deputy Speaker, Sir, plastic waste kills our wildlife, domestic animals and fish in the lakes. Our children die from plastics as a result of suffocation. All this can be controlled. I say so because I know that there is technology in the Asian countries, where plastics are actually made out of bio-degradable products. I do not see why we cannot have this in this country.

With those few remarks, I beg to second the Motion.

(Question proposed)

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Deputy Speaker, Sir, may I take this opportunity to thank Mr. C. Kilonzo for introducing a very timely Motion in this country at this time. I have listened very carefully to what he has pointed out. But I will speak from a rural perspective.

When you visit the rural areas, you will see, all over when you are driving towards Garissa and my constituency, a lot of plastic waste littered all over the roads. Plastic is cheap; so the rural folk have used it extensively to carry some little *unga*, oil and so on. They tie it and use it for various other things. What happens is that there is no control or awareness of what people should do with these pieces of paper once they have used them. There is no law in this country, as we speak now, that tries to control this.

Mr. Deputy Speaker, Sir, the only thing that people have grown to know is that when cows and goats eat plastic during the dry season they die. The people who manufacture plastic material make it available cheaply to our people. They are not there to bear the burden of environmental degradation and loss of livestock and farmlands that could be used. They produce the plastics in Nairobi very cheaply, and make them available to everyone. The people in the rural areas, where I come from, and where our voters are, pay the price. It is time we had control measures introduced. It is time we had the Plastics Control Bill brought to this House.

Mr. Deputy Speaker, Sir, this is not the first time we have spoken about the issue of controlling the use of plastics in this nation. There was an attempt, indeed, when we passed the last Budget, to introduce taxation measures whose final effect was hoped to control the plastics industry. But it has not worked. In fact, what the manufacturers did was to increase the prices, so that their costs are covered. But the same amount of plastic material still continues to be manufactured in the same way. The amount of plastics which are imported continues to be the same. We need to think again. There is no other body that can do it better than this Parliament.

Mr. Deputy Speaker, Sir, I am imagining that the Plastics Control Bill will come up with a Plastics Control Authority (PCA) that will be set up with certain powers in this country. It will have powers to get into this industries and make sure that it complies with environmental standards, first of all in the production process. I would imagine that this Authority will go out there to retailers to tell them that they must retail plastics at a certain price that will discourage excessive use. This Authority should have prosecutors, who will be appointed through the Attorney-General to prosecute plastic manufacturing industries that deliberately flout the rules that will be produced under the Plastics Control Bill. I imagine that this Authority will carry out massive advertisement to the population of Kenya, so that people can be taught that it is bad manners, not just for yourself, but for our children and our children's children, to throw out plastic waste as you drive around, because the plastics are not bio-degradable. By doing so, we spoil the environment not only for us, but for other people. That Authority will have massive powers to

change our whole perspective.

Mr. Deputy Speaker, Sir, I stand here to strongly support that this House should grant leave to introduce the Plastics Control Bill to regulate the production, distribution, consumption, recycling and disposal of plastics in the country. I urge Members to help us quickly pass this Motion. It is timely, good and for all of us. It is a very patriotic Motion.

Mr. Lankas: Mr. Deputy Speaker, Sir, I also stand to support this Motion. It is a very important Motion which is long overdue as he rightly put it. Plastic waste is an eyesore in this country. In fact, if you take a walk in our countryside, you will realise that urban centres and the land neighbouring them have actually been claimed by these plastics. A very good example is Mai Mahiu. If you go to Mai Mahiu, you might not even want to sit there because the area has generally been claimed by plastics. Both animal and human life is threatened. Generally, the environment is threatened. So, I think this is a very important Motion. It cuts across all Ministries and not only the Ministry of Environment and Mineral Resources. If you look at the issue of plastic waste closely, it cuts across the Ministry of Public Health and Sanitisation and the Ministry of Livestock Development because plastic waste has claimed a lot of animal lives.

Therefore, I believe that it is high time control on the handling of these plastics was put in place. I am talking about legal control and other measures. We have the National Environmental Management Authority (NEMA) in place, but it is silent on the control and handling of plastic waste. We also have EMCA, but it is very silent on this matter. I stand to support this Motion because I believe it is high time we handled plastics in the right way. We need to introduce legal measures.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to this Motion. I want to thank the mover of this Motion because it is very timely. It is something that we should have looked at a long time ago. As the previous speaker said, this has come to this House before. I know that the Nobel Laureate, Prof. Wangari Maathai, has spoken passionately about plastics in this country and the hazardous way they are handled.

All previous efforts to control this menace have not worked. The Minister for Finance introduced, as was said earlier, a tax on plastics, but that did not help either. This is because plastics continued to flow in and the only person who was hurt is that housewife who depends a lot on the plastics for the wrapping of commodities like sugar and so on. Even when they go to the marketplace, especially in the urban centres, the market women and men use a lot of plastics for their wares and trade. What they have to do is to pay extra for those plastics. This really does not help much. Perhaps, we are hurting the same people we want to protect from this hazardous waste.

Mr. Deputy Speaker, Sir, I want to support this Motion very much so that proper measures, especially those targeting the manufacturers, can be established and put in the Bill. That way, a recycling or a disposal mechanism will be part of the component of authorising or licensing the manufacturers. We must make sure that the cost is not borne by the consumer, but by the manufacturers or traders.

