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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 10th November 2022

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, we have quorum to transact business.

PETITION

STATUS OF HOUSING UNITS FUNDED BY WORLD BANK FOR KIBERA RESIDENTS

Hon. Speaker: Hon. Members, this is a Petition regarding the completion of housing units for Kibera residents funded by the World Bank.

Hon. Members, as you know, Article 119 of the Constitution gives right to any person to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petitions, other than those presented by a Member.

In that regard, I wish to report to the House that I have received a Petition from Mr. Peter Kinyua Waweru being the Chairperson of Ng'ando PAPs Housing Co-operative Society Limited.

In the Petition, the petitioner and 560 other members of the co-operative society are residents of Soweto, Laini Saba and Mashimoni areas of Kibera in Kibra Constituency and Lang'ata Constituency who are awaiting to be allocated the housing units under construction on the land in Jamhuri area, specifically in Ng'ando area near Station Road in Kibera. This project is part of the Relocation Action Plan by the Ministry of Lands, Housing and Urban Development and Kenya Railways Corporation financed by the World Bank. The objective of the project was to relocate persons living near the railway operating area whose continued stay posed a safety risk to the operations of the railway.

Hon. Members, the petitioners claim to be the intended beneficiaries of the project and were supposed to receive their units seven years ago, a dream which has not been realised. They also note that Kenya Railways Corporation had resettled similar affected persons in Mukuru, Soweto, Laini Saba, and Mashimoni areas. However, 560 affected persons who are members of Ng'ando PAPs Housing Co-operative Society had missed out since their housing units are incomplete to date. Further, the petitioners aver that they have complied with all the conditions given and that their houses were even demolished with a promise of alternative housing in the new project.

Hon. Members, the petitioners state that their engagement with Kenya Railways Corporation to revive the stalled project has borne no fruit as it insists it has not yet received funds from the Government to facilitate completion. Further, the petitioners continue receiving reminders from Kenya Railways Corporation to comply with rental payments for the stalled units.

The petitioners pray that the National Assembly intervenes on their behalf to ensure that the Kenya Railways Corporation expedites the completion of the housing units and settles

the intended beneficiaries, who are currently residing in deplorable makeshift shelters, as per the agreement at inception of the project.

Hon. Members, having established that the matter raised in the Petition is well within the authority of this House, I direct that the Petition be committed to the Public Petitions Committee for consideration in accordance with the provisions of Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and petitioners in accordance with Standing Order 227(2).

I thank you.

Next Order.

(Loud consultations)

Hon Speaker: Order! Hon. Members who are holding a kamukunji at the Bar. Can you take your seats? Give the microphone to Hon. Omboko Milemba, not Hon. Owen Baya.

Hon. Omboko Milemba (Emuhaya ANC): Thank you, Hon. Speaker. I am requesting you to allow for a few comments on that particular Petition. I have a relevant issue in my constituency and if you permit, I will proceed to weigh in a little on the Petition.

Thank you, Hon. Speaker.

Hon. Speaker: Okay Hon Omboko Milemba, I accede to your request. I will give 30 minutes, for anybody who wants to make comments on the Petition, starting with yourself. The screen is full as usual. It has been full since 1:00 p.m. I am sure it is not full because of this Petition. Those who want to speak to the Petition, press your intervention button.

Hon. Omboko Milemba (Emuhaya ANC): Thank you, Hon. Speaker. Let me take this early opportunity to thank Mr Peter Kinyua for his Petition on behalf of the people of Kibera. He says there are around 560 people who were displaced by the railway with a promissory note that they will get houses thereafter. It is important that as the Kenya Kwanza Government, we are committed to the issue of housing and that the relevant committee goes straight to look at how these people can get their houses. In my constituency, Emuhaya Constituency, the Kenya Railways equally displaced so many people from the areas of Ipali, Itumbu and Mungoye. Those people were living along the railway line for the longest period but to date, they have not been resettled anywhere. As the committee looks at this matter, I would like them to comprehensively look at the damage the Kenya Railways may have done to families that were living along the railway yet they gave a promissory note that those people will be resettled.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Speaker, for giving me this opportunity to contribute to this matter. I support this Petition. The petitioner raises pertinent issues in this country where the intended beneficiaries are never the beneficiaries. What the petitioner is seeking is that those who were intended to benefit from those housing projects were the people who were living along that railway line and were displaced. The relevant committee must ensure every time the Government or the development partner funds a project, the development must benefit the intended beneficiaries. If there are people who were living in those houses and were not part of the original beneficiaries, they should be sent away so that they can give the opportunity to the intended beneficiaries to occupy those houses. I hope the committee will expedite and finish up this Petition so that the intended beneficiaries who have been disadvantaged can occupy those houses.

I support the Petition.

Hon. Speaker: Hon. Beatrice Adagala. Anyone who wants to speak to this petition should press the intervention button.

(Hon. Didmus Barasa consulted loudly)

Hon. Speaker: Switch off the microphone of Hon. Didmus. Proceed for two minutes, Hon. Adagala.

Hon. Beatrice Adagala (Vihiga County, ANC): Hon Speaker, I thank you for giving me this chance to give my voice to this Petition. This petitioner is right. At the moment, most of the people who were living along the railway line are not the beneficiaries of these houses. The people who are living in Kileleshwa are the ones who have been given those houses. I want this honourable Parliament to ensure that the rightful people who lived in Kibra along the railway line are the ones who are given these houses. Like Hon. Omboko has said, the people of Bunyore who have suffered eviction because of the railway line should also be compensated and be given funds for their land. That compensation should not be given to people who live in Muthaiga, who will be charging high rent to the rightful owners. As per the bottom-up economy that is on now, those people should be given priority.

Thank you, Hon. Speaker, for this chance. I congratulate you, for the chance you were given, to be the Speaker in this House.

Hon. Speaker: Hon. Anthony Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I want to support and congratulate the member of the public who has brought up this Petition. As the committee looks at this Petition, let us ask the Cabinet Secretary in charge of the State Department for Housing to share with this committee and the House the comprehensive policy of the Kenya Kwanza Government on housing matters, so that we interact not only with the piecemeal launching of housing projects that has been seen in Lang'ata and Kibra constituencies but the entire country. Mathare Constituency is also very ripe for the housing project. As we support the Government on this question, it is important that we consume holistically the intention and the approaches that this Government will use so that not only the people of Kibra who are living along the railway line or those in Emuhaya benefit, but everyone who is supposed to benefit from low-cost housing can be comprehensively addressed as we come up with the report from this committee.

Hon. Speaker: Thank you, Hon. Oluoch. Hon. Alfah Miruka.

Hon. Alfah Ondieki (Bomachoge Chache, UDA): Thank you, Hon. Speaker. I also stand to support the Petition. The petitioner has a very good idea because the people who have benefited in Kibra are not the real beneficiaries. I hope the committee will stand tall and make recommendable policies that will make sure that the right people benefit.

I support the Petition fully.

Hon. Speaker: The Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I also rise to support this Petition. I just want to ask the committee to look at two things. We want to know whether those who are asking for compensation are tenants or landlords? I am hoping that those who are going to be compensated are the tenants. They are the ones who were living there, not the landlords.

I also want to know how many units have been built and how many residents of Kibra were supposed to be compensated and to be given these houses. This will ensure that we do not go into a process and find that very few of them are the beneficiaries.

Lastly, I hope the housing projects we have all over Nairobi will look at everything and ensure those who deserve these affordable houses get them.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Elachi. Next is Hon. James Gakuya. The microphone has no sound? Use the next one.

Hon. James Gakuya (Embakasi North, UDA): Thank you, Hon. Speaker, for giving me this opportunity to support the Petition on the Floor. I am the Member of this locality in Nairobi County. I have knowledge there was serious demolition of houses along the railway. I

support the original beneficiaries of these houses along Kibra to be compensated. I want to add that other areas were beneficiaries like Makadara.

This project did not holistically consider areas where these demolitions took place. An area like Dandora was affected by very serious demolition of houses along the railway. I urge the committee in-charge of this Petition to check the other areas that were not considered. An audit was done before the construction of these houses and that list is available. Therefore, I urge the committee to look for the original list so that the beneficiaries can be clearly known.

Thank you, Hon. Speaker, for this opportunity.

Hon. Speaker: Thank you. Hon. Patrick Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker, for this chance. The petitioner is very right. Mavoko happens to be one of the beneficiaries of these housing schemes. I agree if housing schemes are meant for the poor, let them be theirs. A case in point in Mavoko is Mlolongo Phase 3, where the Government partnered with the United Nations Human Settlements Programme, UN-Habitat. To my surprise when those houses were completed, I saw advertisements asking for Government scales 10-15 to apply for these houses yet they were built for the informal sector in Mavoko. I feel the pain of this petitioner. If houses are meant for a certain class of people, let them be the beneficiaries.

Hon. Speaker, shame on you...

Hon. Speaker: Shame on the Speaker?

(Laughter)

Hon. Patrick Makau (Mavoko, WDM): No, shame on them. I withdraw. I meant shame on the people who occupy houses not meant for them. Anybody working in the Government Grade K or scale 10 and above is able to buy a house. I think it is good for these houses to go to the rightful people so we can finish informal sectors.

Hon. Speaker, I support this Petition. Thank you, very much.

Hon. Speaker: I have three requests, one from Hon. Wangari and two more from this side then we close.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I also rise to join my colleagues in supporting this Petition. The displacements that occurred along the railway lines have never been resolved. I requested a Statement in the 12th Parliament about people who were displaced in Gilgil-Kambi Somali. They were paying rates and rent to the Government and were displaced without a clear way of compensation. These areas in Gilgil had some old buildings built by Kenya Railways. Right now, they have been leased out as hotels and the rightful owners have not been compensated. They lost buildings, businesses and homes. What we saw that time was inhuman. They should not get away with compensation which they have been quiet about. I hope the committee that will deal with this Petition will look holistically at these issues and ensure they get a lasting solution so that this does not happen again.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Hon. Gogo.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you so much, Hon. Speaker, for giving me a chance to add my voice to this matter. Constructions for the poor always happen with the intention of upgrading their living standards. The basic requirements for life are food, clothing, and shelter. The shelter meant for the poor is always taken by people who already have shelter.

I rise to support this Petition on the Floor of this House. It needs to be expedited conclusively to the extent that those who have been displaced are compensated across the country. There are people living in the railway premises and along the railway line even in Kisumu and this matter has never been resolved. It needs to be looked into by the relevant committee and a report given. We should intend to help the poor people and upgrade them.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Hon. Tim Wanyonyi.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Speaker. I stand to support this Petition as a representative of the people of Nairobi. I know exactly what they go through.

(Loud consultations)

Hon. Speaker, there are very high consultations around here and I cannot hear myself.

Hon. Speaker: Order! Hon. Sabina Chege and group.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Speaker. We know people have been displaced by being removed from their residential areas so they can be updated. Immediately the houses are done, these people are not given the right to own a house in that area. Some people come from nowhere and are given those houses. The World Bank has a very clear policy on displaced people - when you displace people, you must provide resettlement. Sometimes this is not given. When people are displaced houses are done and immediately they are finished, different people occupy them.

I support this Petition. I hope the committee will look into it holistically including other affected areas within Nairobi City and its environs.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Lastly, Member for *Kibra*.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Speaker, for giving me this chance. I think my constituency is most affected. I rise to support this Petition. When I saw this in today's program, I went to look at those units which were started seven years ago. When these people were displaced from Laini Saba, Soweto and Lindi, they were promised that within two years they would have houses.

I went there yesterday and about 560 are almost complete. The total units were about 900 and the other 360 have no roofs. This project should have ended a long time ago. People are suffering and Kenya Railways has started building walls along the railway lines where these people were displaced. They have no place to go. I realised a committee was formed to get the names of those supposed to occupy these houses. I am asking the committee that will look into this matter to incorporate me so I can give them the facts on the ground. I realised the delay is because the contractor has not been paid the full amount. In our culture, when someone inherits your wife, he inherits her with all the problems and the good things. Now that the new Government has inherited this issue, we ask them to pay the contractors so that the people of Kibra can have good places to live in.

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

(Loud consultations)

Hon. Speaker: Order, Members. Order, Hon. Mpuru Aburi. Take your seat.

Hon. Members, if you read your Standing Orders, a Member is supposed to be on his or her feet either when he or she is moving from one place to another, when he or she is upstanding demanding a Division, or when the Speaker walks in or is walking out. However, I see Members standing in the same spot for up to 10 minutes disrupting the proceedings of the House. It is out of order to do that, Hon. Members. For the new colleagues, acquaint yourself with the Standing Orders, so that you do not fall into the trap of misbehaving old Members.

Hon. Members, we have a Supplementary Order Paper. I will go back to the Order on Communication from the Chair. I have two Communications to make. After that, we will go on with the rest of the orders in the Order Paper. I will give direction as we go along.

COMMUNICATION FROM THE CHAIR**APPROVAL OF MEMBERS FOR APPOINTMENT TO THE
PARLIAMENTARY SERVICE COMMISSION**

Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding its decision on the approval of Members for appointment to the Parliamentary Service Commission. The Message conveys that on Wednesday, 9th November 2022, the Senate considered the Motion on approval of Members of the Parliamentary Service Commission and approved the Motion with amendment to paragraph (b) by deleting the name of Hon. Sen. Fatuma Adan Dullo, CBS, and substituting therefor the name of Sen. Erick Okong’o Omogeni, SC.

You will recall that on Tuesday, 8th November 2022, this House approved the appointment of the following Members to the Parliamentary Service Commission:

1. under sub-section (c)(i) of the Constitution
 - (a) Hon. Faith Gitau, M.P.
 - (b) Hon. Mohamed Ali, M.P.
 - (c) Hon. Sen. Nderitu Kinyua, M.P.
 - (d) Hon. Sen. Joyce Korir, M.P.
2. under sub-section (c)(ii) of the Constitution
 - (a) Hon. Mishi Juma Khamisi Mboko, M.P.
 - (b) Hon. King’ola Patrick Makau, M.P.
 - (c) Hon. Sen. Fatuma Adan Dullo, CBS, M.P.

Hon. Members, I conveyed the aforementioned resolution of the National Assembly to the Senate for its consideration. Of the seven names transmitted by the National Assembly, the Senate approved six. The Senate also substituted the name of Hon. Sen. Fatuma Adan Dullo, CBS, with that of Sen. Erick Okong’o Omogeni, SC. The decision of the Senate is, therefore, at variance with that of the National Assembly to the extent of one of the Members contained in the Message. This, therefore, requires me, as your Speaker, to guide the House on the implications of this variance.

There is an established parliamentary practice where bicameral approval of an appointment is only construed to have been granted if both Houses unequivocally approve a nominee. Consequently, the decision by the Senate implies that:

1. Both Houses of Parliament have unequivocally approved the appointment of six out of seven Members to the Parliamentary Service Commission; and
2. The appointment of Hon. Sen. Fatuma Adan Dullo, CBS, as a Member of the Parliamentary Service Commission stands rejected as the nominee only obtained the approval of one House.

