

**PARLIAMENT OF KENYA**  
**THE NATIONAL ASSEMBLY**

**THE HANSARD**

**Tuesday, 22<sup>nd</sup> February 2022**

The House met at 2.30 p.m.

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

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

**DEMISE OF FORMER MEMBERS OF PARLIAMENT**

**Hon. Speaker:** Hon. Members, I have learnt with profound shock about the passing on of a former colleague and Member for Kuria Constituency, the late Hon. (Ambassador) (Dr.) Wilfred Machage. He was a Member of Parliament for Kuria Constituency during the 9<sup>th</sup> and 10<sup>th</sup> Parliaments. He also served in several Government ministries. He further served as a Senator in the 11<sup>th</sup> Parliament. He was at one time appointed as Cabinet Minister for East African Community Affairs. He was a businessman with interest in different sectors globally. He was appointed as an ambassador on 27<sup>th</sup> January 2018. He served as the Kenyan High Commissioner to Nigeria where he was also accredited to 12 other countries in Central and West Africa. He died in Abuja on 19<sup>th</sup> February after a short illness.

On behalf of all Members, staff of the National Assembly and indeed on my behalf, I convey heartfelt condolences to the family of the late Hon. (Ambassador) (Dr.) Wilfred Machage, all his relatives, friends, the Kuria community and Migori County at this difficult time of grief.

*(Hon. Speaker consulted the Clerks-at-the Table)*

Hon. Members, I have been informed that earlier in the week, we also lost a former colleague who served with us in the National Assembly in the 9<sup>th</sup> Parliament, the late Hon. John Bomet Serut, former Member of Mt. Elgon Constituency. In honour of our departed former colleagues— the late Hon. (Ambassador) (Dr.) Wilfred Machage and the late Hon. John Serut— I request that we all stand to observe a moment of silence.

*(Members observed a moment of silence)*

May their souls rest in eternal peace. I will allow a few comments and messages of condolences. I will go by the intervention button. Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Speaker for giving me an opportunity to mourn my former Senator in Migori County and Member of

Parliament in Kuria Constituency, Hon. (Dr.) Wilfred Machage. I come from the Kuria Community in Migori County.

Senator Machage was my Member of Parliament before Kuria Constituency became Kuria East and Kuria West constituencies. He comes from the Kuria West region. I remember when we got into elective politics of Migori County, he became the first Senator of Migori County. I became the first woman representative. That is how we planned for the county for purposes of inclusivity. He sat in this House. I was not here at that time. He talked about the Kuria Community which has been marginalised for a long time in the entire Migori County and Nyanza region. He stood in this House and even in the Senate to talk about the welfare of the Kuria Community where I come from. That is what I still do in this House.

I remember the last time I met Senator Machage, I was with you in Abuja, Nigeria. He ably hosted us, the delegation of the Commonwealth Parliamentary Association (CPA) in Abuja. I did not know that it was the last time I would see him before he left this world. On my behalf and the Kuria Community...

**Hon. Speaker:** Member for Kamukunji.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I join others in condoling the family of our late brother and Senator, Dr. Wilfred Machage. We go a long way as friends. I was his schoolmate in Tarang'anya Secondary School. I also grew up in Kuria and I am considered one of the honorary sons of Kuria. Therefore, we have lost a great man and leader. I also had the privilege and honour of serving with him in the 10<sup>th</sup> Parliament and also constantly interacted with him when he came back as the Senator for Migori.

I would say that he was a very wonderful person and a great diplomat. He was also the first Kuria to be appointed to the Cabinet which was a great pride for the community. He served them with dedication and energy. He was also a very fearless political figure who spoke his mind and he never got tired of speaking for the people of Kuria. I send my condolences to the family, his friends as well as the larger Kuria Community. May his soul rest in peace. I thank you, Hon. Speaker.

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

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, allow me to send my message of condolence on behalf of my family and the people of Endebess Constituency to the family of the late Hon. Wilfred Machage and also the late Hon. John Serut. Allow me to also add that this morning, in Trans Nzoia, we lost one of our great sons, Dr. Nathaniel Tum, who was the Managing Director of Kenya Seed Company for a long time. The family is also mourning.

I served in Parliament with Hon. John Serut, Member for Mount Elgon. He was a great guy. He had very firm beliefs and he served his people of Mount Elgon with diligence and commitment. The people of Mount Elgon have lost a great son. I was in the Departmental Committee on Health in the National Assembly while Hon. Machage was the chairman of the health committee in the Senate. We managed to interact on several occasions especially when it came to the mediation of the Health Bill. We sat together as members of the National Assembly and him being the leader of the team from the Senate. He was a great doctor and somebody who was willing to give ground to reason. Having been appointed as our ambassador to Nigeria, this country has lost a very great person. May their souls rest in eternal peace. Thank you.

**Hon. Speaker:** Member for Tongaren.

**Hon. (Dr.) Eseli Simiyu** (Tongaren, FORD-K): Thank you, Hon. Speaker. I also wish to add my voice on behalf of the people of Tongaren to pass my condolences to the family of the late Dr. Wilfred Machage who was not just a professional colleague but an astute politician. I happen

to have interacted with him in the 10<sup>th</sup> Parliament where his great sense of humour actually came through very well. He was a wonderful person and represented his people fearlessly. He did not fear to say the truth when it was necessary. At one point he had been appointed a minister and then when the grand coalition came in, he had to take a lower post of assistant minister but he accepted it graciously and continued to serve. That was such a man as Wilfred Machage. I would like to pass my message of condolences to his twin brother who is surviving him. They were actually identical twins.

I wish to also pass my condolences to the people of Mount Elgon and the family of Hon. John Serut who was with us in the last Parliament. He did not fear to turn combative on behalf of his people of Mount Elgon. He was a good politician and knew what he wanted and went for it. I wish to pass my condolences and wish them well. Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Tharaka.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. Allow me to also pass my deepest sympathies and condolences to the people of Kuria and Mount Elgon on my own behalf and on behalf of the people of Tharaka. I may not have been in this House with the three Members of Parliament who have just departed but I am quite aware of exactly who these gentlemen were, especially Dr. Wilfred Machage. When I got registered into the Democratic Party, he was actually present and he gave me some induction on party politics and especially that of his party. Interestingly, I also knew his twin brother who looked exactly like. He rendered exemplary service to the people of Kuria and this is a big loss not just to that constituency and to the county of Migori but also to the entire country.

Hon. John Serut was a very brave man. I used to read this in the newspapers. When the interests of his people were at stake; possibly being attacked by others he would become combative so that he would defend them, whichever way he felt it was necessary to defend his people. Nathaniel Tum of the Kenya Seed Company was also known to me in various quarters. I met him in different sectors. Again he served the country so well when he was in the board and also when he was a Member of Parliament. To all the citizens of those constituencies and the country, we say *pole* to them.

**Hon. Speaker:** Member for Kiminini.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. On behalf of the great people of Kiminini and Trans Nzoia County at large, I send a message of condolences to the family of the departed colleague, Hon. Wilfred Machage. We served together in the last Parliament when he was the Senator of Migori. He was in the Senate and I was in the National Assembly.

I also send condolences to the family of Hon. John Serut who was a Member of Parliament for Mount Elgon which neighbours my constituency and also Dr. Nathaniel Tum, the former MD of Kenya Seed Company, who passed on. The three departed souls had so much in common. They were very humble and diplomatic in whatever they did. It is my prayer to the Almighty God to give the family strength and comfort at this particular time.

Lastly, I would like to also send a message of condolence to the family of Dr. Robert Simiyu who was an aspiring Member of Parliament for Endebess. He also passed on. He was a member of FORD-K. I pray for the family that the Almighty God gives them strength and comfort at this difficult time. May their souls rest in peace. I thank you.

**Hon. Speaker:** Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. This is a sad week for us Members of Parliament having lost our two former colleagues. On my own behalf,

on behalf of my family and the 6.5 million Kenyans with disability whom I represent in this House, may I send my sincere condolences to the families of Dr. Wilfred Gisuka Machage and John Serut and also the people of Mt. Elgon and Migori. I interacted with Hon. John Serut when he was a Member of the Departmental Committee on Labour and Social Welfare of this House and I was the chairman of the National Council for Persons with Disability. We interacted closely with him.

As people from the minority side, we have lost two soldiers because Hon. Wilfred Gisuka Machage comes from the Kuria, which is a minority tribe. Hon. John Serut also comes from Mt. Elgon. He comes from the well-known Mt. Elgon Maasai, the Sabaot. So we have lost those who were fighting for us, who are also from the minority tribes, to get space. May their souls rest in eternal peace.

**Hon. Speaker:** Member for Emuhaya.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker, for this opportunity. On behalf of the people of Emuhaya and on my own behalf, I send condolences to the two families, more so of Sen. Machage, the MP for Kuria. The two were synonymous with their communities. When you mention Hon. Serut you would think of Mt. Elgon and when you mention Dr. Machage, you would think of Kuria. Both of them stood out to highlight the rights, freedoms and possibly a place for their communities within the public, public service and Government in general. Indeed, each time you saw Sen. Machage, you saw Kuria and he made the whole country know who the Kuria were. He fought for his people. He was a great guy.

At the same time, when you mentioned Hon. Serut, you would see Mt. Elgon and you would be talking about the plight of the people of Mt. Elgon and the rights that they otherwise needed to be given. These were two great heroes and on behalf of myself and the people of Emuhaya, I send my condolences.

Thank you, Hon. Speaker.

**Hon. Speaker:** Deputy Speaker.

**Hon. Moses Cheboi** (Kuresoi North, JP): Hon. Speaker, on behalf of my own constituency, the Constituency of Kuresoi North, and my family, I take this opportunity to pen my words of condolences to these two great gentlemen, whom I consider my political age mates. These are two Members we came to Parliament with in 2002. We served together. Hon. Machage remained when some of us lost in 2007. I lost in those elections with Hon. Serut. We then made a comeback. When I came back, Hon. Machage had won a seat to become the Senator for Migori. These are people I consider my personal friends.