If you go to my constituency or any other township, be it in Nairobi or elsewhere, the drainage systems are completely full of plastics. The waste does not flow. It is very filthy. It is very worrying because you will see children playing with those plastics around those drainages. Because of the way we are, we have not been able to completely clean up these drainages. I would like to urge the Nairobi City Council to make sure that the drainages are completely cleaned of these plastics. They employed, sometime ago, staff for the estates. Each ward has as many as 60 to 100 members of staff from the Nairobi City Council. However, if you look at the work they do, you will notice that the drainages are still full and they do not flow. So, maybe, the first thing that we need to do is to clean up the plastic waste. It is very hazardous. As somebody said, it even affects

public health. It is something that we will definitely be looking at very closely.

I, therefore, urge that this Bill be brought before the House very soon because just saying, "No plastics" will not work. We must provide the mechanisms to regulate the production, distribution, consumption, recycling and disposal of those plastics. We must admit that they are necessary and they are part of our economy. They contribute to the economy of this country. They also help the housewives and so we must make sure that they are accessible. However, please, note that it is hazardous to our health and especially that of our children. It is the same thing in schools. You will see plastics there. The young ones play with the plastics by putting them in their nostrils or mouths. This could easily suffocate them!

Mr. Deputy Speaker, Sir, in supporting this Motion, I want to say that it is urgent. I want to support the Mover of this Motion and ask the Minister for Environment and Mineral Resources to ensure that this Bill comes to the Floor of the House as soon as possible unless, of course, the Mover had an idea of having a Private Members' Bill. It is something that I feel the Government should support. I urge the Minister for Environment and Mineral Resources to make it a priority.

With those words, I beg to support.

Mr. Bahari: Mr. Deputy Speaker, Sir, I want to thank hon. C. Kilonzo, who is the Mover of this Motion, for bringing it because of the importance of this subject.

Environment is very key particularly at this time in the world because a lot of things that human beings have been doing have been interfering with the ecosystem and threatening the continued existence of human beings. One of the challenges of the 21st Century is to ensure sustained development. In that agenda, the environment plays a very significant role.

It is, therefore, incumbent upon us to move with speed and ensure that this Motion is passed. I am happy that both the Government and the Backbenchers are supporting the Motion. This a matter that affects everybody across the board. It is, therefore, important that this matter be given priority. From the look of things, it may have to involve a number of Ministries. I heard the Minister for Public Health and Sanitation, Mrs. Mugo, talk about it. This is an important matter in terms of public health, as much as it is equally important to the Ministry of Environment and Mineral Resources. The matter is equally important to the Ministry of Planning and National Development and Vision Twenty Thirty. By all means, the Planning Ministry should take into account all issues that affect our environment. Without addressing the issue of environment, the Vision 2030 may not work at all.

In my view, the Leader of Government Business in this House and the Prime Minister must take every interest in this matter. It is a multi-disciplinary, multi-departmental and multi-faceted issue, which must be addressed comprehensively.

Everything we do has an impact on the environment. It is, therefore, high time that we looked at the issue of the environment very closely. The matter of disposal should be taken into account.

With those few remarks, I beg to support.

The Assistant Minister for Education (Prof. Olweny): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion. It is a very important Motion in this century for this country.

Plastics are some products of science which are very useful to us. However, on the other hand, they are very dangerous. If not properly disposed of, they can cause serious problems for us just like glasses and metals. That is another dangerous product which if not properly disposed of, is another problem for the environment. All these are products of science which we are taking advantage of. Unfortunately, in this country, we are not disposing of them in the right way. In the Western countries, there is no problem of glass, plastic, paper or metal littering.

Mr. Deputy Speaker, Sir, first and foremost, we should have a law regulating littering in

this country. In any country, littering is terrible thing. You will go in for it! You will pay a heavy fine for it. Unfortunately, in this country, even in front of Parliament Buildings, you find people throwing things around. How long will it take us - the lawmakers - to put something in place to control littering? I remember some time back, when I had just come from the United States of America (USA), where I did my studies, I was given a house by the University of Nairobi. Every morning I would go around my flat, making sure that the surrounding was clean. My neighbours felt that I was weird. They wondered why I moved around the building, removing pieces of paper. That means Kenyans are used to dirty environment. We have to do something about it.

The kind of damage that plastics do to the country is immense. When it is dumped in the soil, it reduces water infiltration. It blocks the drainage system. In some places, we have floods because of materials which float on the water ways. It blocks rivers or springs and then we have floods. Plastics even block the sewerage system. That is why we have waste water coming out of sewerage pipes. This problem would have been put under control if we had passed an appropriate law, controlling the use, disposal and recycling of some of these materials, be they plastics, metals or glass.

Mr. Deputy Speaker, Sir, we all know that plastics are causing death to livestock in this country. In fact, one day, I lost a lamb. I thought it was sick. I invited a veterinary doctor, but he could not handle the situation. When it died, those who opened up the animal, they found a bunch of plastics in its stomach. I do not know how that animal ended up swallowing the plastics. After all, they do not eat plastics. Plastics are not digestible. Its alimentary canal got blocked. I hope you have heard of "flying toilets". They are found in certain estates where wananchi use plastics as toilets, particularly at night. Since they cannot keep the stuff inside the house with them, they have to throw it outside at night. If by bad luck you happen to be passing around such a place, and a "flying toilet" lands on you, then you will have a problem on your face. We need to control some of these things. Children like playing around with plastics. Can you imagine children getting hold of plastic bags that were used as "flying toilets", which always end up in their mounts or noses? Such children gets into a serious problem.