What does this portend? As you are aware, the matter at hand is not subject to the mediation process contained in Article 113 of the Constitution because approval of a person for appointment to office by Parliament is distinct from the process of law-making.

On a matter related to this issue, I wish to also inform the House that I have received a letter this morning from the parliamentary leadership of the Jubilee Party related to this Message. In the letter, the leadership of the Jubilee Party alludes to the entitlement of one of its Members to a slot in the Commission on account of an agreement with its coalition partners in the Azimio La Umoja-One Kenya Coalition. This claim by the Jubilee Party is not new. In the 12th Parliament, my predecessor resolved a similar issue raised by the Wiper Democratic Movement by perusing the coalition agreement entered into by the partners in the National Super Alliance (NASA) Coalition. The NASA Coalition agreement expressly provided for the

sharing of positions in the Commission on constituent-party strength in Parliament and that allowed the consideration of Hon. Ben Momanyi for appointment to the Commission.

The present claim is unique for two reasons. First, you will recall that in providing guidance on the issue that arose earlier on the Leadership of the Majority and the Minority Parties in the House, I ruled that the Azimio La Umoja-One Kenya Coalition Agreement conveyed to this House by the Registrar of Political Parties and Hon. Junet Mohammed was inadmissible.

Secondly, unlike the case in the 12th Parliament where the Wiper Democratic Movement raised the issue of their entitlement to positions in the Commission before a vote had been taken by the House, the Jubilee Party has made its claim after the House has unequivocally pronounced itself on the matter. I have taken the liberty to peruse the Azimio La Umoja-One Kenya Coalition Agreement, faulty as it may be, to help me navigate this issue.

(Laughter)

I have noted that the Agreement makes absolutely no mention of the sharing of positions in the Commission. That alone deals a fatal blow to the claims made by the Jubilee Party. When added to the fact that the claim is made after the House has voted on the matter, it becomes rather clear that the horse has already bolted and the stables are closed. No amount of sympathy that I may have for the plight in which the Jubilee Party finds itself would allow me to arbitrate on this matter as my hands are tied by the law and the procedures of this House.

With respect to the Senate's approval of Sen. Erick Okong'o Omogeni, SC, it is notable that in accordance with the law and established practice, the approval requires a concurrent decision of this House. The decision, therefore, lies with you as to who the House wants to represent it in the Commission. It has to be unequivocal.

As the Chair of the Commission, I have noted and severally expressed the urgent need to fully constitute the Commission. This view has also been echoed by the House Business Committee. There are myriads of matters pending before the Commission relating to the welfare of Members. These include consultations with the Salaries and Remuneration Commission (SRC) over Members' welfare matters. Additionally, Commissioners sit on key committees such as the Members' Mortgage and Car Loan Committees where there are numerous pending requests. Additionally, the Commission lacks a significant portion of its membership. Some Commissioners who were Members were not re-elected and there is currently a vacancy with regard to one representative of the public. I discourage any further delay in the formation of the Commission.

For these reasons, and as required by Standing Orders 41 and 42, when I received this Message, I instructed the Clerk of the National Assembly to publish a Supplementary Order Paper for the sitting of the House of today, Thursday, 10th November 2022, in order for the House to consider and make an unequivocal decision one way or the other on the appointment of Sen. Erick Okong'o Omogeni, SC, as a member of the Parliamentary Service Commission. I, therefore, draw your attention to the Supplementary Order Paper which is now in circulation.

It is my hope that the House will conclude this business today and pave way for the constitution of the Commission in full and commencement of its urgent work.

The House is accordingly guided.

Hon. Members: Put the Question!

Hon. Speaker: There is no matter before the House to put a Question. Hon. Members, there is second communication on the substitution of the nominee for appointment as the Principal Secretary, State Department for Correctional Services.

(Several Members entered the Chamber)

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Can the Members take their seats? Please, take the nearest seats available. You do not have to walk to where you ordinarily seat. When the Chair extends courtesy to you to take a seat, take the nearest available seat. There are many seats unoccupied behind there so that we do not disrupt business for long.

MESSAGE

SUBSTITUTION OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY

Hon. Speaker: Hon. Members, Standing Order 42(1) relating to Messages from the President provides that the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.

In this regard, I wish to convey the following Message from His Excellency, the President regarding, the substitution of a certain nominee for appointment as a Principal Secretary.

In the Message, His Excellency the President conveys that in exercise of powers conferred on him by Article 155(3) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he has nominated Ms. Mary Muthoni Muriuki for appointment as Principal Secretary for the State Department for Correctional Services. He indicates that this is due to Ms. Caroline Nyawira Murage withdrawing her candidature for the position.

Members, His Excellency the President now seeks the approval of the nominee by the National Assembly for appointment to the said position, and further requests for her consideration to be undertaken on a priority basis.

Pursuant to the provisions of Standing Order 42(3), I hereby refer the Message together with the curriculum vitae of the nominee to the Departmental Committee on Justice and Legal Affairs for consideration. Section 8 of the Public Appointments (Parliamentary Approval) Act provides that unless otherwise provided in law, the Committee to which such nomination is referred, shall consider the matter and table a report in the House within 28 days.

Members, for clarity and to enable the House conclude this exercise speedily, I direct the Clerk of the National Assembly to take the necessary action by notifying the nominee and the general public by placing an advert in the daily newspapers of national circulation and the Parliamentary Website of the time and place of holding the approval hearings tomorrow, Friday, 11th November 2022, following which the approval hearings should commence.

Thereafter, the said Committee should table its report in the House on or before Tuesday, 29th November 2022 for the House to debate and make a decision on the nominee before the House proceeds for its long recess on Thursday, 1st December 2022.

I thank you.

(Hon. Junet Mohamed spoke off-record)

What is it Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I have not stood to debate your Message. However, as a Member of the Departmental Committee on Justice and Legal Affairs, I stand here to sympathise and empathise with my brother, Hon. GK.

Hon. Speaker: Order! You are totally out of order. Under what Standing Order do you extend sympathy and empathy to any Member?

(Laughter)

Do we have any Papers? Leader of the Majority Party.

PAPERS

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. Members must appreciate that Hon. Junet occasionally wants to entertain the House and especially on Thursday evenings.

I beg to lay the following Papers on the table of the House:

The fourth batches of nominees to 43 NG-CDF Committees from the NG-CDF Board for the following constituencies:

1. Ainabkoi Constituency;
2. Ainamoi Constituency;
3. Aldai Constituency;
4. Awendo Constituency;
5. Bobasi Constituency;
6. Bonchari Constituency;
7. Bureti Constituency;
8. Central Imenti Constituency;
9. Chesumei Constituency;
10. Dagoretti North Constituency;
11. Galole Constituency;
12. Garsen Constituency;
13. Gatundu South Constituency;
14. Gichugu Constituency;
15. Homabay Town Constituency;
16. Igembe South Constituency;
17. Kajiado South Constituency;
18. Kamukunji Constituency;
19. Kagundo Constituency;
20. Kasarani Constituency;
21. Keiyo North Constituency;
22. Kilome Constituency;
23. Konoin Constituency;
24. Kuria East Constituency;
25. Kwanza Constituency;
26. Lafey Constituency;
27. Likoni Constituency;
28. Loima Constituency;
29. Mavoko Constituency;
30. Moiben Constituency;
31. Mwatate Constituency;
32. Nakuru Town East Constituency;
33. Ndhiwa Constituency;
34. Nyali Constituency;
35. Nyaribari Masaba Constituency;
36. Rangwe Constituency;
37. Ruaraka Constituency;

38. Sigowet/Soin Constituency;
39. South Mugirango Constituency;
40. Suba South Constituency;
41. Suna West Constituency;
42. Turkana East Constituency; and
43. Voi Constituency.

Revised List of Nominees for Laikipia East Constituency from the National Government Development Fund Board;

Legal Notice No. 203 of 2022 relating to the Adjustment of Specific Rates of Export Levy, 2022, Regulation, 2022 and the Explanatory Memorandum from the Kenya Revenue Authority;

Legal Notice No. 204 of 2022 relating to the Adjustment of Rates of Excise Duty, Regulation, 2022 and the Explanatory Memorandum from the Kenya Revenue Authority;

Report of the Auditor-General and Financial Statements of the National Youth Service for the Financial Year ended 30th June 2021 and the certificates therein;

Report of the Auditor-General and Financial Statements of the Private Security Regulatory Authority for the 15 month's Financial Year ended 30th June 2021 and the certificates therein;

Report of the Auditor-General and Financial Statements of the following institutions for the Financial Year ended 30th June 2021 and the certificates therein:

1. Egerton University Investment Company;
2. Kieni Technical and Vocational College;
3. Kenya Academy of Sports;
4. Intergovernmental Relations Technical Committee;
5. Auctioneers Licensing Board;
6. Tanathi Water Works Development Agency;
7. National Authority for Campaign against Alcohol and Drug Abuse (NACADA);
8. National Authority for Campaign against Alcohol and Drug Abuse Staff Mortgage and Car Loans Fund;
9. Non- Governmental Organizations Co-ordination Board;
10. Kenya Meat Commission;
11. Sports Kenya;
12. Kenya National Library Service;
13. Ndia Technical and Vocational College; and
14. Dedan Kimathi University of Technology.

Thank you.

Hon. Speaker: Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much, for your indulgence. This is the right time for me raise this equally important matter.

We have had endless debates on the NG–CDF matter and while appreciating the fact that we are currently at the stage of engagement on some things that are being proposed, it is on record and true that it is the first time since 2013 when I first joined this House, that we are getting to the tail end of the 2nd quarter of the financial year.

(Loud consultations)

Kindly pay attention, Members. There is no single disbursement of NG-CDF to the constituency accounts. I am mentioning this matter without necessarily anticipating debate.

Hon. Speaker, we are soon going on the long recess which will only end sometime in February or March next year. Going by the past precedent, if this House adjourns for recess without a clear indication as to when disbursement of the NG-CDF will be made, we stand the risk of staying all the way up to the last quarter of this financial year without any single amount of money being disbursed yet as we speak, nobody has told us no money is being disbursed. Previously we were made to believe that it was the former Cabinet Secretary who was adamant, but since this House approved the appointment of the substantive Cabinet Secretary, Prof. Njuguna Ndung'u, would I be in order therefore, because the relevant Committee is still at its formative stages, to ask you that this matter be directed to the Leader of the Majority Party? He should engage with the Executive and in particular the Cabinet Secretary responsible for the National Treasury by next week at the very latest to make an equivocal undertaking as to when the first disbursement of the NG-CDF is going to hit the accounts of the respective constituencies.

May I also dare say, and this is not an empty threat, that failure to do that, I will be mobilising Members of the House firstly to refrain from any talk of recess and secondly to refrain from any engagements on Business until and unless NG-CDF is disbursed. Therefore Hon. Speaker, I will be seeking your guidance on this matter. Indeed, I am asking you to give a direction to the relevant Cabinet Secretary to take it upon himself that these funds are disbursed without any delay.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Leader of Majority Party, do you have anything to say?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I just want to associate myself with the sentiments of the Leader of Minority Party that matters to do with NG-CDF and the NG-AAF which is ably patronised by our County Members of Parliament are matters that are very sensitive not just to us but to the people who we sit here to represent. There is nobody in the Executive who should imagine that you are doing any Member any favour by disbursing the NG-CDF. The funds are going directly to the people. Our people are waiting not to go on recess but to go home to process their bursaries for term one school fees in January. Therefore, I want to also express my concern, and I know there could be many excuses, not reasons, part of which relates to the papers which I have laid. I ask all of us, together with your fund managers, to expedite the issue of constituting your NG-CDF committees at the constituency level so that nobody uses that as an excuse not to disburse money.

In any case, Hon. Speaker, the NG-CDF is not disbursed to the committee but the fund manager. The fund manager is an employee of the board which is an extension of the National Treasury. So, there is absolutely no reason why the National Treasury should not be disbursing our NG-CDF and I will indeed, before the House rises, engage with the Cabinet Secretary so that before we consider breaking for recess we have both the NG-CDF, the NG-AAF and all other monies including those that pertain to the county governments being disbursed so that the Government starts functioning in earnest.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Leader for Majority Party, I will give an opportunity perhaps together with Chair of the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning to engage the Cabinet Secretary for National Treasury. I will give you an opportunity on Tuesday afternoon to make a formal statement out of that engagement so that you can to guide the House accordingly.

(Applause)

Next Order.

PAPER

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker I beg to lay the following Paper on the Table of the House today, Thursday 10th November 2022.

Report on the Select Committee on NG-CDF on list of Nominees to the NG-CDF for 124 constituencies.

Hon. Speaker: Thank you. Do you have a Notice of Motion as well?

NOTICES OF MOTIONS**APPOINTMENT OF A MEMBER TO THE
PARLIAMENTARY SERVICE COMMISSION**

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, noting the Resolution of the Senate of Wednesday, 9th November 2022 regarding its partial concurrence on the appointment of Members of Parliament to the Parliamentary Service Commission, notwithstanding the provisions of Standing Order 49, and pursuant to the provisions of Article 127(2) of the Constitution, this House approves the appointment of Sen. Erick Okong'o Omogeni, SC, to the Parliamentary Service Commission under sub-section (c)(ii) of the said Article.

That is a Notice of Motion. A Motion will come.

Hon. Speaker: Hon. Musa Sirma, did you have a Notice of Motion or a Paper to lay? What do you have?

**APPROVAL OF NOMINEES TO THE VARIOUS CONSTITUENCY
DEVELOPMENT FUND COMMITTEES**

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to provisions of Section 43(iv) of the National Government Constituency Development Fund Act 2015 and Paragraphs 5(ii) and 10 of the National Government Constituency Development Fund regulations 2016, this House approves the list of Nominees for appointment for the following 124 constituencies committees of the National Government Constituency Development Fund Laid on the Table of the House today, Thursday, 10th November 2022.