Hon. Speaker, you would remember, Hon. Serut is one of the very few people who share an abbreviation of names with you. We used to refer to Hon. John Serut as JB. You have the franchise of that title. These are two colleagues who worked very hard for their communities. They were very good politicians. Hon. John Serut went and came back to this Parliament as an independent Member. Hon. Machage lasted for a while, three terms, two as the Member of the National Assembly and once as a Senator. These are politicians who grew up in politics. Hon. Serut came through the opposition, at one point he became an Assistant Minister. These are people who have served both in Government and in the opposition. They served in the Government side and in backbench. They were very experienced politicians.

Lastly, we need to start thinking of how Members of Parliament can be well taken care of after retirement particularly on the issue of insurance and those kinds of things. Sometimes they get into very serious trouble with health when they are out of this House. Some of them do not have very good insurance covers. These are things we should consider because these are people

who have contributed immensely to this Republic. I sincerely pass my condolences to their families and their communities.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, indeed, it is an issue that the Commission is addressing. We are just about to conclude something which will address that area of former Members. The Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. On behalf of my family, the people of Kipipiri and indeed all the other colleagues that we served with, I would like to send my sincere condolences to the late *Balozi* Machage and the late Hon. John Serut with whom I had the honour of joining this Parliament with, in 2003. I served with Hon. Machage for two terms and with the late Hon. Serut for one term. I ended up serving with them in Government when the two of them were Assistant Ministers and for a limited period when Dr. Machage was a Minister.

You will recall even a couple of months ago when we went for the CPA meeting in Abuja, the late Hon. Machage hosted us. First of all, hosting us in the wider meeting and then hosting us in his house. It was a great evening that we spent. He was an excellent friend and a great host. He talked of what he had been achieving in terms of bilateral relations between Kenya and Nigeria, where he moved and the great plans he had even moving from Abuja to Lagos. You could see a great statesman, a patriot who loved his country. He had said that he does not want to get into politics, he was now happier serving the country in that capacity. So, it was really saddening to see the news flash that he had passed on after the recent memories of that great evening we had together.

The great Serut is also somebody I knew very well. We served together when he was in the Ministry of Lands and I was in Cabinet. We can only wish that the Lord rests their souls in eternal peace and their people both at the constituency level as well as their families find peace to overcome these difficult times. I do hope, as you did mention, the plans will mature for the Commission to do what needs to be done for the former Members who have served this country with distinction. The populace has decided to move it a certain direction but the great works they did have not been erased from history books. This House passed a Motion where we will be recording all the great contributions of all these people. I do hope, as we record the history, we will be able to immortalise some of the people who have left us, through the works that have been undertaken within the 115 years of the Kenyan Parliament.

May their souls rest in eternal peace.

**Hon. Speaker:** Member for Kabuchai.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Thank you very much, Hon. Speaker. On behalf of the people of Kabuchai and on behalf of my own family, I pass my condolences for the loss of the person I know most, Hon. John Serut whose constituency borders Kabuchai Constituency. We share a lot with the people of Mt. Elgon and I stand with them in these somber times. I know Hon. Serut meant well for the people of Mt. Elgon, he stood with them all through. One time we were sharing a light joke when he was alive, that he was named an Assistant Minister by mistake for one hour by the then President Hon. Mwai Kibaki. We were laughing. It was corrected later on. That is the person we have lost. I stand with the people of Mt. Elgon. As the people of Kabuchai, we wish and pray for the family.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Navakholo.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. On behalf of the people of Navakholo, allow me to pass my sincere condolences to the families and friends of the late Dr. Machage and the late Hon. John Serut.

I had the privilege of serving with Dr. Machage as a Senator and I, as the Member of Parliament. I served together with Hon. Serut in the 11<sup>th</sup> Parliament in this House. Hon. Serut has had a journey of illness which has taken sometime. I wish to walk in the footsteps of the Leader of the Majority Party. When illness catches up with you upon retirement or exit of politics, it is painful especially when it leads to depletion of your resources. It is not our norm that we contribute something small in aid of our former colleagues. But on this aspect and the times being very tight, it will be in order that we have a support desk, through the Office of the Clerk, so that we can support our colleagues who have suffered illness.

With that, I wish to pass my sincere condolences and pray that the family will persevere during this difficult moment.

**Hon. Speaker:** Member for Kuria West.

**Hon. Mathias Robi** (Kuria West, JP): Ahsante Mhe. Spika kwa kunipa nafasi hii. Natoa rambirambi zangu, za familia yangu na za watu wa Kuria West kwa jumla, kwa familia, sana sana kwa mjane wa Mhe. Machage. Tunaelewa kuwa Mhe. Machage alikuwa na nduguye pacha ambaye walipendana sana na hata kuenda shule pamoja. Pia tunasema pole kwa nduguye ambaye amebaki.

Mhe. Machage alihudumia watu wa Kuria awamu mbili kama Mbunge na pia katika Bunge la Seneti kama Seneta wa Kaunti ya Migori. Tunajua kuwa Mhe. Machage amesimama na taifa hili la Kenya. Wakati wa kugunduliwa kwa Katiba Mpya, alisimama na kututetea sisi Wakuria tupate Kaunti yetu, jambo ambalo halikufaulu. Tuliendelea kusesitiza hili mpaka alipokuwa Balozi wa Kenya kule Nigeria kabla ya kifo chake. Ilikuwa ni mshtuko sana kwa kuwa Mhe. Machage alituacha kwa ghafla siku ya Jumamosi. Tunamwomba Mwenyezi Mungu aiweke roho yake mahali pema peponi.

Ahsante, Mhe. Spika.

**Hon. Speaker:** Member for Mumias East.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker, for giving me this opportunity. On behalf of the people of Mumias East and my family, I want to register my condolences to the two families; one to the family of Hon. (Dr.) Wilfred Machage and Hon. John Serut's family, for their losses.

Hon. Speaker, I served with Amb. Machage in the 10<sup>th</sup> Parliament. He used to grow a big-white beard that made him look abrasive but he was a very gentle person to talk to. No wonder he got elected three terms in a row.

I served with Hon. John Serut in the Committee on Agriculture between 2013 and 2017. He was a good person to work with. He had quite a bit of contributions to make as well. As the people from Western Region, we are going to miss him.

On behalf of the family... I do not know whether Members are aware that we have an association for spouses of Members of Parliament. Hon. John Serut's wife is an official in that association and that is how I have been learning about his ailment. He has ailed for quite some time and his wife would brief my wife all the time about what was going on.

Hon. Speaker, I will end there and pray to God to rest the souls of our two brothers in eternal peace.

**Hon. Speaker:** Finally, the Member for Nyando.

**Hon. Jared Okelo** (Nyando, ODM): Thank you very much. On behalf of Nyando Constituency, I also join the 47 counties to immortalise these two deaths. Personally, I did not get to interact a lot with both of them. But I remember Hon. (Dr.) Machage's eloquence both in English and Kiswahili. He did a splendid job for the people of this country and the people of Kuria.

Hon. Speaker, I remember one time when President Kibaki was in Kisumu to officially launch the drive for a new constitutional order, I happened to be at the airport with the fifth President of the Republic of Kenya, Hon. Raila Odinga. Hon. (Dr.) Machage appeared and held hands with *Baba*. When President Kibaki landed, they moved to the VIP lounge and spoke for five minutes. Few days later, Hon. (Dr.) Machage was appointed a cabinet minister. That is a testament that he knew how to negotiate for his things and the things that belonged to his people.

Hon. Speaker, one would wonder how he managed to remain relevant from being a two-term Member of Parliament to a Senator, and ultimately to an ambassador. Many times, when people leave these House, they become so corroded and irrelevant that they cannot even address an infant's funeral. But here is someone who knew how to play his game so well that he remained relevant all through. May God bless his family and give them the fortitude that they need to bear the loss. May God rest his soul in peace.

**Hon. Speaker:** Indeed. Next Order.

### PAPERS LAID

Leader of Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House.

The Quarterly Report and Budgetary Review Report for the First Half of the Financial Year 2021/2022 from the National Treasury.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2021 and the certificates therein:

- (a) The State Department for University Education and Research;
- (b) The Treasury Main Clearance Fund;
- (c) Petroleum Development Levy Fund holding account, National Treasury;
- (d) The Public Trustee of Kenya;
- (e) The Commission of Administrative Justice;
- (f) Commission on Revenue Allocation Staff Car Loan Scheme;
- (g) Commission on Revenue Allocation Staff Mortgage Scheme Fund
- (h) Statement of Outstanding Obligations Guaranteed by the Government of Kenya for the National Treasury;
- (i) Treasury Main Clearance Fund.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2020 and the certificates therein:

- (a) The Kenya Copyright Board;
- (b) The National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) Staff Mortgage and Car Loan Scheme Fund;
- (c) Tom Mboya University College;
- (d) University of Embu; and
- (e) The Kenya National Innovation Agency.

Reports of the Auditor-General and Financial Statements in respect to the following institutions for the year ended 30<sup>th</sup> June 2019 and the certificates therein:

- (a) Kipsinende Technical and Vocational College;
- (b) Muranga Technical Training Institute;
- (c) Koshin Technial Training Institute;
- (d) Moiben Technical and Vocational College;
- (e) Kipkabus Technical and Vocational College;
- (f) Aldai Technical Training Institute;
- (g) Nkabune Technical Training Institute;
- (h) Olesos Technical Training Institute;
- (i) Ahmed Shahame Mwidani Technical Training Institute;
- (j) Taveta Technical and Vocational College;
- (k) Ewaso Ng'iro North River Basin Development Authority;
- (l) The Nairobi City Water and Sewage Company Limited; and
- (m) Sunset Hotel Limited.

Reports of the Auditor-General and Financial Statements in respect to the following constituencies for the year ended 30<sup>th</sup> June 2020 and the certificates therein:

- (a) Ol Kalou;
- (b) Boma Choge Borabu;
- (c) Igembe South;
- (d) Matuga;
- (e) Suba North;
- (f) Suna East;
- (g) Nyaribari Chache;
- (h) Karachuonyo;
- (i) West Mugirango;
- (j) Gatundu;
- (k) Tinderet; and
- (l) Voi.

Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2019 and the certificates therein:

- (a) Emurua Dikirr;
- (b) Gilgil;
- (c) Kisumu East;
- (d) Vihiga;
- (e) Alego-Usonga;
- (f) Nandi Hills;
- (g) Turkana Central;
- (h) Chesumei; and
- (i) Loima.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Finance and National Planning, Hon. Waihenya.

**Hon. Isaac Ndirangu** (Roysambu, JP): Thank you, Hon. Speaker.

On behalf of the Departmental Committee on Finance and National Planning, I beg to lay the following Paper:

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A Report of the Departmental Committee on Finance and National Planning on its consideration of the Public Debt Management Bill (National Assembly Bill No. 36 of 2020).

**Hon. Speaker:** Hon. Members, just to note, debate on that Bill commenced last week. This is a Bill promoted by Hon. Sakwa Bunyasi. The debate has a balance of two hours and thirty minutes. Any Member who may be desirous of looking through the Report of the Committee on the Bill, for purposes of more information regarding the Bill, may do so now that the Report has been tabled. There is ample time. Debate on that Bill is prioritised tomorrow Morning.

Next Order.

## NOTICES OF MOTIONS

### REPORT ON IMPLEMENTATION STATUS OF COMMITTEE RECOMMENDATION ON EVICTION OF WORKERS OF LATE MAYER JACOB SAMUELS FROM LAND IN ROYSAMBU

**Hon. Speaker:** Chairman of the Committee on Implementation, Hon. ole Kenta.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the implementation status of the Report of the Departmental Committee on Lands in its consideration of a Petition of former workers of the late Mayer Jacob Samuels regarding the invasion and eviction of the workers from their land in Roysambu Constituency by the Kenya Defence Forces, laid on the Table of the House on Wednesday, 22<sup>nd</sup> December 2021.

### REPORT ON IMPLEMENTATION STATUS OF COMMITTEE RESOLUTION ON IRREGULAR RENEWAL OF LEASES BY DEL MONTE KENYA LIMITED

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Speaker, I also beg to give notice the following Motion:

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the implementation status of the Report of the Departmental Committee on Lands on a Petition on irregular renewal of leases of land by the Del Monte Kenya Limited, laid on the Table of the House on Wednesday, 22<sup>nd</sup> December 2021.

**Hon. Speaker:** Member of Nakuru Town East, what is your point of order?

## POINT OF ORDER

### DELAYED IMPLEMENTATION OF A COMMITTEE RESOLUTION ON LAND TAKEN BY THE NAKURU INDUSTRIES LIMITED

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Speaker. I appreciate what the Chairman of the Committee on Implementation, my brother *Mhe.* ole Kenta, has presented. But, at the same time, last year I brought a Petition regarding some eight parcels of land which were taken by the Nakuru Industries Limited. The Report by the Departmental Committee on Lands was concluded. It has now taken over 60 days and we have not received a Report by the

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Committee on Implementation. The Departmental Committee on Lands proposed that the land should go back to the public. That has not been implemented, to date. Instead, a few people were taken to court for trespass by the same Nakuru Industries Limited. We have tried to look for the Report to see whether it was tabled but we have not seen it.

**Hon. Speaker:** Hon. ole Kenta, maybe you have a reaction.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Speaker. It is actually normal practice that we follow up on implementation after 60 days. I think this is one of the matters over which we have written to the specific ministry or State Department to handle and give us feedback. I undertake to follow up and give the House a response next week. I request the Member to give me details of the Report for ease of reference.

**Hon. Speaker:** So, Hon. Gikaria, it is good to discuss with Hon. ole Kenta so that you give him the details as he requests.

Next Order.

### ORDINARY QUESTIONS

**Hon. Speaker:** The first Question is by the Member for Kwale County who has written to request that the Question be deferred to next week. The request has been acceded to.

*Question No.043/2022*

PAYMENT OF PENSION TO BENEFICIARIES OF  
THE LATE MR. CHAPO ZUMA MBUZI

*(Question deferred)*

So, move to the next Question by the Member for Magarini, Hon. Michael Kingi Thoya.

*Question No. 045/2022*

STATUS REPORT REGARDING UPGRADING OF  
ROADS IN MAGARINI CONSTITUENCY

**Hon. Michael Kingi** (Magarini, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary provide a status report regarding upgrading of roads in Magarini Constituency to bitumen standards?
- (ii) What measures has the ministry put in place to expeditiously complete the ongoing construction of the Majengo-Baricho Road?

**Hon. Speaker:** That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Gem, Hon. Elisha Odhiambo.

*Question No. 046/2022*

DELAYED GAZETTEMENT OF APPOINTEES TO THE  
COMPETITION AUTHORITY OF KENYA BOARD

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for the National Treasury and Planning the following Question:

- (i) Could the Cabinet Secretary explain why Ms. Lena Munuve, Mrs. Alome Kasera Achayo, Dr. David Wanyonyi Wanya and Mr. Abdi A. Mohamed, recent appointees to the Board of the Competition Authority of Kenya and also approved by the National Assembly on 10<sup>th</sup> November 2021, are yet to take up their positions at the board?
- (ii) Could the Cabinet Secretary explain why the administrative processes to complete their appointment, including gazettelement, have delayed?
- (iii) Could the Cabinet Secretary explain why such a key regulator has remained without a properly constituted board necessary for policy guidance and implementation for such a long period?

**Hon. Speaker:** That Question will be replied to before the Departmental Committee on Finance and National Planning. The next segment is Statements. There is a request for a Statement by the Member for North Imenti.

### REQUEST FOR STATEMENT

#### STATUS REPORT ON RENOVATION OF KINORU STADIUM

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Speaker, this is a request for Statement regarding delayed construction of buildings that were demolished within the Meru divisional headquarters to create space for the extension of Kinoru Stadium.

Pursuant to Standing Order No. 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Sports, Culture and Tourism regarding delayed construction of buildings within the Meru divisional headquarters, that were demolished to create space for the extension of Kinoru Stadium in North Imenti Constituency. The State Department of Sports, in conjunction with Sports Kenya, has been undertaking the refurbishment of Kinoru Stadium. The refurbishment was first commissioned in the year 2014 with a view to ensuring that the stadium meets international standards. The renovated stadium will come with immense economic and social benefits for the people of Meru County.

Prior to commencement of the refurbishment of the said stadium, a site visit revealed that the following buildings within the divisional headquarters needed to be demolished to create space for the extension: the Assistant County Commissioner's municipality office block, Tima chief's office, Administration Police Officers' houses, a canteen, a public toilet and a VIP toilet. Sports Kenya, therefore, committed itself to reconstruct the buildings that were earmarked for demolition.

To this end, it was agreed among the key stakeholders that the following buildings would be constructed in place of the demolished ones:

- (i) Divisional headquarters that would cater for all national Government departmental heads, municipality headquarters and the chief's office;
- (ii) Accommodation houses for Administration Police Officers; and
- (iii) A community social hall.

Further, the Ministry of Works head office, which is undertaking renovation of the stadium, came up with a bill of quantities for construction of the said buildings at a cost of Kshs42 million. Refurbishment of the stadium is now complete and it is ready for commissioning by His Excellency the President. Regrettably, the said buildings have not been constructed from 2014 to date. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Sports, Culture and Tourism on the following:

- (i) Could the Cabinet Secretary provide a status report with regard to renovation of Kinoru Stadium?
- (ii) Could the Cabinet Secretary explain the delays in construction of buildings to replace those demolished to pave way for the extension of the stadium?
- (iii) Could the Cabinet Secretary provide timelines within which the said buildings will be constructed?
- (iv) Could the Cabinet Secretary provide the temporary measures that have been put in place to ensure that provision of public services continue without interruption?

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson of the Departmental Committee on Sports, Culture and Tourism. As you can see, Hon. Members, the Member for Mavoko is not here. The request will be channelled to the Committee through the Office of the Leader of the Majority Party.

Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much, Hon. Speaker. I rise to inquire about a request for Statement which I made in this House on 17<sup>th</sup> November 2021 regarding expansion of the Malindi International Airport. The request was directed to the Chairperson of the Departmental Committee on Transport, Public Works and Housing. One of the pertinent issues I raised is on the Malindi Airport land which was acquired from residents who have never been paid. This is something that is really painful to the people. The request has not been responded to. This House does not, in any way, act in vain. Whatever is discussed here is supposed to be reported on by the relevant committee so that the people we serve and represent know what is happening. That is the reason we are here.

Hon. Speaker, I would like to request for your indulgence so that the Statement is brought to the House as quickly as possible. The Chairperson should be duty-bound to do what is required of him as the Chairperson of the Committee.

I thank you.

**Hon. Speaker:** Well, I suspect the Chairperson is still the Chairperson of the Committee. When did you make the request?

**Hon. Owen Baya** (Kilifi North, ODM): On 17<sup>th</sup> November 2021.

**Hon. Speaker:** In all fairness, the Chairperson should present a report on that request by Wednesday next week, if he is not here today. Leader of the Majority Party, take up the matter.

Member for Nyando, do you also have another issue?

**Hon. Jared Okelo** (Nyando, ODM): Yes, Hon. Speaker. I thank you for giving me another chance. I reckon that the weekend was a beehive of activities for you. I want to congratulate you on becoming the party leader of the Democratic Party of Kenya. It is not a mean feat.

*(Applause)*

Just a while ago, we were immortalising our brother and former colleague, Dr. Machage. It is true Dr. Machage is a former chairperson of the Democratic Party of Kenya. Therefore, there is a good convergence of issues in that regard.

Hon. Speaker, as you assume the big role of leading a political party, I want to wish you well. I also acknowledge the contributions that have been made by political parties in strengthening our democracy. You are getting into bigger shoes where the expectation of Kenyans with regard to championing our democratic ideals is needed. We have heard about extrajudicial killings. We will need your voice, going forward. Multiparty democracy came at a big cost, including loss of lives. We are glad you are a veteran in this game and your voice will be needed as we move forward. All we can do as Kenyans is to wish you well in all the journeys you will undertake.

Finally, I challenge you to revive the former President Kibaki's party so that it gets back to where it was before. I also extend an olive branch to you to quickly move to the biggest political outfit in the country now called Azimio la Umoja, so that we can create an enabling environment for democracy, economic empowerment and all the goodies that will come with Raila's presidency.

I thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Nyando has introduced a dimension that was not on the table. I recognise Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Hon. Speaker, thank you for the opportunity. On 18<sup>th</sup> November 2021, I raised a Question directed to the Ministry of Public Service, Gender and Senior Citizens Affairs concerning a gender-based violence recovery centre known as Nguruna in Nyabasi East Ward in Kuria East Constituency of Migori County. I raised the Question with regard to the implementation status of that centre and the amount of money that had been spent. To date, I have not received any communication from the Ministry or from the Committee. I beg your indulgence to enable me to get answers to this Question for onward transmission to my people.

I thank you.

**Hon. Speaker:** That one falls under the Departmental Committee on Administration and National Security. Is Hon. Peter Mwathi here? This is the second week since Hon. Peter Mwathi became extremely rare in the House. I think all these requests should be channelled through the Office of the Leader of the Majority Party. He is the one who should know how to deal with these chairpersons. All of a sudden, most chairpersons are missing.

Member for Kamukunji, you also had something to raise?

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I have four items that had not been responded to. I raised a Question on the Kinyago-Kanuku title deed with the Departmental Committee on Lands and the Ministry of Lands and Physical Planning. I also requested for a Statement from the Cabinet Secretary for Interior and Coordination of National Government on the frequent fires at Gikomba Market. I also brought a Petition on naming of Karura Forest after the late Wangari Maathai, directed to the Chairperson of the Departmental Committee on Environment and Natural Resources.

Lastly, I had brought a Petition concerning the Ministry of Sports and National Heritage on the formation of the National Council for Kiswahili. None of these four Questions, Statements and Petitions have been responded to by the respective committees of the House.

**Hon. Speaker:** Well, I can see Hon. Sophia Abdi. Have you heard the one on Karura Forest? Do you want to say something?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Speaker, I have heard about the Petition by Hon. Yusuf Hassan. If I remember, we have addressed it and in a week's time, we will bring a report to the House. Thank you.

**Hon. Speaker:** That is an active chairperson and she is always in the House. As for the others directed to your neighbour - the Member for Mavoko - as you can see, his seat is empty. The other two are to be responded to by Hon. Peter Mwathi. The Leader of the Majority Party will take up on all those matters.

*(An Hon. Member spoke off-record)*

If the chairpersons whom you referred the Questions to are not here, why not approach the Leader of the Majority Party, so that he can take up those matters with the relevant chairs?

*(Hon. David ole Sankok rose in his seat)*

Hon. Sankok, do you want to raise a Question?

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, I had raised a Question on the issue of the Kedong Ranch, which was referred to the Departmental Committee on Lands. Hon. (Dr.) Nyamai was around. I am sure she is following us from somewhere.

In Narok, this is a very emotive issue. About 98,000 hectares of the Kedong Ranch were, a long time ago, hived off from Narok and taken to Nakuru County. Whenever we ask who bought that land and where the owner is, we are told it was bought off from *Wazungus*. I do not know any *Maasai* who was a *Mzungu*. I do not have a name. The said land is now under the KDF protection yet it is private land.

I have my small private land, but it is never guarded by the KDF. Therefore, I do not understand why private land is guarded by the KDF. The said land has been fenced off using trenches. Three children have, in fact, died after falling into the trenches. It is, therefore, an emotive issue. Hon. Speaker, I ask that you direct that my Question be replied to.

On what Hon. Martin Owino of Nyando Constituency had said, you are a presidential candidate under DP. We congratulate you for being confirmed. You gave the best speech ever, especially on political bad manners. What you described was perfect. You are ahead of all the other horses.

Hon. Speaker, on several occasions, I have told you that this year's general election will be of two horses between the second and the third in-command. Those are the horses that will be in the race. The Constitution bars the first in-command from contesting. You are not the second, but the first. You are ahead of the rest. The talk on the social media today is about political bad manners, where the Government sources help from the opposition and becomes opposition itself. That was the best speech. It is equivalent to that of Martin Luther Junior. Thank you.

**Hon. Speaker:** Hon. Members, let us go to the substantive business of the day. As you can see, the numbers are dwindling yet we have to do some business that requires numbers. The late Prof. Ali Mazrui said that as independence approached, the term "East Africa" shrunk in meaning. Many of you may wonder what that means. That is because some territory became Tanganyika while others became Uganda, *et cetera*.

Members, let us now do business. The grandfather of the House has arrived one hour five minutes after commencement of business.

Member for Kitutu Chache North, you are welcome.

**CONSIDERATION OF REPORT AND THIRD READING**

## THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL

**Hon. Speaker:** The Members who are out there, including Hon. Washiali and Hon. Njomo, kindly, resume your seats.

Hon. Members, business on this Bill was concluded in the Committee of the whole House. However, the Question for agreement with the Committee's Report could not be put.

*(Question put and agreed to)*

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move that the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No.32 of 2021) be now read a Third Time.

I request Hon. Wamunyinyi to second.

**Hon. Speaker:** Hon. Wamunyinyi.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Speaker, I second.

*(Question proposed)*

Hon. Members, I confirm that we still quorate. Therefore, I will put the Question.

*(Question put and agreed to)*

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

Next Order!

*(An Hon. Member rose to his feet)*

Hon. Member, I know the issue you may want to address. The Member for Ugenya has approached me and I have acceded to his request. Is Hon. David Ochieng in?

Next Order.

**BILLS***First Readings*

## THE PERSONS WITH DISABILITIES BILL

## THE MILITARY VETERANS BILL

*(Orders for First Readings read - Read the First Time and referred to the relevant Departmental Committees)*

**Hon. Speaker:** Hon. Members, before we move to the next Order, I wish to announce to the House that I have been requested by the Member for Ugenya - and I have acceded to that

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request - to rearrange the business on the Order Paper so that what appears as Order No.12 becomes Order No.11 and Order No.11 becomes Order No.12. The Member has indicated that his constituency has been without a Constituency Development Fund (CDF) Committee for the last seven months and I think it is only fair that the House considers this Motion for appointment of members to the Ugenya Constituency National Government Constituencies Development Fund (NG-CDF) Committee. So, it is accordingly directed.

Next Order.

## MOTION

### APPROVAL OF NOMINEES FOR APPOINTMENT TO UGENYA CONSTITUENCY COMMITTEE

**Hon. Speaker:** Chairperson of the Select Committee on the National Government Constituencies Development Fund (NG-CDF) Committee.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Select Committee on the National Government Constituencies Development Fund on its consideration of the list of nominees to the National Government Constituencies Development Fund Committee for Ugenya Constituency, laid on the Table of the House on Thursday, 17<sup>th</sup> February 2022 and pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the list of nominees for appointment to the Ugenya Constituency Committee of the National Government Constituency Development Fund as follows –

No.	Name	Category	Statutory provision for Assumption of position
1.	Peter Odhiambo Opondo	Male Youth Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Michael Dominic Ngesa Ogweno	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Lilian Anyango Oyiego	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
4.	Everlyne Awuor Omondi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Emma Atieno Opondo	Representative of Persons with Disability	Appointment, pursuant to Sec.43(d)
6.	Joseph Odhiambo Okoth		Appointment, pursuant to Sec.43(2)(e)

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		Nominee of the Constituency Office (Male)	
7.	Grace Adhiambo Wasambla	Nominee of the Constituency Office (Female)	Appointment, pursuant to Sec.43(2)(e)

Hon. Speaker, this is a procedural Motion. As Members are aware, it is a requirement of the enabling NG-CDF Act for this House to approve nominees of every constituency that will serve as committee members of the NG-CDF. My Committee has considered the list of nominees and has established that it conforms with the requirements of Section 43(1), (2), (4) and (8) of the enabling Act. Therefore, I beg to move that this House approves the list of nominees for Ugenya Constituency.

With those remarks, I beg to move and ask Hon. Ferdinand Wanyonyi to second.

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

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

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I beg to second the Motion. I have talked to the Member for Ugenya and he has confirmed that these individuals represent a cross section of the constituency and they are up to the task.

With those remarks, I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

So, may the people of Ugenya enjoy the fruits of this very useful Fund. Hon. Ichung'wa, what is out of order?

## POINT OF ORDER

### GUIDANCE SOUGHT ON PROPOSED AMENDMENTS TO THE BUDGET POLICY STATEMENT

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. I wanted to raise the issue when the substantive Speaker was still on the Chair. However, since you are here, let me raise it.

I rise under Standing Order No.114. You are aware of the provisions of Standing Order No.114 which are pursuant to Article 114 of the Constitution of the Republic of Kenya. You may be aware that a number of us have proposed amendments to the Budget Policy Statement (BPS) that is before the House. Its Report was tabled but debate was postponed. I am glad that the Chairperson of the Budget and Appropriations Committee (BAC) indicated when he was withdrawing debate last week that he intended to conduct extensive consultations. I appealed to him at that point that I hoped that the consultations would also include those of us who had amendments.

The reason I rise under Standing Order No.114 is that I have been the Chairman of the BAC in this House and so I know the implications of Article 114 on Money Bills on the provisions of either a Bill or amendments to a Bill. I just wanted clarity on a few things.

One, my amendments do not seek to amend the BPS, but to amend the Committee's Report. You are aware that this House has the powers to amend even the BPS itself. In my understanding and opinion, that would be affected by Article 114 and the provisions of Standing Order No.114. A case where we seek to amend the Committee's Report is similar to a situation where we are amending an amendment by a Committee. That is not affected by the provisions of Standing Order No.114. Therefore, I seek your guidance.

I have written to the Clerk of the National Assembly to seek the same clarification because from last week up to date, the Chair of the Budget and Appropriations Committee has been running his mouth in rallies out there. He has not in any way engaged any of us who had proposed amendments in terms of inviting us to appear before the Committee to prosecute our amendments in case they will be affected by the provisions of Article 114 of the Constitution and Standing Order No.114. Therefore, I seek your guidance and that of the substantive Speaker as to whether we are able to amend the Committee's Report.

Two, are we able to amend the BPS itself? In my view, it is possible to amend both the BPS and the recommendations of the Committee's Report because it is now a Report of the House and we can decide to do anything with it, including amending it. That is my view and opinion. I wanted clarity on that.