Mr. Deputy Speaker, Sir, it is high time we came up with bio-degradable plastics. Plastics are used all over the world, but they are bio-degradable. If you happen to be careless and fail to dispose of it well, it will be degraded just like paper. However, the plastics which are manufactured and imported into this country are not bio-degradable. I wonder why while the rest of the world is using bio-degradable plastics, we are using none bio-degradable plastics. It is high time we took to the use of bio-degradable plastics. If manufacturers of plastics insist that it is expensive to manufacture bio-degradable plastics, then we should go back to the use of paper. We could illegalise the use of plastics if investors cannot manufacture bio-degradable plastics and resort to using paper bags which we used to use in this country.

People say that the kind of plastics we use in this country cannot be recycled. Why should investors in this area not manufacture plastics which can be recycled? I know that Kenyans recycle the water bottles on the Table. There are reports that the material that has been used for making the bottles causes cancer, if it is recycled. I know that many people do not know that. I have read a report which says that if those bottles are used over and over again, they end up causing cancer. We even need to take care of the bottles themselves. Although it is a little late, let us fast-track this Motion. Let the Mover bring the Bill as soon as possible, so that we can pass it and put in place an effective law to control the use of plastics in this country. I hope the Bill will provide for controls on the use and recycling of glass materials as well.

With those remarks, I beg to support.

Mr. Chepkitony: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

First, I would like to thank Mr. C. Kilonzo for bringing this Motion to seek the leave of the House to introduce the Bill because it is long overdue. Last year, the Minister introduced some taxation measures on plastics in an effort to reduce their usage. I was in the Departmental Committee on Finance, Trade and Planning and we held extensive discussions on this issue. We thought it would be better to introduce a levy which will go towards cleaning up the environment or collecting the plastics that are strewn throughout the country. I think this Motion is going to assist in introducing a Bill that is going to play that role of collecting the plastics that are littered all over.

Plastics are very necessary and important in the packaging industry. Packaging of everything is now done using plastics because they are cheap, easy to carry, not easily damaged and water-proof. So, they are very necessary in the day to day living. However, how to dispose them is the problem. The biggest problem is in the rural areas where there are no organised groups or authorities to collect plastics that are littered all over the place. You find them in rivers and grass. Animals eat them and die. I have witnessed several animals, including mine, die because of consuming plastics which block the intestines. So, it is very important that we introduce a Bill which will not only spell out terms of production, but also come up very clearly on how to collect and dispose of the plastics which are littered throughout the country. As to whether an authority will be formed to do that function will remain to be seen. I think the Mover of the Motion will carry out extensive research in consultation with National Environmental Management Authority (NEMA) and the Ministry concerned and come up with the best proposals to collect and dispose of plastics which are littered all over.

Mr. Deputy Speaker, Sir, I must say that I am very happy that, that is going to happen. I would like to urge the Mover of the Motion to move with speed and ensure that the Bill is enacted to save this country. Some hon. Members have suggested that we should produce bio-degradable plastics. That is a good idea. I think that it is going to be a little bit more expensive, but it is necessary. The Bill should explore all those possibilities to make plastic usage environmentally friendly and affordable. The plastics are used to package everything including meat and milk. The poor will suffer if it becomes very expensive.

With those few remarks, I beg to support.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion and to, first, congratulate the Mover of the Motion for introducing a subject that is of critical importance in this country.

Let me join those who have already said that the issue is not so much one of plastics as to how it is used, but the type that we use. If you have been to many of the industrialised countries, you will find that they use many times more plastics than we use, but how they dispose of them and what is done with them once they have been used, I think, is a much more important issue. So, as we think about the legislation, let us also think about issues that relate much more to the use and disposal of plastics as opposed to just opposing plastics because we are careless in how we dispose of them.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, it seems as if the problem is much more of general lack of discipline and appreciation for cleanliness, as has been said. It is not uncommon to find

people driving big cars throwing cigarette packets and plastic bottles out of their windows after they are done with the product they had been consuming. It is just that people do not appreciate it. It is like they say: You can take a donkey to the river, but you cannot force it to drink the water! So, there are many educated people--- We tend to only blame the rural folk. But some of the culprits--- Some of the people who are the most careless with the use of plastic--- Some of the people whom you can identify with certain types of dirty practises; whether it is the chewing of *miraa* and you just throw it around or throwing bottles all over the place--- I think they are people with some education. So, the issue, firstly, is one of discipline. Secondly, the relevant authorities, including the Government, providing facilities for disposal along highways, towns and urban centres, schools, churches and other social facilities.

Again, talking about problems of lack of places for disposal of waste, you go along highways and see people come out of big cars and go into the bushes to relieve themselves. There are no facilities. If you go to many of the industrialised countries, you will find that along highways, there are places that you can go to toilets and dispose of waste. In addition, we, therefore, cannot just blame people. We also need to ask what it is that the relevant authorities have put in place to assist with regard to where we can throw garbage.

Madam Temporary Deputy Speaker, there must also be possibilities on punishment on the spot. That happens only with the Nairobi City Council. But if you go to our local authorities and other social places, people realise that they can do whatever they like because there is no possibility of any punishment.

Madam Temporary Deputy Speaker, yes, legislation is necessary. But it will get nowhere if we do not bring aboard all the relevant players that will include manufacturers, traders, wholesalers, retailers, scientists, politicians and leaders to sit together and agree on what types of policies will be acceptable. It is one thing to just decide on a policy and law, but it is another thing to decide on a policy that is acceptable by the people who have to be the subject of its application. Again, it is not going to be adequate if we do not address the whole issue of overall legislation related to pollution in general; whether it touches on vehicles or not. There are too many smoking vehicles around. It is like you can just drive a vehicle across the city or anywhere else and it does not matter how much it emits smoke because there is no punishment. In terms of noise pollution, there is very loud music in *matatus*, churches and all over the place. There is also the issue of drainage that has been spoken about.