1. Bahati Constituency;
2. Baringo South Constituency;
3. Belgut Constituency;
4. Bondo Constituency;
5. Budalangi Constituency;
6. Bumula Constituency;
7. Bura Constituency;
8. Butula Constituency;
9. Changamwe Constituency;
10. Cherangany Constituency;
11. Chuka Ingamba ng'ombe Constituency;
12. Dadaab Constituency;

13. Dagoretti South Constituency;
14. Eldama Ravine Constituency;
15. Eldas Constituency;
16. Embakasi North Constituency;
17. Embakasi West Constituency;
18. Endebess Constituency;
19. Ganze Constituency;
20. Gatanga Constituency;
21. Gilgil Constituency;
22. Githunguri Constituency;
23. Igembe North Constituency;
24. Igembe Central Constituency;
25. Isiolo North Constituency;
26. Jomvu Constituency;
27. Kajiado East Constituency;
28. Kajiado North Constituency;
29. Kajiado West Constituency;
30. Kaloleni Constituency;
31. Kangema Constituency;
32. Kapenguria Constituency;
33. Kapseret Constituency;
34. Kasipul Constituency;
35. Kathiani Constituency;
36. Khwisero Constituency;
37. Kibra Constituency;
38. Kilgoris Constituency;
39. Kilifi South Constituency;
40. Kinangop Constituency;
41. Kipkelion East Constituency;
42. Kipkelion West Constituency;
43. Kipipiri Constituency;
44. Kirinyaga Constituency;
45. Kisauni Constituency;
46. Kisumu Central Constituency;
47. Kisumu West Constituency;
48. Kitui Central Constituency;
49. Kitui East Constituency;
50. Kitui Rural Constituency;
51. Kitui South Constituency;
52. Kuresoi North Constituency;
53. Lagdera Constituency;
54. Laikipia East Constituency;
55. Laikipia North Constituency;
56. Laikipia West Constituency;
57. Lamu West Constituency;
58. Likuyani Constituency;
59. Limuru Constituency;
60. Maara Constituency;
61. Magarini Constituency;
62. Malava Constituency;

63. Mandera East Constituency;
64. Mandera South Constituency;
65. Manyatta Constituency;
66. Maragua Constituency;
67. Mathioya Constituency;
68. Mbeere Constituency;
69. Molo Constituency;
70. Moyale Constituency;
71. Msambweni Constituency;
72. Muhoroni Constituency;
73. Mumias East Constituency;
74. Mwea Constituency;
75. Mwingi West Constituency;
76. Naivasha Constituency;
77. Nakuru Town West Constituency;
78. Nandi Hills Constituency;
79. Narok North Constituency;
80. Narok South Constituency;
81. Ndaragwa Constituency;
82. Njoro Constituency;
83. North Horr Constituency;
84. North Imenti Constituency;
85. Nyakach Constituency;
86. Nyatike Constituency;
87. Ol Joro Orok Constituency;
88. Othaya Constituency;
89. Pokot South Constituency;
90. Rabai Constituency;
91. Rarieda Constituency;
92. Rongai Constituency;
93. Rongu Constituency;
94. Roysambu Constituency;
95. Ruiru Constituency;
96. South Imenti Constituency;
97. Soy Constituency;
98. Subukia Constituency;
99. Suna East Constituency;
100. Tarbaj Constituency;
101. Teso South Constituency;
102. Tharaka Constituency;
103. Tongaren Constituency;
104. Ugunja Constituency;
105. Wajir East Constituency;
106. Wajir South Constituency;
107. Webuye East Constituency;
108. Webuye West Constituency;
109. West Mugirango Constituency;
110. Wundanyi Constituency;
111. Yatta Constituency;
112. Baringo Central Constituency;

113. Kacheliba Constituency;
114. Kaiti Constituency;
115. Kieni Constituency;
116. Lang'ata Constituency;
117. Makueni Constituency;
118. Marakwet East Constituency;
119. Marakwet West Constituency;
120. Mvita Constituency;
121. Mosop Constituency;
122. Nyeri Town Constituency;
123. Saboti Constituency; and
124. Tiaty Constituency.

Hon. Speaker: Thank you, Hon. Sirma, next. Yes, Hon. Chepkong'a.

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Thank you, Hon. Speaker

Hon. Speaker: Hold your horses Hon. Chepkong'a. Leader of Majority Party, do you not have a normal Statement of Thursday on the Business of the following week?

STATEMENT

BUSINESS FOR THE WEEK OF
14TH – 18TH NOVEMBER 2022

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I was standing up then the Clerk moved away.

Pursuant to the provisions of Standing Order 44(2)a, I rise to give the following Statement, on behalf to the House Business Committee which met on Tuesday, 8th November 2022, to prioritize the Business for consideration during the week.

Hon. Speaker on Tuesday, the House expects to undertake the First Readings of the following Bills:

- 1) The Political Parties' (Amendment) Bill of 2022
- 2) The Parliamentary Powers and Privileges (Amendment) Bill 2022
- 3) The Public Finance Management (Amendment) Bill 2022

The House will also consider Motions on approval of Nominees to various National Government Constituencies Development Fund committees and planting along roadsides and road reserves should it not be concluded today.

Hon. Speaker, next week the Departmental Committees will be conducting the vetting of various Principal Secretary (PS) nominees. Additionally, the House is also expected to undertake the election of Members to the East African Legislative Assembly (EALA). I, therefore, urge Members to be available to ensure that there is sufficient quorum both in committees and in the House to conclude all urgent business within the set timelines, more so, with respect to vetting of nominees for appointment as principal secretaries and election of EALA Members.

Members will recall that this week the House has been considering the legislative proposal on the National Government Constituency Development Fund (NG-CDF), appointment of Members to the Parliamentary Service Commission, as well as approval of changes to membership of committees occasioned by the outcome of election of chairpersons and vice-chairpersons, among other matters. In this regard, I would like to extend my gratitude to all Members for their dedication and active participation in electing leadership of committees. I plead with Members to work with the elected leadership. Now that committees

are fully constituted, I encourage Members to robustly undertake their oversight, legislative, and representative roles in earnest and serve the people of Kenya whom we represent.

The HBC will reconvene on Tuesday, 15th November 2022 to schedule business for the coming week. I now wish to lay this Statement on the Table of the House.

Hon. Speaker: Thank you, Leader of the Majority Party. Hon. Members, before we go to the next Order, allow me to acknowledge students from the following schools who are in the Public Gallery:

1. Alliance High School - Kikuyu, Kiambu County.
2. Riverbank Academy - Starehe, Nairobi City County.
3. Tharaka Boys School - Tharaka, Tharaka Nithi County.
4. Kiboko Primary School - Kibwezi, Makueni.

On your behalf and mine, I extend most hearty welcome to them to the House of Parliament. Hon. Chepkong'a.

POINT OF ORDER

FATE OF REGULATIONS NOT TABLED IN THE HOUSE

Hon. Samuel Chepkong'a (Ainabkoi, UDA): Thank you very much, Hon. Speaker. I rise pursuant to Standing Order 83 as read together with Standing Order 1. While considering a number of regulations that were referred to the Committee on Delegated Legislation in the last two meetings, we were faced with a lacuna. There are certain regulations that had been made by certain statutory bodies or persons authorised to make regulations, but the bodies or persons have not brought the regulations to the House.

We looked at the Statutory Instruments Act and realised that the Committee can only consider regulations that have been tabled before this House and referred to the Committee. We made an attempt to find out what to do with the regulations. We came to the conclusion that we need to come to the House and appeal to you to make a ruling with regard to those regulations that have been promulgated by statutory bodies that have authority to make regulations, but have not brought them to this House. While researching on what needs to be done, we came across a ruling of your predecessor, Hon. Muturi, dated 26th March 2014. While providing guidance with regard to statutory instruments tabled in the House and referred the Committee on Delegated Legislation, this is what he said:

Under Section 11 of the Act, every cabinet secretary responsible for a regulation-making authority shall, within seven sitting days after the publication of statutory instrument, ensure that a copy of the statutory instrument is transmitted to the Clerk for tabling before the House together with an explanatory memorandum in the manner prescribed in the Schedule. Upon receipt of the statutory instrument and the memorandum, the Clerk shall enter the instrument in the register required to be maintained under the Act.

Hon. Speaker, your predecessor took parliamentary notice that there are certain cabinet secretaries or statutory bodies that make regulations, but do not bring them to the House yet they require people to comply with them. This is what he said:

I must observe, with great regret, that there has been little compliance by cabinet secretaries with this provision and I urge the Leader of the Majority Party to follow up with the appropriate channels on this issue as lack of compliance with this requirement is fatal to the statutory instrument being said to be made.

Although it is fatal, they continue to ensure that compliance is met. Article 94(5) of the Constitution gives Parliament the exclusive authority to make provisions that have the force of law. There are some busy bodies purporting to make regulations without sending them to this House. We know a number of them. For instance, Hon. Titus Khamala spent all his time discussing a Motion on delocalisation of teachers based on guidelines that were made by the Teachers Service Commission (TSC) that were never brought to the House, and people are complying with the regulations. We are aware that the Governor of the Central Bank of Kenya (CBK) has made regulations requiring banks not to receive any amount of money exceeding Ksh1 million without the customer proffering the source of the money. We are aware of people who sell cows and are paid about Ksh3 million. When they take the money to the bank, they are asked where they got the money from. In fact, the bank manager asks them to go and take a photograph of the cows that they sold yet the cows have already been taken to Dagoretti and slaughtered. Which evidence would one bring? We are aware of many other people who we will not mention here.

Hon. Speaker, we seek your direction. These bodies or persons authorised to make regulations should be compelled, using Article 125 of the Constitution, to appear before the Committee to present those regulations for consideration to ensure that they comply with both the law and the spirit of the Constitution. It is very unfair to subject Kenyans to things that are not in the law. In Article 3 of the Constitution, I am expected to uphold, respect and defend the Constitution and the laws made thereunder. Those regulations have not been made pursuant to the Constitution or laws passed by this House.

People given delegated power should respect this House. When Parliament has given you power and authority to make regulations, what is so difficult in appearing before this House? Under Article 95(2) of the Constitution, we are obligated to resolve issues that are of concern to the people. This is one of the issues that is of very pertinent concern to the people and this House must resolve it. We expect your ruling on this issue that your predecessor noted is actually a problem and prevalent in Government. We would like to request you to direct the Committee to proceed in a manner that will cure the lacuna pursuant to Standing Order 1.

There are certain things that are going wrong including with the NG-CDF. There are bodies purporting to make regulations stating that procurement, including strategic plans, will be done by the Board. I do not know what strategies they have to sort out issues in our constituencies. Those are guidelines that have the force of law and yet they have not been brought before the House. They have not been brought before the Chairman of the NG-CDF Committee. He has not said that they came before him. They have not been brought before our Committee. So, there are so many things that are happening in this country. People are being enslaved against the Constitution and made to comply with laws that are unconstitutional. So, I seek your direction on this. I plead with you, if it will be possible, to give us some time to ventilate on this matter. It is a matter of serious concern to the people of Kenya.

Hon. Speaker: I had been approached by Hon. Junet to raise a similar issue. You will share the credit. Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. The matter that has been raised by Hon. Chepkong'a is fundamental. This is a matter that was debated in this House in the last Parliament. We debated it a whole afternoon. At that time, the debate was confined to the illegal regulations that the CBK Governor gave to banks in this country. As you are aware, there are people in the Executive who are operating under the old order. They are not aware that there is a new Constitution in this country that says that anything that has the force of law must be passed by this House. If you look at the havoc that has been caused by some of the illegal regulations in the country, it is immense. Look at what has happened in the banking sector.

The CBK Governor issued orders in form of a letter stating that anybody, including ordinary citizens doing business with any bank, when depositing or withdrawing Ksh1 million, must fill a form stating to the bank where they got the money from or where they are taking the money in case of withdrawing. Now, if you write that you are withdrawing money to take it to your house and that information is leaked to a thug, what will stop the thug from attacking you at night? He knows the old man who withdrew money.

(Laughter)

In the form, there is somewhere you have to tell a bank manager where you are taking the money. Now, if an old man or old lady tells a bank manager that he or she is taking the money to his or her house and it is true, and that information is leaked to a thug that, for example, Miss Mary has withdrawn Ksh1 million and she wrote that she will take the money to her house, why would she not be followed to her house and robbed her money?

When the CBK Governor made the regulations, the Speaker then, Hon. Justin Muturi, referred the matter to the Committee on Delegated Legislation and the Committee on Finance and National Planning. The CBK Governor was summoned by Parliament and he was told he must bring the regulations within 30 days so that the House either approves or disapproves them. What did he do mischievously? He went and procured someone to go to court to sue him on behalf of the CBK. He came back to the House after the 30 days and said that he could not talk about the matter because it was *sub judice*. He thought we were fools yet we knew what he had done. We represent Kenyans and we must say the truth. I was in Parliament then. He sued himself so that he is not summoned by Parliament to appear before a committee of Parliament.

(Laughter)

That is how the matter died for three years until now that the 13th Parliament is in place.

The first day we appeared here, we swore to defend and uphold the Constitution. The Constitution clearly says that nothing can have the force of law unless it is passed in this House. It is as simple as that. So, I want to tell those people, including banks that are operating under illegal regulations, to please, stop it from today. There is no such regulation that is in force. That was a mere piece of paper that was given to you by the CBK Governor. It has no force of law. Parliament is telling you that those regulations are irregular and illegal. Please, do not force them on the Kenyan people.

In conclusion, there is a reason the Committee on Delegated Legislation was put in place. The Committee is not in place in vain. It has a Chairman and Members. Its work is to make sure that when regulations come before it, they look at them, approve or disapprove them and bring them to the House, so that all Members either approve or disapprove them. If this thing is not stopped, I can assure you there will be many cabinet secretaries and statutory bodies that will come up with their own regulations. That will be an affront to this House. That will be usurping the powers of Parliament given by the Constitution. What will happen if everybody decides to do their own thing without following the Constitution? I want to say to whoever is listening to us today in Parliament that through the Speaker's ruling, Parliament is saying that those regulations are irregular. Do not follow them. Ignore them.

Hon. Speaker: Hon. Majority Leader.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I want to join my two colleagues in expressing my concern on the same. This issue that Hon. Chepkong'a has raised goes to the heart of our Constitution in terms of what is defined as the role of

Parliament. I want to draw the attention of Members to Article 94(1) of the Constitution on the role of Parliament. It says:

“The legislative authority of the republic is derived from the people and, at the national level, is vested in and exercised by Parliament.”

If you go further to Article 94(5) it says:

“No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.”

If you read on the entire Articles 94, 95 and 96, the role of legislation is also vested in Parliament.

In consideration of Statutory instruments, the House is governed by the Statutory Instruments Act that we enacted in 2013 when myself, Hon. Opiyo and Hon. Junet were new Members of Parliament. If you go through our Standing Orders, Standing Order 210(6) defines what a statutory instrument means. It says:

“In this Standing Order, statutory instrument means any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorised to be issued.”

On what has happened, I want to agree with Hon. Junet and Hon Chepkong’a that people have simply forgotten where we were post and before 2013. It is before 2013 that you could enact regulations and give orders without any regard to the role of Parliament.

Hon. Speaker, I want to beseech you in your tenure as the Speaker, not to allow anybody in Government - whoever they are - to ignore the role of Parliament as defined in the Constitution. It is, indeed, true that people in Government are issuing orders and directions left, right and centre. In most cases, you will notice that people do regulations and send them to Parliament when Parliament is on recess. That is something that was prevalent, especially in the last session of the 12th Parliament. In the long recess that we are about to go between December and February, it is the time most of the orders and regulations will be done. They directly affect the people. We will get home and get hammered by our constituents that laws are being passed.