Some of us have proposed amendments. Members still have an opportunity to file more amendments up to 24 hours before the Report appears on the Order Paper. We want clarity as to whether the Budget and Appropriations Committee will be seeking to invite any Member who has an amendment to the Budget Policy Statement to appear before it and justify their amendments, so that we do not come here to debate and the amendments that we have proposed are subjected to the provisions of Standing Order No.114 and Article 114 of the Constitution.

I have also written to the National Treasury because some of the amendments that we are proposing speak to issues that affect Kenyans. You may have noticed the *#reducefoodprices* that has been running on social media. It is unfortunate that we sit in this House to represent those people lamenting out there on social media, yet we are the policy makers who can effect policies that will positively affect the lives of Kenyans. We are not doing it! Unfortunately, as leaders and Members of Parliament who should be addressing matters that are of concern to the people who have sent us to this House, we are busy running our mouths out there in rallies and not doing what we ought to do in this House.

It is also unfortunate that very senior leaders are telling Kenyans to stop barking like dogs. It is unfair to say Kenyans are barking. They are doing so because they are hungry. Instead of insulting them, ask Members of Parliament to sit in this Chamber to address the question of food

prices and the cost of living in this country. They can ably do so using the Budget Policy Statement and ensure this year's budget addresses the concerns of the Kenyan people.

Therefore, I wish to beg the substantive Speaker and the Clerk's Office to offer guidance. One, are we able to amend the BPS? Two, can the recommendations in the Report by the Budget and Appropriations Committee be amended? Three, if those amendments are subject to the provisions of Article 114 of the Constitution and Standing Order No.114 you can direct the Chair of the Budget and Appropriations Committee, Hon. Kanini Kega, instead of running his mouth out there insulting people, to convene a meeting of the Committee and consider...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ichung'wah you have made your point.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Consider the amendments that have been filed before the Committee. I can see Hon. Makali Mulu wants to comment. I was the Chair of this Committee and know the implications of each and every recommendation I have made. I cannot propose an increment to the Budget without a corresponding cut. It is unfortunate that I saw some Members out there and not in this House...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ichung'wah I think you have made your point. From the top of my head, if a Report comes to this House, it is the business of the House to deal with it one way or the other; either disapprove or amend it. This matter is well seized by the Office of the Clerk and the Speaker will be giving directions in due course. I think that is it. Hon. Makali Mulu.

*(Loud consultations)*

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. You know fairness demands when you are mentioned, you say something. Hon. Kimani Ichung'wah is my good friend and Chairman-*emeritus* of the Budget and Appropriations Committee. He knows the law very well and what is supposed to be done.

In his request, there are two or three things you need to consider. First, is the Report by the Budget and Appropriations Committee, which he is mentioning, discussing the BPS? If it is, then is it discussing what is expected of Article 114 of the Constitution and not the Standing Orders, which demand that any Money Bill must be subjected to a discussion between the Committee he used to Chair and the National Treasury? This needs to come out clear. Second, he is proposing changes which are affecting figures. He was my Chair and knows very well the process of coming up with that document is consultative and requires public participation. Have his proposed amendments been subjected to public participation?

Third, this Report was stepped down by the Chair. So, when he says you commented on it, which Report did you comment on? Are we discussing something which is outside this House? To me, these are the critical issues you need to consider as you give your ruling or guidance on this matter. I am saying, as a House, we must differentiate what people say out there in political rallies and what should be done here.

I have heard them talk about food prices and the cost of living. I am a holder of Doctor of Philosophy (PhD) in Economics. The cost of living is measured by an index called the Consumer Index. It is a basket of items not just food. In it, there is petroleum products prices and other things. If they are students of economics, let them do their homework before they go shouting out there. I do not know whether they have any economists amongst their think-tanks. They must get things right. We are not going to sit here and assume that they are more Kenyan than us. We are also

Kenyans. We represent Kenyans. We will not allow people to assume the monopoly of ideas and knowledge. We will not allow!

Hon. Temporary Deputy Speaker...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Makali, you have made your point. There is nothing out of order. Hon. Makali, just resume your seat because you have made your point.

*(Loud consultations)*

Order, Hon. Members!

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

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Baya, there is nothing out of order. Hon. Makali, do not shout. We are really living in excitable times. Hon. Ichung'wah, who raised the issue of people shouting out there, is one person that I have seen in those rallies.

*(Loud consultations)*

I have seen Hon. Ichung'wah and this is a fact. He attends the rallies. All these Members attend those rallies. Everything that is discussed in this House affects Kenyans. This Parliament belongs to the people of Kenya. Everything that is said here is the business of the people of Kenya. Let us not get too excited because everything here belongs to the people of Kenya. There will be a direction that will be given by the Speaker in regard to the issues that have been raised by Hon. Ichung'wah. That marks the end of that discussion. We will move to the next business.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Patrick Mariru) took the Chair]*

### THE SUSTAINABLE WASTE MANAGEMENT BILL

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order, Hon. Members! For those who are retreating, please, do so quietly because we have business to do here. We are now in the Committee of the whole House to consider the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021)

*Clause 3*

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**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Chairperson of the Departmental Committee on Environment and Natural Resources, proceed on Clause 3.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, Clause 3 of the Bill be amended by deleting paragraph (g) and substituting therefore the following new paragraph—

“(g) promote circular economy practices for green growth;”

Hon. Temporary Deputy Chairman, the reason as to why Clause 3 is being proposed to be amended is to introduce a new key objective that had been omitted. A supply economy is a model of production and consumption which involves sharing, leasing, reusing, repairing, recycling existing materials and producing as long as possible that ends up attracting global challenges like climate change, waste management and pollution.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal, I will make sure that I direct my eyes to your side and for the other Members as well.

*Clause 4*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, there is an amendment by the Hon. Chairperson.

**Hon (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move:  
THAT, Clause 4 of the Bill be amended in paragraph (f) by deleting the words “development goals” and substituting therefor the words “waste management”.

We propose to amend Clause 4 to provide clarity and correct reference in terms of Sustainable Waste Management and not Sustainable Development Goals. That is the clarity that we want.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 4 as amended agreed to)*

*Clause 5*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Do you have an amendment, Hon. Chair?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 5 of the Bill be amended in paragraph (b) by inserting the words “and county governments” immediately after the word “Authority”.

County governments have a devolved function in terms of waste management hence ought to be consulted in developing the regulations. Since they have that responsibility and function, they need to be consulted. That is the import of the amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Now that it involves county governments, does it mean that after we have passed this Bill it must go to the Senate? We need to be clear. Was it going there anyway? That is good so that we consult county governments because they are responsible for waste management. I do not know why the Senate does not have a committee on waste management instead of having the Standing Committee on National Security and Foreign Relations because that is their function.

I support the amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Will it be appropriate if after the word “Authority” you just insert the words “county governments”?

**An Hon. Member:** “and county governments”.

**Hon. (Dr.) James Nyikal** (Seme, ODM): “and county governments”? Then that is correct.

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 5 as amended agreed to)*

*Clause 6*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have the Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 6 of the Bill be amended—

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Council shall comprise of—

(a) a chairperson appointed by the President;

(b) one person nominated by the Council of County Governors who shall be the vice-chairperson;

(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to waste management or a designated representative;

(d) the Principal Secretary in the Ministry for the time being responsible for National Treasury or a designated representative;

(e) the Director-General of the Authority;

(f) four other persons appointed by the Cabinet Secretary being—

(i) one person nominated by the registered association representing the largest number of entities in the private sector;

(ii) one person nominated by the registered association representing the largest number of entities in the manufacturing sector; and

(iii) two persons with professional qualifications in waste management, one of whom shall represent civil society organisations.

(b) in sub-clause (3) by deleting the word “members” and substituting therefor the words “not more than three members at any given time”.

(c) by inserting the following new sub-clauses immediately after sub-clause (3) —

(3A) Except for members appointed under subsection (2) (c), (d) and (e), a person shall be qualified for appointment as chairperson or member of the Council if such person—

(i) is a citizen of Kenya;

(ii) holds relevant academic and professional qualifications including a university degree in waste management, environmental engineering; environmental management, environmental studies, biology, chemistry or civil engineering;

(iii) has at least ten years' experience in the relevant field; and

(iv) fulfils the requirements of Chapter 6 of the Constitution.

(3B) In making appointments of the members to the Council, the Cabinet Secretary shall observe regional balance, gender, age, disability and ethnic balance.

(3C) A person shall not be qualified for appointment as chairperson or member of the Council if such person—

(a) is a member of Parliament or a county assembly;

(b) is a member of a local authority;

(c) is an undischarged bankrupt; or

(d) has been removed from office for contravening the provisions of the Constitution or any other written law.

(3D) The office of the chairperson or a member of the Council shall become vacant if the holder—

(a) dies;

(b) resigns from office in writing addressed to the Cabinet Secretary;

(c) is absent from three consecutive meetings of the Council without good cause; or

(d) is removed from office under subsection (3E).

(3E) A person may be removed as a chairperson or member of the Council if that person—

(a) is absent without permission of the Chairperson or the Cabinet Secretary in the case of the Chairperson, from three consecutive meetings of the Council;

(b) contravenes the provisions Chapter Six of the Constitution;

(c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;

(d) is convicted of an offence and imprisoned for a term of more than six months;

(e) fails to comply with the provisions of the Act relating to disclosure of interest; or

(f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

(3F) The Chairperson and the members of the Council appointed under subsection 2(f) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(3G) The conduct of business of the Council shall be in accordance with the First Schedule.

This amendment provides clarity on the persons who will be appointed to the Council and provides for representation of NGOs, manufactures and the private sector.

The amendment also seeks to provide for qualifications and disqualifications of appointments to the Council and provides for the conduct of the business of the Council that shall be prescribed in the Schedule.

The amendment also provides for appointment to the Council to take into consideration issues of regional balance, gender and persons with disabilities.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 6 as amended agreed to)*

*Clause 7*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair.



**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by deleting clause 7 and substituting therefor the following new sub-clause—

Functions of  
the Council.