Madam Temporary Deputy Speaker, it is also important for us to strengthen the Kenya Bureau of Standards (KEBS) to be able to impose relevant measures to ensure that the kinds of plastics that are used, manufactured or imported are of standards when it comes to disposing or recycling them.

Madam Temporary Deputy Speaker, we also need to think of alternative technology. If plastic technology is more or less imported, we, as Kenyans with so much unemployment, and with other local products; what kind of products could we come up with that would be used locally and eventually be exported? In this way, we would not only be using locally available resources, but we will also create employment for our people, in addition to creating awareness and coming up with a product about which there are no much complaints about.

Madam Temporary Deputy Speaker, we must, however, also insist that local authorities, in addition to the major authorities and the Government, have specific votes to allocate budgets to deal with this whole issue in terms of the creation of collection points and relevant employment for young people that can go around collecting. Even if we do not have disposal points, I think given the crisis that we have with unemployment in this country, it is possible for our local authorities to be able to afford to employ a team of 100 young people with the responsibility of just collecting garbage, including plastics.

Madam Temporary Deputy Speaker, finally, it is a whole issue about again cleanliness. As I said from the outset, it is not so much about that we use plastics with those uses as much as it is consumed elsewhere, but it is just about that touch of cleanliness. That needs to be taught right from school, in *barazas* of our local leaders, chiefs, politicians, Members of Parliament and very high authorities, including the President. We should make the whole issue of cleanliness a national matter like we have made the HIV/AIDS pandemic and rape important issues that we talk about. This must be a subject that we leaders must continually talk about to be able to create awareness that will make it unnecessary for people to litter plastics wherever they think they can easily dispose them off.

Madame Temporary Deputy Speaker, I really hope the Mover of this Motion will move with speed and that we will pass this particular Bill for the sake of eradicating some of the problems that have been associated with the use of plastics. More importantly also to begin to create the necessary awareness that will make it not so much of a problem to talk about plastics, but much more about how it is used and disposed off.

I beg to support.

The Member for North Horr (Mr. Chachu): Thank you, Madam Temporary Deputy Speaker. I am Mr. Francis Chachu, the Member of Parliament for North Horr Constituency.

Madam Temporary Deputy Speaker, as I rise to make my maiden speech, I would like to thank the Almighty God and the people of North Horr for giving me the opportunity to serve this great nation in my capacity as their Member of Parliament.

Madam Temporary Deputy Speaker, I would like to pay a special tribute to a great son of North Horr who served this nation very well and this august House extremely well, the late Dr. Bonaya Adhi Godana. He was the founding father of my constituency and he served us for 18 years. The record that he left is one to be emulated as a model in northern parts of Kenya. I will not pretend for a second that I will fit into his shoes having replaced him substantially. However in my humble and simple ways, I will do the best I can to serve the people of North Horr and this great nation and all Kenyans. I learnt a lot from the late Dr. Bonaya Godana. One thing that I learnt from him is that politics is not defined as a dirty game, but a noble profession that one can use selflessly to serve his people and this nation. That is one great reference and honour that I carry as I serve in this august House.

Madam Temporary Deputy Speaker, I represent one of the largest constituencies in Kenya which is the size of Western and Nyanza provinces combined. It is not realistic and practical for such a great, large and vast constituency to be represented by one Member of Parliament. I do hope that this Parliament will do what is necessary to review the Constitution, so that Kenyans are represented very well in all parts of this country. I hope this is one thing that this Tenth Parliament will do for the Kenyan people.

Madam Temporary Deputy Speaker, I wonder what we understand or whether we have a shade of understanding of what equity and fairness is all about in this country.

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Madam Temporary Deputy Speaker. I do not know whether the Member of Parliament for North Horr who is my very good friend is making a maiden speech. However, even if one is making a maiden speech there is requirement for relevance and theme.

The Temporary Deputy Speaker (Prof. Kamar): Thank you. It is his maiden speech and in fact, I should not have allowed him the right---

The Assistant Minister for East African Community (Mr. Munya): Madam Temporary Deputy Speaker, the review of constituencies and this Bill have no relationship.

The Temporary Deputy Speaker (Prof. Kamar): Sorry. It is a maiden speech which is normally not interrupted.

Proceed, hon. Chachu!

The Member for North Horr (Mr. Chachu): Thank you Madam Temporary Deputy Speaker. As I said before, I wonder whether we have sheer understanding of fairness and equity in this country. We have so many state corporations representing the interests of all other Kenyans and yet, we do not have one representing the interests of pastoralists. The Kenya Meat Commission (KMC) which is a state corporation is really established to represent the interests of large-scale livestock ranchers and other pastoralists in northern Kenya.

In this country, each and every child is provided with education at home where he or she lives. A pastoralist child has to walk for kilometres to look for education. I do not think this is acceptable in the modern Kenya. I really hope this country, especially with the new Ministries, will do what is necessary for the pastoralists to be provided with the services that they require.

Madam Temporary Deputy Speaker, this country is yet to understand the complex and nomadic pastoralist way of life. We are nomadic and mobile. Our lifestyle demands for mobile service delivery in form education, health care and drought management. We need a service delivery that is responsive to the needs and livelihood of our people. Year in, year out, our people are fed with relief aid and famine relief. Drought is something that is cyclical and very predictable, just like winter and summer in western Europe. Why is our Government not being and responsive by providing proactive drought management strategies that can prepare our people, so that when the drought comes, they are able to manage it instead of just being victims year in, year out? I really hope this time we will come up with drought management strategies that will enable our people to respond and to prepare for drought, just like winter and summer in Europe.