Indeed, regulations are part of the law. They are actually law. They are delegated legislation. It is subsidiary legislation that we have delegated someone else to make on our behalf. However, they must make the subsidiary legislations and bring them to the House for either our concurrence or refusal to concur. Therefore, it is only fair that nobody uses this House as a rubber stamp by merely sending documents when the House is on recess and say by virtue of lapse of time, the regulations become operational.

The issue of the CBK limiting how much money people can deposit or withdraw from banks is a very sensitive matter that goes to the core of trade. In this town, down in Nyamakima, people trade with millions of shillings. In my constituency and Dagoretti, Hon. Chepkong’a just gave an example of what goes on there. I was discussing with him about an elderly Maasai herdsman who came and sold his cattle in Dagoretti Market, but could not move the money to a bank because the bank manager wanted to see the cows or a photograph of the cows, or the buyer of the cows.

We buy cattle, slaughter them, process, pack and enjoy the meat there in Dagoretti. Therefore, we cannot be asking our herdsman and our good pastoralist brothers and sisters to explain every coin they get from selling their cattle. A million Kenya shillings today is about ten or eleven bulls. Sometimes five, if they have good weight. Therefore, these issues touch on our role as a House. They touch on the lives of our people. I really beseech you, Hon. Speaker,

to make a considered ruling that will bring back our roles not just as legislators and representatives of our people, but also as an oversight institution that makes laws and subsidiary legislation through regulations or orders which govern our people.

With that, I beg to ask you, if and when you make your considered ruling, to restore that role of Parliament in line with Article 94(1) and Article 94(5) of our Constitution.

Hon. Speaker: Hon. Robert Mbui and Hon. Wangare then we close there. Take three minutes each.

Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker, for the opportunity. I also join my colleagues in confirming that the wisdom of this House in forming the Committee on Delegated Legislation was to ensure that all statutory instruments, in other words subsidiary legislation, are brought for approval in the House. Section II of the Statutory Instruments Act deals with the laying of statutory instruments on the Table of the House. Therefore, Section 11 says that the authority that makes a statutory instrument must lay it within seven days. Again, Section 11(4) says that if they fail to do so, that legislation ceases to have effect. The problem is that you need to define and understand the definition of a statutory instrument. Some of these statutory instruments are pronouncements that have the effect of law. How do you lay a pronouncement on the Table of the House?

You will be surprised to note that even the Competency Based Curriculum (CBC) education system we are talking about, which is meant to reform our education system, was never brought to the Floor of the House. There are so many regulations that are affected. I think it is important for you to give the House and the Committee on Delegated Legislation authority to pick any legislation they hear is out there. We are here to represent the people. We should bring to the Floor any legislation made out there and address it as a committee and table it on the Floor of the House.

Hon. Speaker: Hon. Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I pick up from where Hon. Mbui ended. I sat in that Committee in the 12th Parliament and the Committee on Delegated Legislation has a lot of power that it can exercise. The Committee should immediately annul any legislation or regulations that have come before it and not tabled officially. Let makers of regulations go back to the drawing board and submit the regulations again. I saw it happening in the last Parliament. That way, we will exercise and stamp back the authority of this House.

The law, under Section 11, protects us. We are also protected by the Constitution under Article 125. If you feel that any issue out there is being abused, this Committee can bring back the dignity of this House, annul the regulations, and bring the report on the Floor. Let regulation makers go back to the drawing board and resubmit regulations. That way, the Committee will assert itself right from the start. The mischief that we saw is that they wait for time to almost lapse and then they forward the regulations here with the idea that the regulations will just self-operate without going through the Committee.

I hope your ruling will also guide the Committee to exercise its powers in terms of annulling all the regulations. Let us go back to the drawing board. That way, the role of Parliament will be protected. We will be protected and also be in a position to assert ourselves in the 13th Parliament. The new Government will know that you cannot just make regulations as you wish. It has to be in accordance with the Constitution.

Hon. Speaker: I will extend to one more Member, Hon. Kamket. I am told he was the Chairperson of the Committee on Delegated Legislation. I believe where he comes from, he is the biggest victim of such regulations.

(Laughter)

Hon. Kassait Kamket (Tiaty, KANU): Indeed, Hon. Speaker. As you have stated and as I speak, there is a security operation in my constituency which is not being enforced through the law. I was the Chairman of this Committee as we were winding up the last Parliament. Hon. Members who were in that Parliament remember most of the reports we brought to this Parliament had only one conclusion: annul all the regulations in entirety. Do you know why? Most regulation-making bodies had many issues. The regulations they made had issues. Either they never conducted public participation, which is a key element in our Constitution, or something else. Those who were going to be the users of those regulations would suffer in a very big way. As you make your ruling on this matter, and as correctly stated and quoted by the Leader of the Majority Party, let your ruling not only become a reminder of the existence of this Committee, but also an enforcement of the rule of law.

As I finish, I have noticed another mischief. I urge the Hon. Members, especially the Leader of the Majority Party, that there is another mischief in State agencies in ministries. They are used to hiding bad laws. They use this omnibus thing called the Miscellaneous (Amendment) Bill to hide bad laws. They know Members will not have time to scrutinise everything. Hon. Speaker, as you make your ruling on the matter of delegated legislation, that is a matter you may want to consider. Very many State agencies have taken advantage of it and amended laws in a way that is not helpful to the citizens.

Hon. Speaker, I thank you for the opportunity.

Hon. Speaker: Thank you, Hon. Members. Indeed, the matter raised by Hon. Chepkong'a is very weighty. Many Kenyans are victims of illegal directions in the name of regulations. There is no shortage of facts. There is no shortage of law. I will give you a considered ruling on Thursday next week at 2.30 p.m.

Next Order.

(Hon. Atieno Bensuda walked into the chamber)

Hon. Bensuda, you may take your seat. The Motion is quite long. Take your seat.

MOTION

DEVELOPMENT OF A UNIFIED NATIONAL POLICY ON SMALL AND MICRO-ENTERPRISES

THAT, aware that Kenya's economy is largely driven by the informal sector spearheaded by entrepreneurs presenting themselves in form of Small and Micro-Enterprises (SMEs); concerned that the informal sector popularly known as the *Jua Kali* has different segments and categories spread out in value chains ranging from agriculture, trade, manufacturing, apparels, IT, transport, the creative economy, education among others; recognising that, there is need to improve coordination of SMEs through development of an all-inclusive well-structured delivery platform that encompasses multiple solutions and all key stakeholders; noting that this sector has a potential to create employment opportunities to over eighty (80) percent of Kenya's working population; further noting that these SMEs have the capacity to leapfrog our nation to a middle-income economy as witnessed in other economies around the world; recalling that strong and consistent commitment and political goodwill can deliver the needed growth for the realisation of steady and sustainable economic growth; concerned that previous support by the Government to this sector has merely been a knee-jerk reaction in form of skewed funding and tokenism; cognisant that there exist

no unified national policy or legislation in support of the sector and SMEs across the entire value chain; now, therefore, this House resolves that the national Government develops a unified national policy on small and micro-enterprises (SMEs) detailing recognition, funding, mentoring, expansion, restructuring and marketing of the SMEs products.

*(Moved by Hon. Beatrice Elachi on
9.11.2022 – Morning Sitting)*

*(Debate Concluded on
9.11.2022 – Afternoon Sitting)*

(Question put and agreed to)

Hon. Speaker: Next Order.

SPECIAL MOTION

APPOINTMENT OF A MEMBER TO THE PARLIAMENTARY SERVICE COMMISSION

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. On a light note, I noticed that Hon. Junet was very happy when you stood up and ably protected him from Hon. Bensuda.

(Laughter)

No sooner had I mentioned Hon. Bensuda than she reappeared.

(Laughter)

Hon. Speaker, allow me to recognise students that you appreciated because part of the students is a group from the school Hon. Clive and I went to. Hon. Clive was many years my junior at the school. The school is the Alliance High School.

Hon. Speaker, I beg to move the following Motion:

THAT, noting the Resolution of the Senate of Wednesday, 9th November 2022, regarding its partial concurrence on the appointment of Members of Parliament to the Parliamentary Service Commission, notwithstanding the provisions of Standing Order 49, and pursuant to the provisions of Article 127(2) of the Constitution, this House approves the appointment of the Hon. Sen. Erick Okong'o Mogeni, SC, to the Parliamentary Service Commission under sub-section (c)(ii) of the said Article.

Members will recall that on Tuesday this week, 8th November 2022, this House passed a Motion that approved the appointment of seven Members, including Hon. Faith Gitau, Hon. Mohamed Ali, Sen. Nderitu Kinyua, Sen. Joyce Korir, Hon. Mishi Juma, Hon. Patrick King'ola and Sen. Fatuma Adan Dullo. This approval was then relayed to the Senate for concurrence on the issue. However, the Senate agreed with us on six of the nominees on the list, but replaced Sen. Fatuma Dullo with Senior Counsel, Sen. Erick Okong'o Mogeni. To this end, I am asking the House to agree with the decision of the Senate.

Members will appreciate that in parliamentary parlance, any rejection of a name by either House cannot even be mediated. We cannot mediate on a name. Therefore, non-concurrence by the Senate on the name of Sen. Fatuma Dullo and replacing it by Hon. Erick Okong'o Mogeni basically means that Sen. Fatuma Adan Dullo has been rejected by the other House. The best we can do is to concur with the Senate and allow the Commission to be fully constituted. The Commission needs to be sworn in and to embark on a lot of work that is ahead of it. Members will appreciate what the Speaker said that the Commission has a huge responsibility on matters that pertain to the running of both Houses of Parliament and matters relating to the welfare of Members. I, therefore, urge the House to concur with the Senate.

I honestly sympathise and empathise with our brothers and sisters from our old party, the party we left, the Jubilee Party. We sympathise with them. How we wish there was anything we could do for them. In due course, maybe something else will come up. As you ably guided, and I would not want to get into the politics of the Azimio la Umoja-One Kenya Alliance, this has nothing to do with the politics within the coalition. It is a decision that has been made collectively by the Senate where both Hon. Fatuma Dullo and Sen. Okong'o Mogeni sit. That House is better apprised in knowing who is better at representing them in the Commission. I urge us not to spend a lot of time on this matter.

I move and ask Hon. Osoro, the Deputy Majority Party Whip, to second. I urge Members to concur and agree with the Senate to allow the Commission to start its work.

Hon. Sylvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. While seconding this Motion, I do not want to delve into the matters of Azimio la Umoja-One Kenya Alliance coalition. There are whispers within the plenary in regards to the replacement of Hon. Fatuma Dullo. This whole matter came from the Senate. We do not need to find ourselves fighting in the same waters against the Senate when moving as a House to debate matters that pertain to the leadership of this House.

The matter on the Parliamentary Service Commission has been long overdue. It is a matter that has led to messy operations of both Houses of Parliament. Remember that matters regarding budgeting, travelling, or anything that touches on the Members' welfare can only happen when there is a constituted Commission, and none exists currently. Hon. Speaker, I imagine you currently Chairman of a Commission where most Members lost the elections. I can only imagine the operations within the Commission. Hon. Speaker, I know you are in a difficult position. It is, therefore, important for us to approve this name and proceed with swearing them in.

Even as I do that, I do not want to be the devil's advocate, but it is important for me to say that our brothers in the Jubilee Party should stop equating themselves with the Orange Democratic Party (ODM). The ODM is a big party whereas they are a small party. Their time of fame came to an end.

Hon. Speaker: Order, Hon. Osoro. Desist from raising unhelpful passions in the House.

Hon. Sylvanus Osoro (South Mugirango, UDA): Hon. Speaker, I withdraw.

I second.

(Loud consultations)

Hon. Speaker: Order! He has withdrawn.

(Loud consultations)

He has disowned those unhelpful remarks.

(Question proposed)

(Loud consultations)

Hon. Members: Put the Question.

Hon. Speaker: Order, Hon. Members! Before I put the Question, there are two Members who have passionately appealed that I give them an opportunity to say something. They are from the aggrieved Jubilee Party. I want to encourage that we do not open this matter anymore than it is necessary. I will give the opportunity to Hon. Korere to speak for five minutes and Hon. Sabina Chege. If you raise unhelpful passions, I will stop you because you just want to make a contribution to this Motion. After that, if the mood of the House is that we put the Question, I will do so. Hon. Korere.

Hon. Sarah Korere (Laikipia North, JP): Ahsante, Mhe. Spika. Inafahamika kwamba awali, kuna Hoja ilipitishwa na Jumba hili kuhusiana na uteuzi wa Makamishna wa Tume ambayo tunazungumzia juu yake. Kubatilishwa kwa Hoja hiyo katika Bunge la Seneti si jambo geni na hatutaki kuambiwa kwamba ni Seneti inabadilisha. Hii ni mazoea na tabia ya ndugu zetu katika mrengo wa Azimio ambao ni ODM kufanya siasa za udanganyifu.

(Mashauriano ya sauti)

(Kicheko)

Wao wanacheza siasa za ulaghai na unafiki. Ndugu zetu kutoka ODM ni wanafiki wabaya sana. Nataka kusema nikisimama kwenye Jumba hili kwamba tulipojiunga nao, hatukushurutishwa ama kulazimishwa. Tukitaka talaka, hatutashurutishwa. Tutawataliki jinsi tunavyotaka.

Mimi nasema hivi kwa sababu nilipokuwa nagombea kiti changu katika Eneo Bunge la Laikipia Kaskazini, Mhe. Junet na kiongozi wa chama chake walikuja kumpigia debe aliyekuwa mshindani wangu katika chama cha ODM. Na kama hiyo haijatosha, wametufuata na dhuluma katika Jumba hili. Sisi tukiomba nafasi yetu katika Tume siyo tafadhali. Ni haki yetu. Sisi tukiomba kuwakilisha watu wetu katika kamati za bunge hii siyo tafadhali kwa maana tulipigania. Ndugu zangu wa muungano wa Kenya Kwanza msubiri maanake hamkuwa makasisi katika ndoa yetu na hamtakuwa makasisi katika talaka yetu.

(Kicheko)

Kwa hivyo, sina shaka kwamba Seneta aliyetajwa ako na uwezo wa kutuwakilisha katika Tume. Lakini ukweli ni kwamba ODM wametulaghai. Mhe. Spika si mgeni kwa ulaghai wa ODM. Shukran, Mhe. Spika.

(Kicheko)

Hon. Speaker: The Speaker is not part of this debate. Hon. Sabina Chege.

Hon. Sabina Chege (Nominated, JP): Thank you, Hon. Speaker. I want to start from where Hon. Korere ended. Though I can tell that the majority will have their way, it is also important for the minority to have their say.

There was a general agreement. We were supposed to have a commissioner from the Jubilee Party, ODM and the Wiper Democratic Movement (WDM). I want to answer my colleague. We are not a small party or equating ourselves with the ODM. We are in a mutual relationship where we demand respect. We know the WDM got its share. The Jubilee Party

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was supposed to get its share. We are not saying Hon. Sen. Mogeni is not qualified. He is actually my friend. I know I will not have my way because the majority want to proceed and have the commissioners, but we would have been given time, as a coalition, to sit down and agree on the way forward. Because I can read the mood of the House, and I know it is not possible...