- 7.(1) The Council shall—
- (a) enhance inclusive inter-governmental coordination for sustainable waste management;
  - (b) review progress in implementation of the national sustainable waste management strategy;
  - (c) recommend to the Cabinet Secretary the national waste management recycling and recovery targets;
  - (d) synchronise the development of waste management infrastructure;
  - (e) mobilise resources for financing of the waste management sector;
  - (f) promote inter county waste management partnerships in consultation with county governments;
  - (g) recommend to the Cabinet Secretary incentives to promote sustainable waste management; and
  - (h) perform such other functions as may be assigned by the Cabinet Secretary.
- (2) The Cabinet Secretary shall, within one year of the coming into operation of this Act, make regulations for the operationalisation of the Council.

This amendment seeks to clarify the roles of NEMA and the Council to avoid overlapping of the mandate of the two bodies.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Buyu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Chairman. I just want to say something about this amendment because in the Committee we realised a lot of roles overlap in many of these bodies. So, what happens is that nobody takes responsibility. You accuse NEMA of having overlooked its responsibility yet it says it did its part. The WARMA is the one to be blamed. So, there is collision. Therefore, I support this amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Sankok one minute.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Chairman. As I support this amendment, we need to be very careful because this waste management issue is cutting across NEMA and WARMA and creating many overlaps. I think it is good for the Committee to clearly highlight the functions of these authorities so that they do not overlap. I hope we can see the functions of WARMA and NEMA to avoid taking away their powers. I support.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof)*

*be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

*Clause 8*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair.

**Hon. (Ms). Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, clause 8 of the Bill be amended by deleting sub-clause (2).

This amendment will resolve the ambiguity between Sections 8(2) and 15(2)(c) with regard to the role of developing action plans for implementation of the national waste management strategy *vis-a-vis* the role of the Cabinet Secretary in doing the same.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 8 as amended agreed to)*

*Clause 9*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair.

**Hon. (Ms). Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 9 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (7)—

- (8) County governments shall develop, manage and maintain designated disposal sites and landfills.
- (9) County governments shall maintain a register of all waste service providers operating within their boundaries.

The amendment provides for additional key functions of the county governments which had been omitted. The county governments have a lot of roles and responsibilities on waste management. That is why this amendment is very important. The roles include; developing, managing, maintaining disposal sites and maintaining a register of waste service providers.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 9 as amended agreed to)*

*Clause 10*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, Clause 10 of the Bill be amended —

(a) in sub-clause (1) by inserting the words “and county governments” immediately after the word “Authority”; and

(b) in sub-clause (2) by inserting the words “and county governments” immediately after the word “Authority”.

Hon. Temporary Deputy Chairman, the county governments have a devolved function in waste management and they ought to be consulted in the development of regulations as proposed in this amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal.

**Hon. James Nyikal** (Seme, ODM): I appreciate that we need to pass this and move quickly. However, if you are talking about consultation, I do not understand why we are rushing a lot of things. If we are just saying that the Cabinet Secretary and the county government 'shall', then we also need to provide a mechanism. It is a kind of law that will be very difficult to implement if we go that direction. We cannot just say so-and-so will handle that unless they can assure us that there is a provision within this Act where the two come together. We can then be directed on where the regulation comes in and we can look at it.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Who is that with a mask on? Yes, Hon. Musyimi.

**Hon. Paul Nzengu** (Mwingi North, WDM-K): Thank you, Hon. Temporary Deputy Chairman. On that particular matter on consultation, there is a council that is provided for in that Bill which has Members of the County Government/Caucus of Governors. We are saying that the consultation bit had been left out and we are trying to insert it to say that the Ministry should consult. This is because the county government is part of the governing council of the organisation that will be overseeing the implementation of this Bill. So it is just a matter of consultation. I am speaking as the Vice-Chair of the Committee.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us hear Hon. Gichimu for one minute and then we proceed.

**Hon. Robert Gichimu** (Gichugu, JP): Thank you, Hon. Temporary Deputy Chairman. I agree with Hon. Nyikal because when we say consultation between the CS and the county government, in my view, a CS is a person whereas the county government is a whole institution. The amendment ought to be specific that the consultation will be between the CS and the County Executive Committee (CEC) in charge of that relevant Ministry. In doing so, it will be a bit tidy and not open for all the counties because it refers to a specific county in this particular case.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, we should not miss the import of the amendment. It is basically expanding the number of people to be consulted. In the Bill, it says, “consult the authority”. The Committee is suggesting that in addition to the authority, we should also consult the county governments. The nature of consultations and how they happen can be sorted out within the regulations. The amendment is seeking to enjoin the county governments as part of the bodies that need to be consulted. In my view, that is a fair thing. I hear what Hon. Gichimu is saying, however, in doing these laws, what happens if your county

government decides not to appoint a CEC for Environment? The consultation is with the government and whoever is responsible for that function in that county government. I think the specificity he is asking for might actually be riskier when you are making the law. It can go to the regulation but not in the main law.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 10 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon Nyikal, in law making, you defer the space for details to the statutory instruments because the law substantively may not create every detail. You leave that to the statutory instruments which will still come to the House for debate.

*(Clause 11 agreed to)*

*Clause 12*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have the Hon. Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new clause—

12(1) All public and private sector entities shall segregate non-hazardous waste into organic and non-organic fractions.

(2) The segregated waste shall be placed in properly labelled and colour coded receptacles, bins, containers and bags.

(3) All waste service providers shall collect, handle and transport segregated waste as provided for under this Act.

(4) Hazardous waste will be handled and managed as prescribed by the Environmental Management and Co-ordination Act, 1999 and any other relevant written law.

(5) A waste service provider who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

(6) The Cabinet Secretary shall, in consultation with the Authority and county governments, Gazette the National Colour Coding System for waste management.

The amendment deletes the provision on take-back schemes, which may be impractical, and provides for new provisions on waste segregation.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

Waste  
classification and  
segregation

No.8 of 1999

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 12 as amended agreed to)*

*Clause 13*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have the Hon. Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to

move:

Extended Producer  
Responsibility

THAT, Bill be amended by deleting Clause 13 and substituting therefor the following new clause—

13.(1) Every producer shall bear extended producer responsibility obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arising therefrom.

(2) Every producer shall fulfil their extended producer responsibility obligations individually or collectively in a compliance scheme.

(3) The Cabinet Secretary shall, within two years of the coming into operation of this Act make regulations on extended producer responsibility.

The import of this amendment is that producer responsibility is better explained in regulations as opposed to provisions, which may cause confusion, hence the proposed amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nguna, let me propose the Question first.

*(Question of the amendment proposed)*

Let us have Hon. Nguna alias CNN.

**Hon. Charles Nguna** (Mwingi West, WDM – K): Hon. Temporary Deputy Chairman, I like this law because we have recently witnessed a majority of waste service providers collecting waste and polluting the environment all over. If this proposal is enforced, we will have order in this service.

I support the amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairman, I appreciate the principle that we can put in regulations, but I also see a trend as we go along that after every clause, the Cabinet Secretary is mentioned. I suggest that the Committee looks into the Bill and introduces a clause that deals with the regulations and gives the areas in which the regulations can be introduced. We are just going bit by bit. What about other areas where nothing is mentioned?

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, do you have a comment? Did you hear what Hon. Nyikal said? Let us have the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, I hear what Dr. Nyikal is asking. Where it is specifically mentioned in the Bill, it is because the matter is considered so significant that it requires specific regulations. However, at the end of the Bill, there is an overarching provision that the Cabinet Secretary shall make regulations for better implementation of the Bill. Anything not specified will be covered anyway or the Cabinet Secretary may make regulations.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 13 as amended agreed to)*

*(Clause 14 agreed to)*

*Clause 15*

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

- (3) The Cabinet Secretary shall develop a national waste management strategy and action plan within two years of the coming into force of this Act, which shall be reviewed every five years.

This amendment seeks to establish exact timeframes for development of waste management strategy and action plan.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Sankok.

**Hon. David ole Sankok** (Nominated JP): Thank you, Hon. Temporary Deputy Chairman. Just as Hon. (Dr.) Nyikal has said, as we support this amendment, I am still uncomfortable with the mentioning of the Cabinet Secretary alone yet, we are saying they will consult with the county government. So, they will consult with the county government on one hand and on the other they will not consult with the national Government, but a specific office called a Cabinet Secretary's office. Supposing a regulation is made that they will be consulting the Ward Administrator in the county, what will follow?

I think where the county government is mentioned, let us specify it is the County Executive Committee (CEC) in-charge. As the Leader of the Majority Party has said, if we do not say this then we should say the national Government can set regulations. We are specific about the national Government because it is an office, but as we go down there, we are saying the county government. Suppose there is a regulation that they should consult the governor himself, what will happen? This will be a bit untidy.

Thank you.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Akinyi.

**Hon (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Chairman. I just want to say that I support this amendment because we are specifying the time limit. This means we lay focus on the responsibility or action. We are then able to monitor which county government does not adhere to what they are supposed to do rather than leaving it open yet some counties will never effect what they are supposed to do towards waste management.

Thank you.

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 15 as amended agreed to)*

Clause 16

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, do you want to move it in the amended form?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move Clause 16 as further amended.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): So, for the sake of the Members because they may not have copies of the further amendment, just read what you have in the amended form.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 16 of the Bill be amended —

(a) in sub-clause (2) —

(i) by deleting paragraph (d);

(ii) in paragraph (g) by deleting the word “segregation” and substituting therefore the word “receptacles”;

(b) by deleting sub-clause (4) and substituting therefore the following new sub-clause—

(4) A person in charge of a public entity that discharges waste contrary to the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or a term of imprisonment not exceeding one year or both.

(c) by deleting sub-clause (5) and substituting therefore the following new sub-clause—

(5) An officer of an entity who discharges waste contrary to the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding six months or both.

Clause 16(2)(g) is being further amended by deleting the word “segregation” so we can tighten follow-up. It seeks to enhance the penalty by any public entity that commits offences under this clause.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 16 as amended agreed to)*

*Clause 17*

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 17 of the Bill be amended in paragraph (a) by deleting the words “one year” and substituting therefor the words “two years”.

Hon. Temporary Deputy Chairman, this amendment seeks to increase the timeline for enactment of legislation required by the county government to two (2) years, which is more practical than one year, after coming into operation of the Act.