Madam Temporary Deputy Speaker, our people do not need relief food or handouts from anybody. They want opportunities for quality education, livestock products and infrastructural development. That is all we need. We do not need millions of money that is being spent on food aid year in, year out. I think it is a shame to this nation when the only livestock market in Kenya for goats and sheep is the informal market of Kariobangi. I really hope that this country will do what it takes to ensure that the livestock sector is promoted and given the necessary support, just like Botswana and many others parts of the world are doing, where livestock is the mainstay of the economy. Our livestock is said not to be of good quality or rather ridden by pests and diseases, hence it cannot even be sold to the Kenya Meat Commission (KMC) or exported to other parts of the world. Yet, the same animals when they cross borders to Ethiopia and Somalia are sold by Ethiopians and Somalis to Yemen, Saudi Arabia and many parts of the world. I really hope that the Ministry of Livestock Development will do what is necessary to support our livestock sector.

Madam Temporary Deputy Speaker, I oppose this Motion for the simple reason that plastic materials are not bio-degradable. The mother earth is not able to absorb these plastic materials. Any responsible manufacture should be able to take back what he produces and sell it to the market. It is a rule that for any material that you produce, you must be able to re-use or recycle. For plastic materials, even if it is buried under the sand as solid waste, it does not break down. We do not know even its composition. Because of that, it is not good for our health, ecology and environment. We are losing our culture and livelihood to the plastic menace. In Northern Kenya, thousands of animals die every year simply because of feeding on those plastic waste materials that are spread all over the area. This is simply because the animals' digestive system is not able to manage the plastic materials once it is swallowed. More to that, we are losing our tradition. I mean the traditional knowledge or the ingenuity of our people is being lost as we buy plastic containers. The pastoralists of Northern Kenya have invented traditional containers for milk, honey, oil and all kind of materials. They are all bio-degradable and can last from generation to generation. Today, all that knowledge is being lost simply because these plastic materials are cheaply available in the market. We do not look at other impacts and consequences of these plastic materials. Our people buy these

materials and the knowledge and ingenuity that our people have had for generations have been lost over the years.

As I said before, I simply oppose this Motion because it is not ecologically friendly. It is not socially and economically acceptable. If you do environmental impact of these materials in a holistic way, you can say it is not economically feasible to use it.

With those few remarks, I beg to oppose the Motion.

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Thank you, Madam Temporary Deputy Speaker. I stand to support this Motion. I hope that the plastic control Bill is going to be one of the best Bills that we shall have. The wordings basically to regulate---

The Temporary Deputy Speaker (Prof. Kamar): Please, mention your names.

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Madam Temporary Deputy Speaker, my name is Dr. James Gesami, MP, West Mugirango. I stand to support this Motion. The wording is very well thought about. I want to thank hon. C. Kilonzo for introducing this Motion.

The envisaged Bill seeks to regulate production, distribution, consumption, recycling and disposal of plastic materials. It will be a very good Bill. I know we have a very good Act of Parliament, the Public Health Act, which has been there for a very long time. This Act was supposed to take care of all the nuisance in terms of these plastic materials, cigarette bits and many other things. The problem with the Public Health Act is actually that its implementation is fairly difficult. I wonder whether when the Plastic Control Bill becomes an Act, we shall have the capacity to implement it. Basically, the Public Health Act has not been very influential in terms of regulating this menace due to lack of capacity to implement it.

Madam Temporary Deputy Speaker, plastic materials as everybody has said, are thrown all over. I want to say that in the last ten years, we have had a big upsurge of malaria in this country because of stagnant water which plastic materials hold. Because of that, there is increased breeding of mosquitoes. As you know because of the high number of mosquitoes there is then efficient kind of transmission of malaria. In the last ten years, we have had high land malaria which is a big burden of disease in this country every after ten to three years. I believe that if this Plastic Control Bill becomes an Act, malaria cases will decrease significantly. I, therefore, want to support this Motion fully. As has been said here, this is something that runs through different Ministries. Sometimes, it becomes very difficult for different Ministries to co-ordinate and it becomes difficult to implement some of these Acts of Parliament.

We realise that there is also high morbidity of livestock caused by these plastic materials. My plea is that we really have to be very careful when discussing this Bill when it comes to the House. We need to be very careful in terms of regulating the plastic industry. We also know that our rural folks depend on these cheap materials to carry food and other things.

Madam Temporary Deputy Speaker, I really need to make my input on the issue of the burden of disease of malaria. I will fully support this Bill when it will come to the House.

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

The Temporary Deputy Speaker (Prof. Kamar): The hon. Member at the far end, please say your name!

Mr. M'Mithiaru: Thank you, Madam Temporary Deputy Speaker. My name is Mr. Ntoitha M'Mithiaru, Member of Parliament for Igembe North. I wish to add my comment on the Motion on the Plastic Control Bill. We all know that plastic materials are an eyesore when it comes to our streets, estates and everywhere we go because they are littered all over the place. It becomes an environmental nuisance. It is something that needs to be controlled. All we should ask is: why do we have all these plastic materials? We start with the usage from the industries to the individuals. When we go to our supermarkets, we get our wares packaged or wrapped in those

plastic bags. When we buy household items, we also find that they are in plastic cans and other forms of plastics. So, it is a necessity. If it is a necessity, we have to live up with it unless we have some other alternative technology as the Member for Tigania West mentioned earlier on.