Hon. Speaker: Order, Hon. Sabina Chege! For the record, the Chair overindulged your coalition. Hon. Wandayi is my witness. He brought the names and we took a lot of time. I am not inviting him to say anything. So, the issue of time is neither here nor there.

Hon. Sabina Chege (Nominated, JP): Okay. Hon. Speaker. That is why I said I can also read the mood of the House. I can tell everybody wants to move on. However, it is good and important to go on record as we blame our coalition partners, the ODM. I do not think they are the ones to be blamed. I blame the Jubilee Party. It cannot send two or three letters on one issue giving different instructions.

(Loud consultations)

I am nominated by the Jubilee Party. I want to address them and say that they should put their act together. Even on the issue of the nominees to EALA, we had three letters which gave different names from the same party.

(Loud consultations)

Allow me to speak. The reality of the matter is we gave the name of Hon. Waluke and then we gave a different name as one party. We must have a clear direction from my party. If we are writing a letter, it should be one letter addressing an issue, but not going back and deceiving other people. We blame the ODM. However, I wish the leadership heard Hon. Speaker because I also reached out to him. We should not clean our dirty linen in public. As a coalition, we were given this weekend to sit down, but because that will not happen, I choose to address my party. Let us put our act together.

Hon. Junet Mohamed (Suna East, ODM): Point of order, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Sabina Chege. My last glance at your record shows that as a Jubilee Member, you are also the Deputy Whip of the side you are chiding.

(Laughter)

Hon. Members: Put the Question.

Hon. Speaker: I will give the last opportunity to Hon. TJ Kajwang' and then I will put the Question. Give Hon. TJ the microphone. I give you two minutes, Sir.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Speaker, thank you. You know there is nothing more expensive now in this House than being a Member of Azimio. You become a favourite punch bag. To become a Member of ODM is like having gold. Everybody seems to think that good things come from ODM even when it does not have capacity to deliver. What has ODM not done? It allowed the Member from Jubilee to be processed in this House. We were here and consented. We voted and allowed the Jubilee Party to have a Member and then it was taken to the Senate. What could we do? Did we have to go to the Senate and become Members there to vote for the Jubilee Party?

(Laughter)

Somebody has talked about marriages and divorce here, which are very lucrative. People laugh a lot. However, you need to know what happens in people's bedrooms.

It is very unfair when people bring names and discuss parties when we do not have a right of reply. Of course, people do not make relationships on the streets. They make them in their bedrooms. When we know there is a problem, we shall go back to the bedroom and do the work properly.

(Laughter)

If Jubilee or any other party has an issue... We cannot be a party which is intimidated every day. It is only in this Parliament where this whole relationship is decided half way. One time we are not in Azimio, another time we were not the Majority or the Minority Party and another time we were to go to the same contract to decide the relationship between us. Are we not human beings? So, I want to say that ...

Hon. Speaker: You have made your point.

Hon. T.J. Kajwang' (Ruaraka, ODM): I have made my point.

Hon. Speaker: Thank you.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Before I put the question, I want to acknowledge the following students in the Public Gallery: Students from Njiris High School, Kigumo Constituency in Murang'a County, students from Kirangari High School in Lower Kabete and Benson Institute of Professionals from Westlands Nairobi. On your behalf and on behalf of the Chair, we welcome them to the House of Parliament.

Hon. Members, I now put the Question.

(Question put and agreed to)

(Loud consultations)

Hon. Speaker: Every Member has the right to vote no, yes or remain silent. Hon. Members, I now give the following direction before we go to the next order. All the Commissioners who have been approved by both Houses will, in the next 30 minutes, proceed to County Hall. I also invite the Leadership of the House – the Leader of the Majority Party and Deputy Leader of Majority Party, Leader of the Minority Party, the Deputy Leader of the Minority Party, Majority and Minority Whips. Proceed to the County Hall for the swearing in of the new Commissioners to give them an opportunity to start working forthwith.

Next Order! Hon. Tongoyo.

(Applause)

SPECIAL MOTION

APPROVAL OF NOMINEE FOR APPOINTMENT AS INSPECTOR-GENERAL OF POLICE

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I beg to move the following Motion:

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THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations, in its Report on the vetting of Eng. Japhet Koome Nchebere for approval as Inspector-General of the National Police Service; laid on the Table of the House on Wednesday, November 9, 2022, and pursuant to the provisions of Section 12(1) of the National Police Service Act, 2011 and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011; this House approves the appointment of Eng. Japhet Koome Nchebere as the Inspector-General of the National Police Service.

(The Speaker (Hon. Moses Wetang'ula) left the Chair)

*(The Temporary Speaker (Hon. (Dr.)
Rachael Nyamai) took the Chair)*

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Order Hon. Members! Those who are withdrawing from the Chamber, kindly do so quietly. Proceed, Hon. Member.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Members, let us have some order please.

After receiving the Messages from His Excellency the President on the nomination of Eng. Japhet Koome Nchebere for appointment to the position of the Inspector General of National Police Service; the Speaker of the National Assembly and the Speaker of the Senate on Tuesday, 25th October 2022 and Tuesday, 18th October 2022, respectively, issued a Communication on the approval hearing for the nominee for the appointment of the position of Inspector-General of the National Police Service to be conducted jointly by both Houses of Parliament as required by the Constitution and the National Police Service Act of 2011.

Eng. Japhet Koome is currently the Commandant of the National Police College Main Campus, Kiganjo. He has over 31 years' experience in the Police Service. He started as a police constable in 1991 and rose through the ranks over the years.

The nominee has served in various senior managerial positions such as Commandant Anti-Stock Theft Unit, Officer in Charge of Police Division (OCPD) in various regions, Officer in Charge of Practical Police Work at Kiganjo Police Training College, Deputy Director Planning in Kenya Police Service, Director Planning in Kenya Police Service, Regional Commander in Nairobi and later the Principal Deputy Inspector General, a position he held before he became the Commandant of the National Police College.

During his tenure in the Police Service, Eng. Koome played key roles as Operational Commander during the Tokyo International Conference in Africa Development (TICAD) in Nairobi, United Nations Conference and Trade Development (UNCTD), the visit by Pope Francis to Nairobi, Kenya and the General Elections of 2017, among other major international conferences held in Nairobi.

Article 245(2)(a) of the Constitution establishes the Office of the Inspector-General, which is an office in the National Police Service. The Inspector-General is appointed by the President with the approval of Parliament. The Inspector-General exercises independent command over the National Police Service and performs any other function prescribed by the national legislation.

The name of the nominee and his Curriculum Vitae were referred by the Speaker of the National Assembly to the Parliamentary Committee on Administration and Internal Affairs and by the Speaker of the Senate to the Standing Committee on National Security, Defence and

Foreign Relations. The joint committees held a preliminary sitting on Monday, 7th November 2022 to prepare for the approval hearing and consider memoranda received from the public.

To fulfil the requirement on personal integrity, the Clerk on Tuesday, 25th October wrote to the Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the Registrar of Political Parties (RPP) and Higher Education Loans Board (HELB) to ascertain the nominee's good standing in the said Government institutions. The nominee was also required to submit clearance letters from the said agencies.

The joint committee complied with constitutional and legal requirement and established procedures for the approval hearing. The committees ensured public participation and openness in carrying out the approval process. Notification inviting the public to submit memoranda was placed in the mainstream print media on 25th October, as required under the law.

The committee conducted the approval hearing on Tuesday, 8th October 2022. In conducting the approval hearings, the Committee was guided by the provisions of the Constitution, the National Police Service Act, 2011, the Public Appointments (Parliamentary Approval) Act,

2011 and Standing Orders of the respective Houses. During the approval hearing, the Committee considered the nominee's duly filled questionnaire, curriculum vitae, candidate's academic credentials, provisional training and experience, personal integrity and background report from relevant authorities and oral submissions. We made the following observations:

1. That the nominee is an experienced police officer serving at the rank of the Senior Assistant Inspector-General of Police. He joined the Kenya Police Service in 1991 and rose through the ranks to his current position. Currently, he is serving as the Commandant of Kenya Police Training College – Kiganjo. He has experience of 31 years in the Police Service.
2. That the nominee has a rich academic background. He holds a Bachelor's Degree in Civil Engineering from the University of Nairobi which was awarded in 1990 and is a registered civil engineer by the Engineers Board of Kenya. In addition, he also holds certificates and awards on countering violent extremists, regional senior mission leader's course, transformational organisation culture for maximum growth and major crime management courses, among many others. The nominee holds several awards in recognition of his outstanding and distinguished service he rendered to the nation in various capacities and responsibilities. During the approval hearing, the nominee exhibited knowledge in matters relating to security, law, management, leadership skills and qualities that are necessary to administer and manage the command of the National Police Service as a disciplined service, and as prescribed under Section 11 of the National Police Service Act, 2011.
3. That based on the evidence submitted during the approval hearing, the nominee met all the constitutional requirements of Chapter Six of the Constitution on leadership and integrity. He also met the statutory requirements necessary for appointment as Inspector-General of the National Police Service provided for under Section 7(b) of the Public Appointment (Parliamentary Approval) Act No.33 of 2011.
4. That the nominee has never been removed from office for contravention of the provision of Articles 75(1), 76, 77 and 78(b) of the Constitution of Kenya.
5. That the nominee has the necessary experience and qualifies to hold the Office of the Inspector-General of the National Police Service as per the requirement of the National Police Service Act, 2011.

Hon. Temporary Speaker, the recommendation of the Committee is that this House approves the nomination of Eng. Japhet Koome Nchebere for appointment to the position of Inspector-General of the National Police Service by the appointing authority.

I beg to move and call upon my Vice-Chairperson, Hon Raso, to second.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Yes Seconder.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker and the Chairperson. I second this Motion. Mr. Japhet Koome is one of the most distinguished police officers in the Service for a very long time. He happens to have been among those who have waited in line for almost 30 years to rise to the very top. For that reason, in this country, if there is justice, fairness, equity and all things associated with the good things in the Bill of Rights, then anyone can rise to the top.

Hon. Temporary Speaker, as the Chairperson has already elaborated, we looked at Article 10, Chapter Six and, in particular, Article 73 on responsibilities of leadership, conduct, financial probity, citizenship and leadership and Article 243 of the Constitution. The Committee raised several questions to the nominee on corruption, extra-judicial killings, insecurity particularly livestock rustling and killings in Arid and Semi-arid Lands (ASAL). The nominee showed us that he is up to the task because he ably answered all the questions raised by the Joint Committee.

Further to this, Mr. Koome comes across as one of those who have risen through the ranks, from a constable to Senior Assistant Deputy Inspector-General. This is indicative that he is able to do all the police work. His last assignment was Commandant of the Kenya Police Training College – Kiganjo. This is the premier police academy in Kenya.

This gives us a very clear indication that this man has understanding of police work at all required levels. For that reason, we believe as a Committee that the person we have presented today will do police work, believing and following the Constitution and the Police Service Act, 2011 and the amended version of 2015.

With those few remarks, I call upon the House to approve the nominee so that there is no gap within the National Police Service which has not had an Inspector-General for the last two months or so.

Thank you, Hon. Temporary Speaker. I beg to second.

Hon. Members: Put the Question.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, I will propose the Question first.

(Question proposed)

Hon. Members: Put the Question

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, is that the mood of the House?

Hon. Members: Yes.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, I will put the Question for the Mover to be called upon to reply because he has a right to.

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

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, I call upon the Mover to reply.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to thank Members for approving the nominee for the position of Inspector-General of Police. The man is up to the task. We know the challenges that are ahead of us in this country.

I beg to reply.

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, next Order.

MOTION

DEVELOPMENT OF POLICY ON TREE PLANTING AND BEAUTIFICATION ALONG ROADS

(Several Hon. Members withdrew from the Chamber)

Order, Hon. Members. Those who are withdrawing from the Chamber, kindly do so in silence. I would like to now invite Hon. John Kiarie. KJ. Kindly provide the microphone to Hon. John Kiarie.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, aware that Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) also mandates the State to encourage public participation in the management, protection and conservation of the environment; further aware that deforestation is one of the main contributors to climate change; noting that, Kenya has not been spared by the effects of global warming and climate change as a result of deforestation amongst other aspects; also aware that the road network in the country currently stands at approximately 177,800 kilometres with a development rate of around 600 kilometres per annum; deeply concerned that there has been persistent destruction of trees and vegetation along the road reserves and roadsides during road construction efforts leading to adverse effects on the ecosystem; cognisant that studies have shown that the benefits accumulated from roadside tree planting include better soil formation due to shedding of dead leaves, increased water quality by reducing sediment flow, reduced erosion, road beautification, flood control as the trees slow and absorb water runoff, wind-breaking, providing important pollinator habitats, improving peoples' health and protecting crops; now therefore, this House resolves that the Government includes a component of tree planting in all road network designs and also makes it compulsory for road contractors to replace any tree harvested during road construction upon completion of the project.

This Motion could not have come at a better time. The world is coming out of Egypt for the Conference of the Parties of the United Nations Framework Convention on Climate Change (COP 27) Summit. The effects of drought and climate change are clear for everyone to see. Today, we are talking about a drought situation in the country. We are talking of the adverse effects of climate change, including drought, lack of water and all the other issues that come with it.

I hail from Nairobi City County. Its history is very well associated with the story of climate change, flooding, *El Nino* and *La Nina*. When this Republic was being formed, the colonisers were looking for a place to set up a capital city. At that time, they were not looking for a capital city to be a commercial centre. They were looking for a place for the headquarters of the railway line. The British were constructing a railway line from the Coast of Mombasa into the hinterland to a place called Uganda.

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As they were doing this, they wanted a person who could set up a city. They identified a place called Masaku. They said that Masaku looked like a good place to put up a capital city. They said that Masaku would be the capital city of a Republic called Kenya. They dispatched a young man by the name of Ainsworth who was a District Commissioner. He must have been about 20-something years old. He started setting up a city in Masaku. However, as those *mzungus* were on their way up the escarpment, they came across a small, swampy flat land. There was a small market called Kanyonyo, around and about where this Parliament sits today. They saw it to be a flat and beautiful area, and thought it would be a good place to construct the city.

They changed their plans and decided that instead of putting up the city in Masaku, they would put it up where Nairobi sits today. At that point, they were looking for the cool waters that came from the Kikuyu Springs and provisions of food from the northern sides. They thought that the eastern sides, where Kangundo and Embakasi are currently, would be a good place for workers on the railway line to set up their houses. So, Ainsworth started designing a city called Nairobi.

Ainsworth was informed by the model of the then apartheid movement. He drew the capital city and the Central Business District (CBD) in a grid formation, all the way down to Grogan Road. He decided to set up the high-end areas of living in Lavington, Kileleshwa, and Kilimani. He decided that Asians could reside across the river in Ngara, Highridge, Parklands and Westlands. He further decided that the natives, the Africans, could be set up somewhere around Muthurwa, so that they could get their provisions from the northern and eastern sides around Kangundo. They set up a city.