*(Question of the amendment proposed)*

*(Question, that the words to be left out, be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 17 as amended agreed to)*

*Clause 18*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 18 of the Bill be amended—

(a) in sub-clause (1) by inserting the word “county” immediately before the word “waste”; and

(b) in sub-clause (2) by inserting the word “county” immediately before the word “waste”;

Hon. Temporary Deputy Chairman, this amendment seeks to align the clause with provision of Clause 17 that refers to the County Waste Management Plans.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 18 as amended agreed to)*

*Clause 19*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 19 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) —

(1A) Notwithstanding the generality of subsection (1), the Cabinet Secretary shall, within six months of the coming into force of this Act, Gazette the category of private sector entities that shall be required to prepare waste management plans



which shall be based on the volume of production of waste.

Hon. Temporary Deputy Chairman, the amendment seeks to make provision for the Cabinet Secretary to set aside a category of private sector entities that shall be required to prepare waste management plans which shall be based on volume of production of waste so as not to burden all private sector entities.

*(Question of the amendment proposed)*

**Hon. (Dr.) James Nyikal** (Seme, ODM): On a point of order, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon Nyikal?

**Hon. (Dr.) James Nyikal** (Seme, ODM): That sounds good. I would like to get more details because it will actually exempt some people. This is because you may say that you are going to look after one big industry, but if you have very many players that are doing the same thing, then the environmental impact may just be as big. So, how do we handle that? Or do we just assume that the people doing the regulation will do so, yet you have already provided the exemption at this point?

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal, is an exemption provided?

**Hon. (Dr.) James Nyikal** (Seme, ODM): They are providing that the Cabinet Secretary will set aside the category of private entities that shall be required to prepare waste management plans which shall be based on volume. So, you are saying that some level of volume will be exempted and they will not have to do plans. That is my understanding of this amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Your understanding is by implication. Anyway, the Chair is there. Do you want to speak to this?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): The Vice-Chair wants to say something...

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Who is the Vice-Chair?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Eng. Nzengu.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Musyimi, proceed.

**Hon. Paul Nzengu** (Mwingi North, WDM-K): Thank you, Hon. Temporary Deputy Chairman. We were informed by the fact that originally, the draft was globally covering all private sectors, and we realized that it was a bit too much. So, we are providing that the Cabinet Secretary should limit that by coming up with a regulation that would limit the level of private sectors depending on the weight or the amount of pollutants they are producing, and the person to make that strategy. We are saying that you cannot open it to all private sectors, because that will be too wide. We were trying to limit the extent at which the requirement would apply.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal?

**Hon. (Dr.) James Nyikal** (Seme, ODM): I understand that because when you say that every small sector is going to do their plan, then you will be distressing them because they do not have the capacity. I am making a suggestion. The Committee can see how to word it such that the Cabinet Secretary is mandated to have a waste management plan for handling small entities that do not produce their own.

In terms of waste management, you can handle one big company, but the real problem may come when you have very many companies all over the place. It is like waste paper. If you go to an estate and find a lot of waste paper, it does not come from one big producer, but from different households which produce small bits of paper, and the place ends up being littered. If the

Committee thinks about it, they can bring an amendment stating that the Cabinet Secretary shall make a waste management plan for those whose volumes of waste are small. I would even include the levels of volume.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us hear from the Chair and then we make progress.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Just as the Vice-Chair said, we were informed to include this amendment because of the current waste that is all over. The Cabinet Secretary will put in place tight regulations on the volumes of production so that they can have proper management and plans. The rest of the small entities that we are talking about will be a responsibility of the county governments in consultation with the national Government.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Is it indicated somewhere? That sounds nice.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): It will be in the regulations.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 19 as amended agreed to)*

*(Clause 20 agreed to)*

Clause 21

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, do you have an amendment?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by deleting Clause 21 and substituting therefor the following new clause—

Public  
Participation

21. Public consultation and participation under this Act shall be conducted in accordance with the principles set out in the Second Schedule.

This amendment is as a result of introducing the First Schedule.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 21 as amended agreed to)*

*(Clauses 22, 23, 24, 25, 26, 27, 28, 29 and 30 agreed to)*

Clause 31

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 31(2) of the Bill be amended —

(a) in paragraph (b) by inserting the words “and deposit refund systems” immediately after the word “schemes”;

(b) by inserting the following new paragraph immediately after paragraph

(g)

(ga) importation and exportation of waste;

(gb) management of e-waste; and,

(gc) national colour coding system for waste.

This amendment seeks to provide for additional matters that the Cabinet Secretary is to develop regulations on.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 31 as amended agreed to)*

*(Clauses 32 and 33 agreed to)*

#### *New Clause 19A*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, please move Second Reading.

**Hon (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clauses immediately after clause 19—

Duty to segregate  
and dispose waste.

- 19A. (1) A person who generates waste in Kenya shall—
- (a) segregate the waste at source in accordance with the provisions of this Act; and,
  - (b) dispose the waste to only licensed waste service providers or at collection points designated in accordance with the provisions of this Act.
- (2) A person who does not manage waste in accordance with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months or both.

This amendment provides for the duty to segregate by citizens and waste service providers.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be  
read a Second Time, proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Sankok

**Hon. David ole Sankok** (Nominated, JP): As we continue to support this New Clause 19 A, especially 1(b) which states: “dispose the waste to only licensed waste service providers or at collection points designated in accordance with the provisions of this Act”, it sounds very good but do the households first segregate waste before disposing it, or is it the registered or licensed service providers who will segregate it? You need to be clearer so that if it is at the source, it is well-known.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): One minute, Hon. Chair.

**Hon (Ms.) Sophia Noor** (Ijara, PDR): If Hon. Sankok looked at 1(a), it clearly gives him the answer; the waste is segregated at the source.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal?

**Hon. (Dr.) James Nyikal** (Seme, ODM): I think the penalty provided in the New Clause 19A is not strong enough. If a person includes an industry, can you imagine if it does not do what is expected and is fined not exceeding Kshs.20,000? This is nothing, they will just pay and go on doing what they want. I would increase that fine upto Kshs.1 million, knowing that we give the court leeway. So, if it is a small client provider, they will deal with this, but if you cap it, you are protecting the big-time polluters. In fact, I would even go higher.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have the Chair say something. Hon. Sankok one minute please, so we have the Chair make progress on this.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Chairman. Through you, I take this opportunity to request the Chair to bring a further amendment. Hon. (Dr.) Nyikal is very correct about a fine not exceeding Kshs.20,000. You can put a fine not exceeding Kshs.2 million, which means you can be fined Kshs1,000 depending on how much you have polluted. If you are a person who has just thrown a piece of paper, you can be fined Kshs1,000. Supposing we are not exceeding Kshs.20,000 and a big industry like the Tannery in Ewaso Nyiro pollutes the whole environment and destroys the health of so many Kenyans, you mean he will only be fined an amount not exceeding Kshs20,000? They will gladly pay the fine.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We will have the Vice-Chair. Hon. Chair you are at liberty to consult your legal people as we hear from the Vice-Chair then. I will give you a chance to make a final stab at this. Hon. Musyimi – it is not you Hon. Akinyi.

**Hon. Paul Nzengu** (Mwingi North, WDM-K): Thank you, Hon. Temporary Deputy Chair. Then you do not know me by that name.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): It is only I who knows you by that name.

**Hon. Paul Nzengu** (Mwingi North, WDM-K): Hon. Temporary Deputy Chairman, the only issue here is about segregation of the waste and not the pollution exercise. We are saying that if households do not segregate and dispose waste in the right way, they are liable to being charged Kshs.20,000 or imprisoned for that period of time. We are only looking at that act of segregating the waste and not delivering in the designated places. It is not the whole action of pollution.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): I am sure that the Chair is still consulting. Yes, Leader of the Majority Party? We have to conclude this. I am just giving some time to allow the Chair conclude her consultations.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Nyikal is getting excited, but if you look at the New Clause 19A, it is basically splitting the respective roles of citizen and the waste service

providers. It basically says that a person shall segregate waste at source and shall dispose the waste to only licensed waste providers. If you do not do any of those two – segregate at source or dispose the waste to only service providers – then you can be fined up to Kshs.20,000 regardless of the volume. This is additional to other provisions in terms of what you must do.

You will recall that we earlier on talked about the Cabinet Secretary gazetting the category of service providers that shall be required to provide their waste management plans, therefore taking care of the volumes. Those things will be captured within there. But this particular clause is only addressing the issue of non-compliance with the provision of this law in relation to segregating the waste and using a licensed service provider, not disposing.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairman...

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal, let us first hear from the Chair, as she might give some direction to enable us save on time. Hon. Chair, as you speak to it, please ensure that you take the Members slowly around the small entities, households and the big entities. Clause 19 of the original Bill provides for the bigger entities.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you so much, Hon. Temporary Deputy Chairman. I am well guided. I want to thank Hon. Nyikal, my best friend, for raising issues that really need clarification. If he can look at Clause 19 properly, he will notice that the big entities like the service providers have bigger fines of about Kshs.200,000. If you go into details of Clause 19, you will notice that it provides for the big entities.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Is it Clause 19(2)?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Yes. This is separate for the other small entities and citizens at that level such that if they are not able to do the segregation, then they will be fined that amount. For instance, if a *mama* operating a kiosk is unable to do the segregation, then she will be fined Kshs.20,000. The other providers with big volumes are covered well in Clause 19(2).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we must make progress and take a decision on this.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added  
to the Bill, put and agreed to)*

*New Clause 19B*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, please move Second Reading for New Clause 19B.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new clauses immediately after Clause 19—

Duties of waste

service providers. 19B. (1) A waste service provider shall handle segregated waste in accordance with the provisions of this Act.

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(2) A waste service provider shall deliver segregated waste collected to facilities licensed and designated in accordance with the provisions of this Act.