It brings us now to the issue of disposal. That is now the pertinent issue when it comes to the Bill once it is brought to the House. The disposal is where now the controls would come in. The disposal would also mean that we would bring up the issues of recycling, so that the users of these plastic materials have ways and means of disposal, either by burning or by collecting them, so that they can be recycled for some other end product all together. I would wish the Mover of this Motion to also address other issues that we need to be clear about. When we talk about plastic materials, I stand to be corrected, the definition of terms should be very clear. Plastic should also include polythene bags, elastics and rubbers. Today, we even know of the second hand vehicles that are so many in Kenya today. The components of those vehicles, the bulk of it are plastic materials.

I think when it comes to the definition of the term, we should be clear, so that, at least, we do not have any ambiguity.

Madam Temporary Deputy Speaker, the proliferation of plastic cans in rural areas is a result of poverty. Therefore, we may address this issue of plastics, but we also have to address the use of plastics in reference to poverty. In rural areas women fetching water will use plastic cans. Take even estates in Nairobi, we keep so many plastic containers in the house. This is because of water shortage, and we must have a way of storing water. These are the issues that I am saying we must address as we address this issue of plastics.

If you go to hospitals, drugs that are in liquid form are given in plastic bottles. They are all taken to homes. Once children finish the medicine, the small plastic bottles litter all over the place. Besides being a health nuisance, they are also a danger even to the children. Children may even start putting water in the small bottles and consuming it. This can be very disastrous, because they could consume poisonous substances in the process.

Madam Temporary Deputy Speaker, if you go to butcheries in rural areas, they use the white polythene bags to carry meat to the consumers. All these issues should be considered. How do we have all those plastics--- I think plastics should mean polythene bags and all that. How do we have them disposed off? They are all over the place, in rural areas, urban centres and houses. How can we have them collected, so that their disposal can be controlled? I am sure that these are the issues this Bill will address.

Madam Temporary Deputy Speaker, we must also think of the other close substitutes that can be used for wrapping and packaging, especially of the consumable in houses. It should be something that is also not soluble, so that we do not have a lot of wastage. I think these are issues that the mover of the Motion will address.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Yes, the hon. Member at the far end! Please, say your name before you proceed!

Dr. Eseli: Thank you Madam, Temporary Deputy Speaker. My names are Dr. David Eseli Simiyu, Member for Kimilili Constituency.

Madam Temporary Deputy Speaker, as I stand to support the Motion I would like to commend two people; one of them is hon. C. Kilonzo for bringing this Motion, because we in Kenya are not very good at control, to the extent that we spit on our roads with no control, and also throw trash around with no control. If this Motion is passed, I would like to urge the Mover to move with haste and bring the Bill to the House.

The second person I would like to commend is the inventor of plastics. It is a marvellous material. It is very cheap, convenient and flexible to the extent that we have bottles, shoes, water

tanks, plastic wrappings and all sorts of materials made from plastics. I think plastics are virtually taking over our lives in this country. I am sure that if all of us looked in our pockets, we probably would find that we have something plastic. If you look at the front, there are plastic water bottles. I wonder how this House used to dispense water before plastic water bottles came on the scene.

However, I think we in the Third World have a problem, in the sense that when something marvellous like this one comes in and overwhelms us, we sort of just accept and embrace it without any control. I think we need to control it, because as I speak now, in the developing world, plastics are virtually causing a serious environmental disaster. I do not need to repeat what other hon. Members have said. The situation we face right now actually borders on a catastrophe. It is a good thing, but like all other good things, it needs to be controlled.

In my view, the spirit of the Motion is for the good of this country, whether there is a Public Health Act or not. It definitely shows that the Public Health Act has failed. If it had worked, we would not be having problems with plastics. We appreciate the importance of plastics, and the manufacturers should feel secure, since we do not want to take their livelihood away from them. We do not want to stop people from using plastics as such. We just want to control the disposal of this very marvellous material, which can also be very dangerous. Indeed, it has proved to be very dangerous.

I would support the idea of a legislation that would control the use of this material and the disposal of the same, so that we can start taking control of our country, and do not end up being controlled by things that appear to be out of our control. This is within our capacity. We manufacture it; in fact, I know many people in this country who not only use plastics, but also make a living out of either manufacturing them or dispensing the same. Being a medical doctor, I know that we use plastics to dispense drugs as somebody has mentioned. They are very convenient. I beg the hon. Member to take into consideration these very positive uses of plastics when he brings the Bill, so that we do not lose them, but exercise tight control over their use, and stop degrading our environment to the extent we have done so far.

With those few remarks, I beg to support.

The Member for Kitutu Masaba (Mr. Nyambati): Thank you Madam Temporary Deputy Speaker, for allowing me to catch your eye. My names are Walter Nyambati. I am the Member of Parliament for Kitutu Masaba Constituency in this Tenth Parliament.

I stand to support this Motion, because, I think, it is very important. However, before I contribute I would like to draw the attention of the House to the fact that this is my maiden Speech. You, therefore, could allow me to make a few comments.

Madam Temporary Deputy Speaker, first of all, I want to take this opportunity to thank the good people of Kitutu Masaba for having elected me to this Tenth Parliament. I am extremely grateful to them. I also want to thank God for allowing us to be elected to this House. I congratulate all hon. Members and say that I think that the Tenth Parliament is composed of a group of very intelligent people that this country has ever had. I hope that the Tenth Parliament will do great service to this country.