What they did not know is that they were setting up a city in the time of *La Nina*. Soon afterwards, the colonialists regretted when *El Nino* rains started beating the city. Immediately, Ainsworth realised that Nairobi was actually a non-drainable swamp. There is a lot of water that was captured in this small swamp called Nairobi. It was un-motorable, un-livable, mosquito-infested and one big pond.

Mr. Ainsworth did not have the technology to drain the city and he searched far and wide. He did a big search and spin, and a solution came in the form of exotic trees in the name of the blue gum tree which we now call Eucalyptus. Out of science, Mr. Ainsworth learnt that the blue gum tree is able to absorb water in larger quantities than any other. He then set upon and planted so many blue gum trees in this city.

If you walk down to the National Theatre and the Norfolk area, you can see the relics of those trees – big massive trees and probably, of over a hundred years old. He, however, did not stop at the City. He set up to plant more of those trees along the roads. Ngong Road before its expansion was lined up with many trees all the way to Karen. There were also trees lined up on both sides of Waiyaki Way. Those trees had also been planted around State House and the Arboretum for more than a century.

Hon. Temporary Speaker, in our recent efforts to construct roads, we have unfortunately cut down all the trees that Mr. Ainsworth planted over a century ago. With the new technology, we have come to learn that there are trees which are not good for the environment, blue gum tree being one of them. However, the efforts of the founders of this City were noble and well informed. Beyond the blue gum trees, Nairobi had trees planted all over. When growing up, Dagoretti Constituency would start from Gigiri to near Kikuyu, and this was the green side of the City with a beautiful tree cover.

When I went to school, I remember seeing James Gichuru Road with a beautiful canopy of Jacaranda trees. It was amazing when the full bloom was in season. You could see beautiful, purple flowers of Jacaranda trees lining along James Gichuru to Dagoretti Corner. However, with the construction of roads, those trees have been felled, and no one knows where the timber was taken to. As we built our roads, we cut out all the greenery and trees along them, and we

are now feeling the effects. The City is way hotter, drier and less beautiful. What used to be the Green City in the sun – Nairobi - is no more.

What has happened to Nairobi has happened to almost every other urban centre in this country and beyond. Back then, trees had beautiful landmarks. If you went to Hurlingham, you could see beautiful trees. Nobody knew where the Department of Defence (DOD) was because it was well covered with trees. Today, buildings, homes, installations and Government buildings are exposed and with it, comes many other issues.

The import of this Motion is to beg this House to agree with me that we can put it in law that every contractor who has been contracted to build a road can plant trees at the end of their contract. The contract can carry the quantity of trees that need to be planted per kilometre. When I was moving this Motion, I said that we are building roads at the pace of 600 kilometres per annum. Imagine 600 kilometres of roads covered with a canopy of trees on both sides? How much afforestation can we do per year?

Roads can become a corridor of focus in afforestation. Roadside trees will make a significant improvement to the quality of roads and the environment. The mess caused by cutting a tree here, can be felt downstream in Athi River and beyond. People do not know the concept of the oneness of existence; that today you can mess a water catchment area in Karura Forest, and the effects would be felt in Kathonzi; that you can block a water way in Kikuyu, and the person who will suffer is somewhere in Sultan Hamud. The oneness of existence is that, if we are to be our brothers' keepers, we can start by planting a tree; that today, planting one tree is going to save a life somewhere, far than you can imagine.

The great Martin Luther King told us that we should be our brothers' keepers; and if we do not want to, we should not be our brothers' executors. Anyone cutting a tree is a brother's or sister's executor.

The children in the Gallery today can also tell you the benefits of tree planting. They will tell you that when you plant a tree, you are able to bind the soil with some organic matter. We have scientists in this Chamber. I can see Hon. (Dr.) Lilian Gogo, and she can tell you that the benefits of planting a tree goes beyond beautification and aesthetic properties of having a beautiful and green city. She will also tell you that when you plant a tree, you are aiding and enhancing the infiltration of water retention in the soil.

Without being verbose, I am requesting this House and the Members who are here this afternoon, to agree with me that it will be in order for us, as a House, to not only be our brothers' and our sisters' keepers, but also, be the preservers of our environment. That is by proposing that we put it in law so that every contractor who would be awarded a road construction contract, will not be fully paid until they meet the threshold of reforestation by planting back the trees that they have cut; and by meeting the threshold that would be set by this new law of tree planting by contractors in road construction.

With those many remarks and a trip down the history lane, I would like to move the Motion on the Afforestation and Planting of Trees along the roadsides and road reserves; and by moving it; I want to call upon the very esteemed ranking Member, Hon. Wanjiku Muhia, representing the great people of Kipipiri, to second this Motion.

Thank you very much.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Member for Kipipiri. Kindly, pass the microphone to the Member.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity.

What Hon. KJ did not say is that there cannot be a better Member to second this Motion because the Member speaking hails from the water catchment area in Aberdares, Nyandarua County, the only county where it rains even in January.

Again, it is because I am the immediate former Member of the East African Legislative Assembly (EALA) who just came from Arusha, the Green City of East Africa. Those who have visited Arusha must be aware that it is one of the most beautiful cities in our region based on the trees that are all over the town.

Climate change is real, and is catching up with us. We need to come up with ways to help curb climate change. We have to be creative and innovative in order to curb climate change. I, therefore, commend the Member for coming up with this creative way of curbing climate change through afforestation, especially along the roads. We can do that by making it law because we cannot live without infrastructure. We are investing heavily in infrastructure so that the same infrastructure will carry together the afforestation. In this case, we shall be harvesting two investments together.

We know the carbon emission from trucks and fumes can only be controlled by trees along the road. To enhance the quality of air, this is the best approach. Personally, when I looked at this Motion, I was hesitant because I did not read the Motion. The Member told me to go and read the Motion and I really loved it. You can see the passion when he is explaining how Nairobi was beautiful and I want to agree with him. I had two negative issues because I have seen, particularly near the Department of Defence, how the shades of some trees were creating confusion, making imaginary bumps and causing accidents. I was limiting my line of thought to that line only but when I read this Motion, I must commend the Member.

Hon. Temporary Speaker, the cost of infrastructure is too high in this country and, more so, on drainage especially in some counties like Kericho in the Rift Valley where there are heavy rains. The drainage, even if it is constructed very well, clogs with water time and again. So, afforestation along the road will help us to maintain our drainage system because the water will be consumed by the trees.

Hon. Temporary Speaker, we will also reduce the noise pollution. Members, you may not know that trees can also curb noise, which is also a climate factor. In the current life, we are so overwhelmed by lifestyle. Afforestation will bring health wellness; particularly mental healthcare. This is like a psychotherapy. When one is driving along a very green highway, you will enjoy driving on a beautiful highway and seeing a beautiful city. With the current overwhelming lifestyle, you will find yourself getting healed. Today, mental health is a threat and we are having many cases. This will be a way of facilitating free therapy.

We may remember the Nakuru Highway before the Expressway road was constructed from Nakuru all the way to Nakuru Town. It was so beautiful. There could be some who never saw Nairobi City without this Expressway. The many examples we give cannot be imagined. We can only imagine driving in a green highway and getting psychological therapy. We cannot deliberate more but support this Motion. But we must be cautious. We have seen that the Standard Gauge Railway's (SGR) contract is having a hide and seek game, but we know there were specifications on growing grass. The contractor has finished the work, but we are yet to see the grass. I think going forward, Hon. Members may consider amending the PFM Act so that some tenders can be brought before this House. When there is a big tender, the Members can ensure what we have legislated well. We can ensure this one of tree planting is put together.

When Members will be travelling - especially the new Members - see if you can visit a country like Finland, which I happened to have visited. It has very beautiful green trees for thousands of kilometres. They get income from afforestation. As I support, I urge Members to come up with innovative ways to curb climate change, which is a serious threat to humankind today.

With those few remarks, I support this Motion.

The Temporary Speaker (Hon. Rachel Nyamai): Very well, Member for Kipipiri.

Hon. Members, before I proceed to propose the Question, I would like to recognise the following schools which are seated in the Public Gallery

- (i) Molo Highway Secondary School, Molo Constituency, Nakuru County.
- (ii) Sokoro Girls Secondary School, Molo Constituency, Nakuru County.
- (iii) Arimi Secondary School, Molo Constituency, Nakuru County.
- (iv) Goldmine Academy, Runyenjes Constituency, Embu County.

Hon. Members, on my own behalf and that of the National Assembly, I would like to welcome them to observe the proceedings of the House.

I would like to propose the Question.

(Question proposed)

I would like to give the first opportunity to Hon. Kimani Kuria, Member for Molo constituency.

Hon. Kimani Kuria (Molo, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, I would like to welcome our great future doctors, engineers, professors and Members of Parliament from the great constituency of Molo led by Molo Highway Secondary School, Arimi Secondary School and Sokoro Girls Secondary School. With the view of trying to encourage education in my constituency, I have always endeavoured to make sure that we give an exposure trip to students in my constituency and this morning, we went to Kenyatta University. They all promised me that they will work hard to make sure that they join Kenyatta University and other institutions of higher learning and our Technical and Vocational Educational and Training Colleges (TVETC's) across the country.

(Applause)

I would like to congratulate Hon. John Kiarie for coming up with such an important Motion during a time when we have a discussion on climate change. One Kahlil Gibran said: "Trees are poems that the earth writes upon the sky." Kuria Kimani would like to add: And when the trees write this beautiful poem to the sky, the sky becomes kind and gives us rain. Not too much rain as to destroy our land, but enough to grow our food. For when we plant trees, the sky rewards us by giving us wind; wind that blows cool breezes to cool our brains. But not too strong as to destroy our homes.

The debate across the world now is about climate change. As an economist, I was trying to find out if, by any chance, there is a relationship between economic stability or economic growth and climate change. I was able to establish that climate change is now considered one of the greatest threats to economic stability. For starters, when temperatures are too high, people's productivity reduces. That is why the productivity of people is usually at its lowest between 1 p.m. and 3 p.m., when there is scorching sun. Labour is one of the factors of production. Therefore, if you are not productive because of excess heat, that affects the economic stability of any country across the world. This is only a simple example.

I can be technical in my research. Using data collected in 174 countries, Matthew E. Kahn *et al*, in an IMF working paper entitled 'Long-Term Macroeconomic Effects of Climate Change: A Cross-Country Analysis,' using novel economic strategy, proved that persistent changes in climate change have long negative effects on economic growth. This is a research study that has been done by a combination of economists and environmentalists. It showed that climate change statistically has negative impacts on economic growth. Increase in average global temperatures at around 0.04 per cent per annum reduces the world's GDP by 7.22 per cent. We are talking about an increase in temperature leading to a decrease in global GDP. It is direct connection. In countries that did not have mitigation measures to stop this negative climate change, the impact was seen to be double. Therefore, we must deal with this elephant in the world. And the easiest and most logical way to do that is to plant trees.

Why are we planting these trees at a time when land is competing against many other economic activities such as housing or farming food? When other activities are competing for land, and yet there is a lot of land along highways, this Motion by Hon. KJ could not have come at a better time. I hope and pray that this honourable House approves this Motion and have it implemented in every road construction contract. I look forward to the completion of the Njoro-Molo Road. I hope that we pass this Motion so that the contractor constructing the road can start planting trees along the highway immediately he completes the project.

(Applause)

The other challenge one might bring up against planting trees on highways is how trees affect visibility of drivers. But with proper planning, there is no issue. There are trees that do not grow so tall. And we do not need to plant trees on corners. If the plan is done properly, we are going to have trees on our highways and mitigate against the negative effects of climate change; and we are going to achieve better tree cover. Once the trees mature, they become a source of income and raw materials for construction and the affordable housing agenda. I want to add value to this Motion by proposing that we plant fruit trees. Imagine how good it would be, walking along a highway and you find a mango to munch and cool down your temperature. It will also help us to mitigate against the effects of the drought we are facing in the country.

I hope that once the students from Arimi Mixed Day Secondary School, Sokoro Girls Secondary School and Molo Highway Secondary School – who visited us today – go back, we are going to see an improvement in the number of trees they plant in those schools. I will donate fruits trees. Those who will join the schools in a few years will have better shades to sit under when revising for their exams. When they are hungry, they will just pick fruits and enjoy their afternoon.

With those remarks, I congratulate Hon. KJ for this timely Motion. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Very well, Member for Molo. The Member for Rangwe, Hon. Lilian Gogo.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker. I appreciate and celebrate you. I congratulate you on joining the Speaker's Panel to work together with Hon. Wetang'ula. Kindly guide the Assembly well. I also take this chance to appreciate students in the House. We were once students. We sat in seats like you. We have been like you. The future of Kenya is with you. We thank you for coming to see what happens in the National Assembly. We appreciate you and hope some or most of you will get to Parliament.

Hon. Temporary Speaker, allow me to appreciate my colleague and friend, Hon. KJ. He is magnanimous in his thinking to the extent that he looks at the future Kenya. By virtue of his age, he is advantaged and wants to leave Kenya in a better place than he found it, especially in terms of the environment. I support the Motion. Anything that adds life to this planet is worth supporting.

Trees planted along a road or highway have a calming effect. When you get out of the busy city or when within the city, you want to hear birds humming. Humming birds calm you out of stress. We are a stressed generation. It is good to have people walking for 10 kilometres under a shade, exercising and getting good health. If you construct a road, you should plant trees. Better still, some of them can be fruit trees. Pluck a mango and eat as you walk for another five kilometres. This is the Kenya that we want.

I want to implore President Ruto to set aside a walking day for Kenya. On that day, Kenyans should walk along roads. No motorist should drive on that day so that we can exercise and become a healthy nation. Most of our young people are engaged in nurturing tree nurseries. They literally beg you to buy seedlings because they have no place to sell them. This would be

a very good way of empowering our young people, because they will get a place where they can sell the seedlings in their nurseries.

Having said that, someone has talked about Finland. Indeed, it is a beautiful country, but we want to have our version of Kenyan Finland, where people can come and see the beauty of nature. We are talking about nature in planted trees done in an organised manner, and a way that is anchored in law, supervised, monitored, and evaluated. That is the only way we will then see the results of this kind of legislation.

I support Hon. Kiarie's Motion that he has proposed on the Floor of the House. O, beautiful Nakuru! I have lived in Nakuru for more than 30 years, and I heard somebody mention the trees that were along the highway as you got into and out of Nakuru. This happened in the time that I was living there. I am telling you that Nakuru people cried when the trees went down; and even then, they have made an effort to plant things that look like trees, but they can never be what Nakuru was. I envisage a situation where this is done and in the long term – around 20 to 30 years' time – we will have that kind of a picture along our highways as proposed by the Hon. KJ. Kenya will be a beautiful place to live in.