(3) A waste service provider who fail to handle or manage waste in accordance with this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shilling or imprisonment for a term of six months or both.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): What is the import of the amendment?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, the import is the same as in new Clause 19A. The amendment provides duties of waste service providers in new Clause 19B, whereas new Clause 19A provides the duty to segregate and dispose waste by anybody who generates it. This will ensure that we have clear roles of the two.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, JP): Hon. Temporary Deputy Chairman, there is no difference in New Clauses 19B and 19A(2). New Clause 19A(2) provides what happens if you do not segregate and dispose the waste in the licensed areas or providers. New Clause 19B(2) talks about the same. It says that a waste service provider shall deliver segregated waste collected to facilities licensed and designated in accordance with the provisions of this Act. It then says what happens if you do that which is covered in New Clause 19A(2). That is over-legislating, which has no import.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us hear from the Leader of the Majority Party. Hon. Gichimu, one clause refers to a person who generates waste and the other one is a waste service provider.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Yes, Hon. Temporary Deputy Chairman. They are different.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Contribute for one minute, Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, you have nailed it. New Clause 19A refers to the person who generates waste. New Clause 19B refers to the waste service provider. The two are very distinct. The one who generates the waste must use the waste service provider. The two provisions are now brought side by side.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nyikal?

**Hon. (Dr.) James Nyikal** (Seme, ODM): I agree that the two clauses are different. However, this Bill will not serve us well. You have said that Clause 19A is provided for in Clause 19, which is about preparation of waste management plans. Clause 19A is about production of waste. I agree with this amendment. We are now talking about a waste service provider that can be a very huge company. We are limiting it to a fine not exceeding Kshs.50,000. Imagine somebody who is collecting waste from an estate and has a fleet of 50 or 100 vehicles and he is not doing it properly, and then you fine him Ksh50,000, he will pay you!

When Rwanda made provisions for people who throw cans and banana peels out of vehicles, they were fined some money. They would just go and pay until the law was changed that they had to be jailed. They curbed it. We should do things that are prohibitive for environmental safety. This fine is too low. I suggest it to be Kshs.1 million. The other fine in new Clause 19A, which we cannot go back to, is only Kshs.20,000. If the Mover agrees with me, I suggest that we change the fine in new Clause 19B to Kshs.1 million.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we have to make progress in this clause. I will give the opportunity to the Leader of the Majority Party, and then the House will make a decision.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, for the comfort of Dr. Nyikal, I believe that in Clause 16 that we just passed, we provided that a person who is in charge of a public entity that discharges waste contrary to the provisions commits an offence and provided a Kshs.1 million fine. It is already provided for elsewhere in terms of disposing waste. We are only talking about the segregation of the waste here. When you look at the Bill in totality, you find that there are stiff fines for actual discharge of waste. However, these are fines for the processes before discharge of waste.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause read a Second Time)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

#### *Schedule*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There is an amendment by the Chair.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the word “Second” immediately before the word “Schedule” appearing in the title to the Schedule.

This amendment introduces a new schedule to provide for the conduct of business and affairs of the Council.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order, Members! Even the Chair should vote. Hon. Members, I will put the Question again.

*(Question that the word to be inserted  
be inserted, put and agreed to)*

*(Schedule agreed to)*

#### *New Schedule*

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**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Schedule immediately before the Schedule—

### FIRST SCHEDULE

#### Conduct of the Business and Affairs of the Council

##### Meetings of the Council

1. The Council shall meet quarterly.

##### Special meetings

2. The Chairperson may, at any time, convene a special meeting of the Council and shall do so within fifteen days of receiving a written notice for the meeting signed by at least three of the members.

##### Chairperson to preside

3. (1) The Chairperson shall preside at all meetings of the Council in which the Chairperson is present and in the case of his or her absence, the Vice- Chairperson shall preside.

(2) At a meeting of the Council at which neither the Chairperson nor the Vice-Chairperson is present, the members of the Council present shall elect one of their members to preside, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereof.

##### Quorum

4. The quorum for the conduct of the business of the Council shall be two thirds of the members.

##### Voting

5. The decisions of the Council shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

##### Validity of proceedings

6. The validity of any proceedings of the Council shall not be affected by any vacancy among the membership thereof, or by reason of a defect in the appointment of a member.

##### Minutes of the meeting

7. Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs and will be made available to the Cabinet Secretary.

##### Committees of the Council

8. The Council may establish such committees as may be necessary for the performance of the functions of the Council and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.

##### Power of the Council to regulate own procedure

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9. Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

#### Disclosure of interest

10. If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he or she shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

#### Secondment

11. The Cabinet Secretary may, in consultation with the Council, and upon such terms and conditions as may be prescribed, second such officers, agents and other staff as may be necessary for the efficient discharge of the functions of the Council under this Schedule.

#### Experts and Consultants

12. The Council may engage consultants and experts, as it considers appropriate, to assist in the discharge of its functions under this Schedule.

#### Remuneration

13. The Chairperson and members of the Council shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the Cabinet Secretary.

#### Reporting

14. (1) The Council shall submit an annual report to the Cabinet Secretary;  
(2) Notwithstanding sub-paragraph (1), the Cabinet Secretary may, at any time, require a report from the National Waste Management Council on a particular matter.

#### Secretary

15. (1) The Cabinet Secretary shall second a senior officer from the Ministry to serve as Secretary to the Council.

(2) The Secretary shall—

(a) be appointed by the Cabinet Secretary;  
(b) be an *ex officio* member of the Council with no right to vote;  
(c) be secretary to the Council;  
(d) subject to the directions of the Council, be responsible for the day to day management of the affairs of the Council; and,

(e) perform such other functions as the Council may, from time to time, determine;

(3) The Secretary shall serve on such terms and conditions as the Cabinet Secretary may determine.

*(Question of the new schedule proposed)*

*(New schedule read the First Time)*

*(Question, that the new schedule be read a Second Time, proposed)*

*(Question, that the new schedule be read a Second Time, put and agreed to)*

*(The new schedule was read a Second Time)*

*(Question, that the new schedule be added to the Bill, put and agreed to)*

*Clause 2*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We have an amendment. Hon. Chair?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 2 of the Bill be amended—

(a) by deleting the definition of the word “extended producer responsibility measures” and substituting therefor the following new definition—

“extended producer responsibility” means an environmental management approach in which a producer’s responsibility for a product is extended to the post-consumer stage of a product life cycle;”

(b) in the definition of the word “public entity” by deleting the word “grated” appearing in paragraph (c) and substituting therefor the word “granted”;

(c) by deleting the definition of the word “recycle” and substituting therefor the following new definition—

“recycle” means the process by which materials are reclaimed from waste for further use as product, raw materials or input in the production process;”

(d) by deleting the definition of the word “sustainable waste management” and substituting therefor the following new definition—

“sustainable waste management” means using material resources efficiently as prioritised by waste hierarchy, circular economy and clean production in order to reduce the amount of waste that is generated, deposited or discarded in the environment, including the management of materials that would otherwise have been dumped or wasted in a way that contributes to environmental, social and economic goals of sustainable development;”

(e) in the definition of the word “take-back scheme” by deleting the words “to end users” and substituting therefor the words “from end users and consumers”;

(f) by deleting the definition of the word “waste” and substituting therefor the following new definition—

“waste” means—

(a) any substance, material or object that is intended or required to be discarded or disposed of by its holder, whether or not it can be reused, recycled or recovered and include municipal waste, domestic waste, waste from agriculture, construction waste, commercial waste, waste from horticulture, aquaculture and forestry, medical waste, chemical waste, hazardous waste, toxic waste, industrial waste, pesticides, e-waste and toxic substances but does not include radioactive waste;

(b) a substance, material or object that may be designated as waste by the Cabinet Secretary in consultation with the Authority by notice in the Gazette,

Provided that waste or a portion of waste specified in paragraphs (a) and (b) shall cease to be waste—

(i) once an application for reuse, recycling or recovery has been approved by the Authority or, after such approval, it has been reused, recycled or recovered;

(ii) where approval for reuse, recycling or recovery is not required, it has been reused, recycled or recovered; or

(iii) where the Cabinet Secretary in consultation with the Authority has, by notice in the Gazette and in the prescribed manner, excluded any waste stream or portion of any waste stream from the definition of waste;

(g) in the definition of “waste management activity” by inserting the words “as prescribed by regulations” immediately after the word “waste” appearing in paragraph (a); and

(h) by inserting the following new definitions in their proper alphabetical sequence—

“e-waste” also referred to as waste electrical and waste electronic equipment means waste resulting from electrical and electronic equipment, including components and sub-assemblies thereof;

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1999.

“Hazardous waste” has the meaning assigned to it under the Environmental Management and Co-ordination Act, 1999;

“non-organic waste” means dry recyclable and non-recyclable materials;

“organic waste” means compostable materials derived from plants and animals;

“producer” means an entity that introduces goods, products and packaging into the country using authorised means by manufacturing, importing, converting, filling, refilling, repackaging or rebranding;

“waste hierarchy” means the order of priority for efficient use of resources and minimisation of pollution by avoidance, reduction, reuse, repair, refurbishment, recycling, recovery and finally treatment for safe disposal;

“waste service providers” includes collectors, transporters, waste processors, material recovery operators, recyclers and landfill operators.”

This amendment provides clarity in the definitions and introduces key definitions that have been omitted, for example, waste service providers’ responsibility, public entity, recycle and sustainable waste management. Those are the clear definitions that are being proposed in the Bill.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

*Long Title*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, you have an amendment?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Long Title to the Bill be amended by deleting the word “health” and substituting therefor the word “healthy”.

This amendment is purely for correcting the errors.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Long Title as amended agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we are done with this Bill. So, we ask the Mover to report.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT

### THE SUSTAINABLE WASTE MANAGEMENT BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, we shall now move to reporting. Let us have the Chairperson.

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**Hon. Patrick Mariru** (Laikipia West, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021) and approved the same with amendments.

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

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Sophia Abdi to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): I second.

*(Question proposed)*

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

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): What is it, Hon. Sankok?

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. Looking at the House, we are not properly constituted. We do not have quorum.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok has rightfully stood in his place and pointed the eye of the Speaker that we do not have quorum. I, therefore, direct that the Quorum Bell be rang for the next ten minutes.

*(The Quorum Bell was rung)*

*(The Temporary Deputy Speaker  
(Hon. Christopher Omulele) left the Chair)*

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Members! We clearly do not have the numbers.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, under the circumstances, the time being 5.15p.m., this House stands adjourned until Wednesday 23<sup>rd</sup> February, 2022, at 9.30 a.m.

The House rose at 5.15 p.m.