For starters, I would like to urge the Grand Coalition Government that was formed to take into account the fact that it is accountable to the people of this country and it must give proper service. The Cabinet of 40 Ministers and more than 40 Assistant Ministers that is in place, has a duty to give service to this country. It must deliver service to this country. Taxpayers must get value for what they pay. I urge the Government to go out of its way and do what it must do for the people of this country. I also want to support a suggestion in this House to form a grand coalition opposition to watch over the Government. I stand to be counted in support of the fact that we must keep watch or have a vigilant opposition that watches what the Government is doing on behalf of this country.

Madam Temporary Deputy Speaker, I think the first thing this Government must do is to ensure that our people who are refugees in our country are taken care of. It feels very sad to go out there and see how our people are suffering. That must be the first and foremost duty of this Government. They must ensure that our people have been resettled. They must ensure that our people are assisted to return and live where they were living. They must ensure that our people have shelter. It is a pity that during all this time, we have been bickering around while our people have been suffering very much. It is the duty of this Government to ensure that, that is done.

I would also like to see the Tenth Parliament ensure that we have a new Constitution in place and that Kenyans do not continue to suffer the way they have been suffering due to a Constitution that does not take care of their affairs. That is a challenge to the Tenth Parliament. We will go down in history that we did great service to this country by producing an acceptable Constitution.

Madam Temporary Deputy Speaker, our youth must be taken care of. There are so many young people in this country, qualified in different ways, yet they are not utilised. Many graduates are not utilised. Where I come from; Gusii land, there are many youths who have completed their education in teacher training colleges almost 15 years ago but have not been employed. They are languishing and are left doing nothing. The Government must take care of its people. A country like Japan has no natural resources. The biggest resource it has is its human resource. They take care of their youth. We must, as a country take care of our youth. It is important that we do not leave our youth to go out and commit crime. We must make sure that we take care of them and ensure that they access equal opportunities.

The problem with this country is that our young people are not given equal opportunities. People are employed depending on where they come from or according to who they know. We should stop that now. We must ensure that we make our young people be proud of this country by doing justice to them and ensuring that they get what they deserve. We must instil in them the sense of nationalism, that they can be what they want to be and that justice can be obtained in this country.

Madam Temporary Deputy Speaker, I would like to support this Motion because it is important. Plastics have become a menace in this country. If you visit the rural areas and other parts of the country, you will find plastics littered all over, and especially plastic pieces of paper. In the rural areas and other parts of the country, a lot of livestock have died out of eating plastic pieces of paper. Therefore, the Government has to do something about it. We are not suggesting that we do away with the plastics. However, we are saying that we must regulate them. We must make sure that even the plastic containers we use are of good standard because it is in them that we store water, medicine and other things.

This Motion is extremely important and I want to congratulate the Mover for bringing it to the Floor of this House. Plastics are important but we must regulate their use. We must make sure that the processing is done well and that those who produce them are accountable for the production.

I beg to support.

Ms. Shabesh: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion. I am truly grateful that this Motion has been brought to this House by a youthful Member of Parliament. The reason for saying this is because in Nairobi, the issue of plastics has become one of job creation to the young people of this country. Where I come from, Kasarani, young people have used garbage collection as a way of creating employment for themselves.

I support this Motion. However, I will be begging the Mover of this Motion to ensure that young people are made part and parcel of the recycling process of plastic paper. Why do I say this? This is because we could solve a problem and create another. We already have a big problem of

unemployment and we do not want to create unemployment again by giving big companies the opportunity to build big factories to do the recycling. That will be creating employment where there was already some employment. I have said that passionately, because I hear hon. Members talking about "flying toilets" in the slum areas. "Flying toilets" are really the toilets for the people living in the slum areas. The moment we will have dealt with this issue, we will be creating another problem of toilets in the slum areas. Therefore, if we do not involve the local authorities in the implementation of this Bill, in terms of creating facilities for the people who live in the slums, we will create another problem.

I would like to tell the Mover of this Motion that there must be intensive consultation among those who will draft the Bill, the Ministry of Local Government and among the city and municipal councils of areas where we have slums especially in urban areas. The people in these areas use plastic paper as a toilet facility. Therefore, we cannot rush to put any kind of measures against the use of plastics when we have not solved the problem which is critical and which has forced them to be creative in using plastic paper as a means of sanitation.

Madam Temporary Deputy Speaker, the *Jua Kali* Sector falls under the Kenya Private Sector Association (KEPSA). Many *jua kali* artisans use plastic as a means of packing their product. Really, this is where they make their money from. Again, I would like to ask the Mover of this Motion to consult the *Jua Kali* Sector on the real effects of this Bill to the livelihoods of those who are in the sector. We should ensure that we do not create a problem for the woman who sells *sukuma wiki* and packs it in plastic bags to have to sell it at double the cost because of the cost of plastic. The other day when they tried to introduce tax on plastic bags, even the price of bread doubled in its price.

As I support this Motion, I want to emphasise the fact that there must be extensive consultations, so that we do not solve one problem and create another, especially for the young people of this country.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, the time for this debate has ended. I would like now to invite the Government responder; the Leader of Government Business.

(Mr. Musyoka hesitated to rise)

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I was hesitating because you were still on your feet and I am supposed to freeze or sit down. Now that you are comfortably seated, I want, on behalf of the Minister for Environment and Mineral Resources, to give a very brief response.

I have spoken to the Minister, Mr. Michuki, who is still settling in his office, but fortunately for him, I am the one who established his office at the National Hospital Insurance Fund (NHIF) Building. When I was the Minister for Environment and Natural Resources, I dealt with this matter of the menace this country is suffering as a result of the proliferation of not just the plants themselves, but the sheer menace of plastics in our economy.