I want to also talk about regulating the kind of trees that are planted if this Motion finds its way through. Of course, we have the tap root system and the heart root system. The kind of root system of trees that is planted may also be a burden on the road that has been constructed. So, all this should be taken into account as we legislate on this matter so that once we do it, it lasts.

Another matter that I want to weigh in is on mitigation of drought and calming of the environment. Of course, most roads are in places where humans live, and there would be catchment of dust. I think this would be a very good way of helping homes and the construction systems that are around these roads. Why not beautify Kenya? Why not make Kenya a very beautiful country? Why not make interconnecting sub-counties connected with trees and roads? This would really make a very beautiful Kenya.

Hon. KJ, we have to continue with this, and we have to make it different. I rise to support this Motion and thank you for your time. I appreciate you.

The Temporary Speaker (Hon. Rachael Nyamai): Thank you. The Hon. Member for Njoro, Hon. Kathambi Chepkwony, proceed.

Hon. Charity Chepkwony (Njoro, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Motion which has been brought by *Mheshimiwa* KJ in relation with planting of trees when the contractors are doing roads. Allow me to support the Motion and comment on some few issues.

The destruction of forests in this country has led to the reduction of quality and the quantity of water. I want to support Hon. KJ on that Motion in relation with the serious matter of climate change. It has become the global talk. It is high time all of us walked the talk. This is the time for each one of us to take action, because the truth is that climate change has affected all of us. We cannot forget the point of drought, famine and the food insecurity in this country right now. It is good we say that the destruction of forests in this country has also affected the rainfall cycle. It reminds me of the late Hon. Wangari Maathai when she was telling us that our own actions might affect us in the future, and she even emphasised that nature does not forgive. Because of the destruction of our nature, it is now affecting us.

We wish to support Hon. KJ by saying that we have to take action so that we can save our future generations, because we are currently very much affected. It will also be the biggest responsibility for the Ministry of Environment to make sure that the right agencies, like the Kenya Forestry Research Institute (KEFRI), are supported financially. That is one of the institutes which must be supported by the Ministry. The reason I say that is because they have researchers who will assist us to know the right species of trees to be planted in specific areas. Therefore, when we take action – and the first action, as Hon. KJ said and which I support as I

also had a related Motion which might be on the way – was in relation to tree planting, but in a different way. I was proposing that we have a National Tree Planting Day. We are not only saying that the contractors can plant trees, but that we can also make it better as Members of Parliament (MPs) by championing the attainment of 10 per cent forest cover. We need to be very honest with one another, that we have not even achieved 6 per cent of the forest cover in this country. Therefore, we seriously support that idea and request the Ministry of Environment to support the respective agencies, including Kenya Water Towers Agency. We will also see how we can support in whichever capacity.

Hon. Temporary Speaker, because of lack of trees which naturally have a scientific influence on the rainfall cycle, it has affected food production in this country. Therefore, when we plant trees and increase forest cover, we will have enough rainfall that will enable farmers to increase food production and lead to reduction of food insecurity.

My point was just to support the idea of *Mheshimiwa* KJ. We support this and also support the concept of *Mheshimiwa* Gogo. Let us do it in the best way so that we can be a model country in this African Continent. We should also support the President's undertaking to make the Climate Change Council, which was put in the Climate Change Act, active. With that and everyone included and taking a specific action, I think we have time to make this country better. We should go beyond and make sure that our youth plant trees destroyed by contractors in the process of making roads. That will be another way of creating jobs.

Thank you, Hon. Temporary Speaker, and congratulations for making it to the Speaker's Panel. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Rachael Nyamai): Thank you, Hon. Kathambi.

Let us hear from Hon. Florence Jematiah. She seems to be absent. Let us hear from the Hon. Member of Siaya County, Hon. Catherine Ombaka.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Temporary Speaker. I just want to correct you that my name is not Catherine Ombaka. It is Christine Ombaka.

The Temporary Speaker (Hon. Rachael Nyamai): Hon. Member, let me take that again; it is the Hon. Member for Siaya County, Hon. Christine Ombaka. You may proceed.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you for getting it right. Thank you, Hon. Temporary Speaker, for this opportunity. It is a wonderful thing to talk about environmental conservation; it is great to talk about environmental protection and tree planting. They give us life. As *Mheshimiwa* K.J presented this Bill, I saw a picture of trees all over along our highways. I have seen that kind of picture in a beautiful painting, and it is awesome. I can imagine what I saw as a picture translated into what is life; a highway with trees all over, and the way the road meanders. That is how the trees also meander along that particular road. If I remember my English very well, my teacher told me that such a road with trees all over is called a boulevard. A boulevard is beautiful. I think that is what this Bill is all about; creating and constructing boulevards, roads with trees all over. It is so calming. It is so fresh that you just want to walk and walk and enjoy the trees, which is what I think we lack today.

The description he presented made me feel that we have lost so much in environmental protection. We should have thought of this a long time ago. If we look at the streets of Nairobi between Nairobi and the airport, you do not see trees. What you see is one concrete of a highway; a highway meandering in the air all the way to the airport. You can imagine trees planted alongside this concrete highway. What a beautiful sight that could be! It is so refreshing; it is so marvellous. It makes you feel like 'this is Nairobi' and it is beautiful. I think we lack that. It is so empty so far. What we see is nothing but houses, and buildings, and concrete roads. There is so much dust. Nothing stops the wind from blowing and one coughs all the way. I have been coughing lately because of the wind and the sand blown all over. The trees are not there, no birds to sing for us, and nothing to appreciate. I really think that, that

kind of environment with a boulevard; that kind of environment with trees planted all over, is a beautiful country. That is one beautiful sight to see. Thank you so much for that presentation.

We lack action. How many times has this House debated over tree planting and environmental conservation? So many times! Ever since I came to this Parliament in 2013 up to now, the issue of the environment crops up in every Parliament and every time we are here. I think we talk too much and do too little. This is the time to be more serious than ever before. We are seeing with our own eyes; we are seeing day and night how drought affects us, and how animals – leave alone human beings – die miserably. We see nothing but skeletons. This is what televisions and newspapers all over the world present to us. They know that there is hunger in Kenya, and that children, women and animals are all dying. But they are dying so miserably; they are very thin, nothing but skeletons.

The environment is polluted. We need to take action and protect our environment. We always try to improve the environment, but not putting much effort. We rely on children in schools to plant trees. We do not rely on adults. We have too many clubs, organisations and institutions that preach environmental protection and conservation, and which plant trees here and there, but very little action is done. Otherwise, with all this talk of planting trees, Kenya would be green. That shows that we just talk and do little. I believe that if we talk and put action in place, a lot will be saved. Our lives will be prolonged; people will live longer and healthier. We shall enjoy our environment. Nature is a beautiful thing. Just enjoy the painting of nature in your house – a long river, a painting with trees - put it in your bedroom. A glorious painting is just nice and calming. How beautiful is nature when we plant trees! We can live longer and save lives, protect lakes, rivers, and the roads on which we walk or ride bicycles and drive vehicles. It will be too tantalising. It will be very beautiful. You will enjoy being a Kenyan and say ‘long live Kenya’.

Thank you very much for giving me this opportunity. I support this Bill. It is so real and practical. It can be done.

The Temporary Speaker (Hon. Rachael Nyamai): Very well. Let us have the Hon. Rindikiri Mugambi, Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. First, let me take this opportunity to congratulate you and tell you that you look beautiful on that seat. You are going to make the House lively if you continue smiling. I see a tree or a flower when I look at a lady smiling. We would not be doing good if we do not see our ladies in the House.

The Temporary Speaker (Hon. Rachael Nyamai): Hon. Member, please; you are making the Speaker to blush. I kindly request that you focus on the Motion.

(Laughter)

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. That was on a light note, because what we are talking about is the benefit of having a friendly environment, specifically a green environment; either trees or flowers. I grew up from a family whose business was timber. I am very proud that my late dad is known in my constituency as one of the pioneers of the first generation of master timber merchants who also planted too many trees in the area around Mt. Kenya.

I thank my friend KJ for bringing this Motion. How I wish he could have made some amendments so that we not only plant trees on highways and lawns, but also make it compulsory for every contractor to allocate 30 per cent of the contract to the youth and women who will focus on tree and flower planting. We all agree that trees bring beauty, fresh air and shade. There are trees that are good for animal feeds, and others just for the scenery. We are in a situation where climate concern is a serious issue in the world.

Mr Speaker, my daughter adopted an elephant today...

The Temporary Speaker (Hon. Rachael Nyamai): What is out of order, Hon. Member for Kitui West?

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Temporary Speaker. I just want to correct the Member who has referred to you as 'Mr' about three times. Let him correct that. Thank you.

Hon. Mugambi Rindikiri (Buuri, UDA): She has referred to me as she.

(Laughter)

Many apologies, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You may proceed with the Motion.

Hon. Mugambi Rindigiri (Buuri, UDA): Hon. Temporary Speaker, I was talking about the concern of climate change. Today, my daughter adopted an elephant at the Nairobi National Park. Every Kenyan today is being asked to take care of an animal that is dying; every Kenyan today is being asked to contribute food, water and whatever they can because of the effects of climate change. The spread of deserts has affected the entire country. This Motion seeks to make this generation be part of the people who beautify our country and contribute to a good scenery. So, Hon. Kiarie has brought the Motion at the right time. I ask him to amend it to make it compulsory that every contract that is awarded has a clause on tree planting, and also the clause should stipulate that of the amount set aside 30 per cent be allocated to youth and women.

(Applause)

The problem that we have is not planting trees, but how to take care of those trees. For a tree to grow, it must be watered, and it must be protected against destruction by animals and human beings. There are people who are good at stealing seedlings. This is something that we need to think through because we can approve the Motion, but now how do we implement it?

We have a problem with the type of trees that can grow in specific areas. In the place I come from, there is a lot of water. If you go to Isiolo, which is a semi-arid area, they require a different species of trees. Therefore, we need to involve the KEFRI and the Kenya Forest Services (KFS) to work in conjunction with the contractors who will be putting up highways in Kenya.

As we pass this Motion, I will ask the Mover to amend it such that a certain amount of money that is being brought in through the Climate Change Fund be allocated to planting trees along the highways. I am aware that there is a lot of money being dispatched by the government, and some of it needs to be allocated to planting trees along the highways. Planting trees along the highways is not the only way to make Kenya look beautiful. How I wish we now start protecting our water catchment areas. There has been massive destruction of water catchment areas by way of encroachment by those who are bordering them and clearing trees on hills. As we move forward on the highways, we also need to look at the water catchment areas. I know of large scale farmers in my constituency who have large tracts of land. We also need to make it compulsory that any farms along the highways should be instructed or should be required by law to plant trees on the boundaries.

Some of the roads reserves will not be enough. We can plant trees and the next day they are uprooted. So, we need to have a minimum distance of the road reserves where trees can be planted. This Motion has come at the right time. I support the tree planting concept, but with the amendment I have just spoken about; the 30 per cent of the contract, water catchment areas

to go in line with the tree planting and owners of large tracts of land along the highways be made to plant trees.

With those few remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well spoken, Member for Buuri.

Hon. Ngusya Nguna, Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM): Thank you Hon. Temporary Speaker for giving me this opportunity. Let me take this opportunity to congratulate you for making it to the Chairperson's Panel. It is an achievement and I laud you for that. I rise to support this Motion, coming at a time when we have just concluded the conference on climate change in Egypt. I have been very lucky to be raised up in Europe, especially in Greece, Asia and having also travelled to the United States of America (USA) and practically seen what we are speaking about today. When Hon. KJ was moving this Motion, I recalled how I had a moment, during the FIFA World Cup in Russia, where you could step out of your car along the road and drink water under a tree. What a beautiful environment! I rise to support this Motion because I know that if properly implemented, we are going to have a beautiful country called Kenya.

I do not need to highlight the importance of trees. Trees give us oxygen. When you are traveling and breathing clean air, your journey appears short and interesting. Trees also store Carbon (IV) Oxide, which we breathe out, and which is expelled from our motor vehicles. If we plant trees alongside the highways and roads, they will stabilise the environment and improve the drainage system in our country. These are some of the important factors of planting trees.

The importance of planting trees are very many that we can talk about, but let me talk about noise pollution. Studies have shown that trees reduce the level of noise pollution. In the advent of urbanisation and industrialisation, if at all we are going to implement what Hon. KJ has introduced on the Floor of the House, we will experience this.

(The Temporary Speaker (Hon. (Dr) Rachael Nyamai left the Chair)

(The Temporary Speaker (Hon. Omboko Milemba) took the chair)

I congratulate Hon. KJ for what he has done. It is really very important.

Hon. Kitilai Ntutu (Narok South, Independent): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): What is out of order?

Hon. Kitilai Ntutu (Narok South, Independent): The Member is addressing you as Madam Speaker instead of Mr Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. He has since corrected himself. Thank you, you may proceed

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, I was unlucky because you were exchanging seats while I was contributing, so I was still referring to Madam Speaker, but now I will revert to Mr Speaker. Thank you very much for your correction. I was talking about the management of the drainage system. We see too much money allocated towards road maintenance. Every time you drive along the highways, you see people trimming grass. Why can we not allocate money towards planting trees instead of trimming grass or maintaining roads?

Hon. KJ, I support you on this. We need to stop speaking and start putting into action the planting of trees. Even if it means a contractor will be allocating 2 per cent of the amount

towards planting trees along our highways. If I were part of the committee legislating on this matter, we would benchmark in Russia. They have done exemplary well in terms of this issue, and made their country very beautiful.

So, with those few remarks, I want to put emphasis on consideration of the type of trees to be planted. Let us not take drought resistant trees to Naivasha or in areas with a lot of water. When planting trees, we should consider the climate of that area. In Mombasa, let us plant *mwarubaini* and other drought resistant trees. It is not just a matter of planting trees, but protecting them.

With those few remarks, I passionately support this Motion. Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Yusuf Hassan, Member for Kamukunji.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to speak once again and contribute to another incredibly beneficial Motion. It is presented by the legislator for Dagoretti South, Hon. KJ, who is calling on us, our institutions and system to plant trees along the road sides and road reserves.

It may be very easy to forget how vital trees are in our homes and lives. As many speakers have said, trees beautify our surroundings, purify our air, act as a sound barrier, produce oxygen, provide shade and reduce pollution. So, the benefits of trees are enormous, particularly in this age when we are facing life threatening effects of global warming, climate change, desertification, drought, death and destruction. This is as a result of how we have messed up our environment and the planet.

Looking at Kenya, it is an incredibly beautiful country which provides some of the best sceneries. I hear that Russia is beautiful, but I doubt whether there are many countries as beautiful as ours. It is how we have treated and managed our resources that is questionable. The law of the jungle is applied where construction companies have complete disregard for basic necessities or rules.