Madam Temporary Deputy Speaker, I want to congratulate the Member for Yatta for being so foresighted and for having introduced this Motion at this time, which seeks to establish a Plastic Control Bill. We notice that he does not intend to do away with the plastic industry. Clearly, if he talked to the Maasai herdsmen and all the pastoralists on the amount of loss they have suffered as a result of the death of their cattle; their only source of livelihood, and then we can begin to see how serious this problem is.

In Rwanda, where I was privileged to visit in February this year, as you land in Kigali, you

are not supposed to be in possession of anything plastic. It has to be left at the airport. The country gave a blanket banning of all manner of plastics. When moving the Motion, Mr. C. Kilonzo said that we are talking about 110 to 115 plastic plants, generating very handsome figures in terms of employment levels, and yet we know the biggest challenge we are faced with as a country is lack of employment opportunities for our youth. Clearly, we would not want to off-load these people again into the streets. Therefore, the need to regulate this industry cannot be gain-said.

Madam Temporary Deputy Speaker, at that time, we worked very closely with the Kenya Association of Manufacturers (KAM). They even recommended that within one year, they were going to improve the length or the width of all manner of plastics. But as has been shown by Mr. C. Kilonzo, they were not able to deliver in time. So, that procrastination would be dealt with under the proposed Plastic Control Bill.

Therefore, once again I want to congratulate hon. C. Kilonzo for bringing this matter before this House. I think he has started very well. As Ms. Shabesh was saying, Mr. C. Kilonzo may not be that young, but I think he is very experienced now. For him to have come up with this Motion at this particular time, certainly indicates that he is a very serious legislator. We will support him in this particular Bill and, indeed, in his works as one of the most agile legislators during this Tenth Parliament.

Madam Temporary Deputy Speaker, in conclusion, I want to commend the people who took the challenge like the Nakumatt Group of Companies, who came up with bio-degradable materials, so that when you do your shopping, immediately you drop the material, it naturally disappears. We have also to realise that although it was reported that Kenya lost its claim on the *Kiondo* as a registered trade mark, we have to encourage our people to go shopping with *kiondos*. This will also involve our rural folks to get into this wonderful art of the Kenyan woman. They should do their *kiondos* and perhaps go to higher levels of production. We should encourage our people to go shopping using traditional bags like our *kiondo*.

I also agree with Mr. C. Kilonzo when he says that we need to separate some of these plastic materials at source. Clearly, he has done his research. As I said, Mr. Michuki only wishes the House to know that the Ministry is currently working on a set of regulations to be able to control this industry. His only concern is that Mr. C. Kilonzo is proposing to come up with a sledge hammer as opposed to perhaps using the regulations. This problem is visible enough. It is a menace in this country and we need to deal with it once and for all. Once we come up with this proposed Bill, the regulations contained therein will also be the type of regulations the Minister for Environment and Mineral Resources is thinking about. I can see some common ground, where they will all have to agree at some stage on the way forward.

Therefore, we wholeheartedly, as a Government, support this Bill.

The Temporary Deputy Speaker (Prof. Kamar): I now call upon the Mover, Mr. C. Kilonzo to respond.

Mr. C. Kilonzo: Thank you, Madam Temporary Deputy Speaker. I want to thank all those who have contributed to the Motion. I also want to make a few remarks.

It is true that plastic is cheap. It is a wonderful material. However, it has its own problems. It is an evil we cannot do without. The best thing for us to do, unlike in some countries where they have banned the use of plastic, is to come up with legislation which will best suit the country rather than punish the people.

Madam Temporary Deputy Speaker, Mr. Mungatana mentioned the need to create bodies to deal with the management of plastic. It is one thing to come up with a legislation and another thing to enforce that legislation. The Public Health Act is a very good Act, but when it comes to its enforcement, it is not of any use as was intended. We intend to ensure that there are corporate bodies to deal with the management of waste in addition to having a legislation to deal with the

problem. As Prof. Olweny said, it is true that one of the biggest problems we have in this City is the issue of blocked drainage. If we have proper disposal and management of plastics, this would be a problem of the past. This Bill intends to ensure that, that is achieved.

Dr. Mwiria and Ms. Shabesh have said that we need to bring all the players together. We intend to talk to the Kenya Bureau of Standards, the Kenya Association of Manufacturers, NEMA, the consumers, the *Jua Kali* Sector, the Ministry of Environment and Mineral Resources and the local authorities to ensure that all the players are involved in the drafting of the Bill. The good thing is that already, these organisations have been meeting on their own to discuss and see the way forward.

Madam Temporary Deputy Speaker, I understand Mr. Chachu's disappointment with plastics. As I said earlier, this is an evil that we have to live with. So, rather than banning the use of plastic, we need to come up with legislation to ensure that there is proper management of plastic waste. This country has come up with Acts of Parliament which other countries have come to study. A good example is the Constituencies Development Fund (CDF). In the Ninth Parliament, we had over ten countries coming to Kenya, specifically to study that Act. Countries like Tanzania and Sudan have copied it. We intend to make sure that we come up with proper legislation.

Finally, Madam Temporary Deputy Speaker, let me thank the Leader of Government Business, the Vice-President and Minister for Home Affairs for having been in the Ministry of Environment. We will still rely on the support from the Government side when it comes to the Bill.

With those few remarks, I beg to move.

(Applause)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, we have concluded the business as it appears on the Order Paper this morning. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 11.05 a.m.