When a road is being constructed, trees are cut down and the vegetation is completely destroyed. This is a culture that we need to correct and bring to an end. Even in our cities, the jungle of bricks and concrete has taken over everything. As I was growing up in this city, it had more trees. I remember the jacaranda season, although jacaranda trees are not indigenous to our country; they were a very beautiful part of our capital city. Unfortunately, all that is gone because there is this mad fight for building and making money.

I very much welcome the idea that we should reverse this process by using roads to start this journey of planting trees. This is a great idea because there are many roads and spaces. What is required is the will, political decision as well as legislative policies to do so. I think we can do this. The President has pronounced himself on the need to plant millions of trees. I think this is a welcome decision, coming from the top end of our leadership. That can be done.

In neighbouring Ethiopia, the Prime Minister of that country has been spearheading a major tree planting campaign. They have planted millions of trees in a very short time. If the will is there, and we have the policies, we can do this. The decision taken when giving a contractor a job and they are allowed to do whatever kind of destruction they want, should stop. We must become a country that values its environment and the rule of law rather than the law of the jungle.

I think we can reverse the major destructive effects of climate change by planting trees, starting with the roads. As some of the experts have said, it is very important to have the right trees. This means we cannot plant any tree, and I agree with them. The idea of collaborating with other players like research centres, the KEFRI and the KFS is very good.

I recently suggested that we honour and remember some of the people who played major roles in saving our environment. One hero of this campaign is the late Hon. Wangari Maathai, the famous Kenyan environmentalist. I brought a Motion to Parliament to name the

Karura Forest after her so that we can remember the role she played in protecting that major ecosystem in our capital city. It has now become a major centre of recreation and activities.

I fully support my colleague KJs' Motion. I think it is timely and important. We should pass it so that it becomes our policy on planting trees, as he has suggested along the roadsides and road reserves in this country. This is a very important Motion for reversing environmental degradation that has happened in our country over the years.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The President pronounced himself on five billion trees in the next five years.

Next is Hon. Paul Mwirigi, Member for Igembe. Give him the microphone.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Motion. First, I congratulate Hon. KJ for coming up with this very nice Motion. In the nation and entire world, the conversation in progress is about climate change. This Motion is in line with this, since it is proposing the planting of trees along the roadsides and road reserves.

Trees have many benefits when planted along the roadsides and reserves. The trees will help a lot in preventing soil erosion and provide clean air that we breathe. These same trees will also help to reduce noise pollution. If we pass this Motion on tree planting along the road sides and road reserves, that compels the Government to include a component of tree planting in the road network design; and that all contractors be required to replace any tree harvested during road construction. That way, we will be helping this country.

We should not only be talking of planting trees, but after planting those trees, within a grace period of six months or one year after the construction of the roads, the contractors should ensure that the trees have grown well and can survive on their own.

If we pass this Motion and it is implemented, the process will provide jobs for the young people as they will be the ones planting and maintaining these trees. This Motion will help increase forest cover in this nation. Currently, most of the areas are experiencing drought due to deforestation. Remember trees help to increase our water catchment areas, and when there is no tree cover, they tend to dry up. This Motion will help this nation to progress as far as climate is concerned. It will also help to increase the water levels within this nation. The tree cover will also help our farmers as there will be more water. Additionally, trees that are going to be planted along the road side will help reduce soil sedimentation along the river banks and our dams. This will reduce soil being eroded into the dams.

This is a good Motion, and I urge all Members to support it and pass it so that it can help beautify our roads and our nation.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Beatrice Elachi, Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I thank Hon. Kiarie for bringing this important Motion when we have just completed COP27 in Egypt, where different governments committed to ensuring that we start reducing the effects of climate change.

Trees give us the oxygen that we breathe. In our country, trees protect us from soil erosion and flooding. One of the effects of transportation is that it contributes to carbon dioxide because of the fuel that vehicles use. When there are trees along the roads, they reduce the levels of carbon dioxide in the air by absorbing it. They then use it for the photosynthesis processes that we learnt in school. Planting trees by the roadside is very critical. In Europe, you will find trees planted along the roads because they know that they help in absorbing the carbon dioxide that vehicles produce.

Hon. Temporary Speaker, the other thing is that it creates employment for our youths by giving them an opportunity to work by the roadsides. When you look at our highways, we gave an opportunity to contractors who came and destroyed every tree that was by the roadside yet in China, for example, you cannot destroy a tree. They will harvest the tree as it is, even if it is huge, and replant it elsewhere. You even wonder why we do not use the same system of ensuring that we move the trees when constructing roads. The trees would have survived and Nairobi would still be a green city today.

We seem to have forgotten that there should be walkways for people to use along the same roads where we have planted trees. Whenever you travel out of the country, you find people running on the roadsides because they have planted trees and they also have walkways in-between where one can run.

Even as we support this Motion, we need to move and join the rest of the world. Around the world, people are paid as an incentive for climate change. Governments are now giving people opportunity to plant trees and once they harvest carbon from the trees, the governments gives them an incentive. That is a climate change incentive being given in Canada and in many other countries. That is why our President said that we must plant five billion trees. He knows that in the end, it will also be an incentive for the country. The biggest challenge we face in Nairobi is that people have encroached on every road reserve and built kiosks. We need to take back the road reserves and start planting trees.

In the last two days, Hon. Kiarie of Dagoretti South has brought to this House very important Motions that speak to our young people. We have lost the culture of appreciating nature. The late Wangari Maathai taught us to be hummingbirds. Today, Hon. Kiarie, you are the hummingbird that is telling us that we have destroyed most of the nature that we were given. I hope when we reopen Uhuru Park, we will find trees – a green park, where our people can go walk and rest with their families and be able to feel the goodness of nature. That way, we will be able to appreciate nature. In our informal sectors people have completely lost touch of what nature is. We should also go back to vertical farming and use the small spaces that we have to plant trees and vegetables using vertical farming and ensure that you at least have a tree.

We need sustainability and hence the need to have to partner with the forestry authorities to, first, safeguard what we have. We need to make tree planting a component of road construction projects so that whenever we construct roads, we plant trees on the sides.

With those few remarks, I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Wakili Muriu, are you speaking to this Motion? Please, give him the microphone.

Hon. Wakili Muriu (Gatanga, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity. I, first, take this opportunity to commend you for being elevated to the Chairperson's Panel. I am sure we are going to have good moments to converse and debate in this House.

I want to support this Motion which has been brought by Hon. K.J Kiarie, the Member for Dagoretti South, because it touches on the core of humanity. When I initially looked at the Motion, I wonder why the Member decided to just confine planting of trees on the sides of highways but I have since learnt that the biggest destruction of the environment happens during road development.

One Member raised a pertinent issue about Nakuru. Previously, when you travelled to Nakuru, you would see beautiful purple grevillea trees along the road, and that scenery would let you know that you had arrived in Nakuru. Today, those trees are no more.

I come from the constituency that hosts Ndakaini Dam, which supplies water to the entire Nairobi. Today I had a very interesting conversation with the Managing Director of Nairobi Water Company. I told him clearly that there is no way they can be extracting water

from Ndakaini for over 30 years without replanting trees to ensure that the dam continues to serve Nairobians, the people of Gatanga and Kenyans as a whole for many years to come.

The Ministry of Transport and Infrastructure should, as a matter of policy, introduce a component of tree planting, with a budget, to ensure that we have boulevard trees planted on the sides of every road that contractors build. Kenya has many thousand kilometres of roads. The previous Government claimed to have done additional 10,000 kilometres of roads in this country. I wish the said 10,000 kilometres were well planted with trees on both sides. The kind of vagaries of weather we are having today, like drought, storms, hunger and suffering we are going through can be mitigated.

With those remarks, I support the Motion passionately.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Caleb Luyayi of Saboti.

Hon. Caleb Amisi (Saboti, ODM): Hon. Temporary Speaker, thank you for giving me an opportunity to support this important Motion. First and foremost, I want to extend my profound praise for your appointment to that special panel. Congratulations! I hope you will help steer this House in the right direction.

Hon. John Kiarie is a scout enthusiast just like me. I know most of the activities of the scouts such as forestry ventures and other scouting activities. This could also have cropped from his enthusiasm towards afforestation. I want to thank him for coming up with this timely Motion. We must hold a discourse around afforestation as a way of contributing to reduction of carbon emissions and as a mitigating measure against climate change and desertification.

Hon. Temporary Speaker, as countries conversed around this topic, I saw a very interesting discussion of how burial sites can be turned into trees – that, you are buried as a tree. At Lang’ata cemetery, for example, you are put into what is called “burial pod” so that eventually that pod develops into a tree. Your name or something that comes alongside your life can be labelled on that tree. This is a conversation that is ongoing. It is a very interesting way of thinking and contributing to the whole story of afforestation. The name that has been given to this idea is Capsula Mundi.

Hon. John Kiarie (Dagoretti South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Yes, Hon. Member. What is your point of order?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, my good friend, the Member for Saboti, is one gentleman I would not want to interrupt as he makes his contribution. However, our Standing Orders do require that one be factual when they make contributions. He was making a salient point. I still think he is out of order that he is still on his feet as I raise my point of order.

The Temporary Speaker (Omboko Milemba): Please, take your seat, Member for Saboti.

(Hon. Caleb Amisi resumed his seat)

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, our Standing Orders requires one to be factual when making contributions. He was making a very salient point about how we can preserve the environment by adopting a new technology of burying bodies in a pod that will grow into a tree. However, while he was doing so, he kept referring to you. He kept saying that you were buried in a pod. I see two wrong factual issues on that: First, is the fact that you are very alive; and, second, is the fact that we never bury life. The moment life is extracted from the human body, what we bury is a body. We can never bury a human person. So, I wanted to be informed whether this particular Member was in order to keep

referring to your burial, especially knowing that from where you come from, we do not wish people to be gone that soon.

I thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Thank you, Hon. Kiarie. The Chair shall not be discussed as being buried.

You may proceed, Hon. Amisi.

Hon. Caleb Amisi (Saboti, ODM): Hon. Temporary Speaker, I choose to ignore the matter raised by Hon. Kiarie because this is totally out of my conversation. I was very clear that I saw people on social media discussing how they intend to inter the remains of their loved ones in a biodegradable burial pod in future.

The Temporary Speaker (Hon. Omboko Milemba): Order! Could you put off the microphone of Hon. Kiarie and proceed?

Hon. Caleb Amisi (Saboti, ODM): Hon. Temporary Speaker, just choose to ignore that one. Maybe, Hon. Kiarie is excited by how we are contributing to his Motion.

Hon. Temporary Deputy Speaker, I do not know whether you will give me a few extra minutes now that Hon. Kiarie has eaten into my time.

The Temporary Speaker (Hon. Omboko Milemba): Proceed.

Hon. Caleb Amisi (Saboti, ODM): Thank you, Hon. Temporary Speaker. I was contributing to this Motion clearly before I was rudely interrupted.

Afforestation is a major contributor to reduction of carbon emissions. We really need to think about it as a nation. The Motion provides contractors with a way of handling trees when building roads. It gives them the responsibility of planting trees after their work. However, we should remember that the whole aspect of afforestation goes beyond regulations and giving people ultimatums to plant trees. It is also about ensuring that the planted trees grow to maturity. In that respect, we could go further and have a national programme on tree planting along our highways. Growing trees is not just about planting and leaving them to their fate. Contractors are most of the time into profit making. Once they are done with their work, which is more or less time bound, they leave the site and go to the next venture. What happens to the trees they planted? They will simply die if there is nobody to watch over them. We need to think about a nationwide programme.

Hon. Temporary Speaker, while roads are being constructed, there should be a parallel programme to ensure that the planted trees are nurtured to grow to maturity. We should not just talk without a proper programme. If you drive along Thika Super Highway, for example, all you see are buildings. There are no trees. You only see an empty Nairobi. You can actually see Nairobi all the way to Githurai. You see buildings and buildings. We must find a way of ensuring that we have enough trees in this city. Many road projects in the countryside also destroy the ecosystem. Whenever there is a road project going on, the roads become impassable. Contractors have to cut trees to provide for diversions so that the road can be constructed. Trees and bushes are either trimmed or are cut all together.

This is a very timely Motion, Hon. KJ. It is well thought out, and is very progressive. You have seen the interest that Members have in this matter. Once this Motion is passed, think of a Bill to actualise what we are discussing so that it is not just about talking and talking. Let us actualise the proposal by legislating on the matter. There are good programmes in this country. While roads are being constructed, young men and women from the National Youth Service (NYS) can be planting trees. The President should only be commissioning new roads when the trees planted alongside them have blossomed. We could incorporate some youth empowerment programmes in road construction. That way, we will progress from being a “talking nation” to an action-oriented nation.

With those remarks, I support the Motion.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Peter Kihungi.

Hon. Peter Kihungi (Kangema, UDA): Thank you, Hon. Speaker. I, again, congratulate you for being in the Speaker's Panel and for your good coordination. I support the Motion by Hon. Kiarie on planting trees along the road whenever construction takes place. As put by many Members, road construction projects do a lot of harm to trees. We cut many trees when constructing roads, especially tarmac roads. As a Member has put it, the challenge can be managed. There could be a component of reforestation in the contract whenever we undertake road construction works in the rural areas. We may not have road reserves where the land is freehold. I propose that we plant fruit trees. Owners of land adjacent to a road can be comfortable when we plant fruit trees on their land. The owner of the land will also feel obliged to take care of the trees. We can employ the youth to plant avocado and macadamia trees, which are economically relevant to land owners adjacent to the road.

In the same context that an hon. Member described the good scenery of trees that existed a few kilometres before reaching Nakuru Town as one drove along the highway, it would be good to plant trees alongside existing roads some kilometres before getting to any town centre, including small towns and villages – mostly fruit trees that are economically relevant to a person who owns the land around that area. That way, we will be mitigating on climate change. We will also be economically empowering the people living adjacent to those the roads. The local people will feel obliged to take care of the trees.

Hon. Temporary Speaker, this is a very good Motion. The President has said that he wants us, as a country, to plant about ten billion trees during his tenure. This pronouncement will motivate people across the country to account for the number of trees they will have planted. This vision can be actualised through a Bill that could be brought here for enactment once we approve this Motion. In every financial year, a sum of money could be put aside for tree planting. The youth will be obliged to prepare tree nurseries. Research could be undertaken to identify the best trees for each ecological zone.

I would like to, once again, congratulate Hon. Kiarie. He is doing a very good job. For us new Members, we are learning a lot from him, and we will walk with him. We will also be working on Motions that will be very productive, as he has been doing.

With those remarks, I beg to support.

The Temporary Speaker (Hon. Omboko Milemba): Thank you for your patience, Member for Kangema. I remember leaving you seated there. You have eventually spoken. Thank you.

Next is Hon. Edith Nyenze of Kitui West.

Hon. Edith Nyenze (Kitui West, WDM): Hon. Temporary Speaker, I thank you for giving me an opportunity to air my views on this very important Motion. Let me congratulate Hon. John Kiarie for the good Motion. I also note that he is serious with his work, which is a good example to the youth.

I support the Motion on planting trees along the roadsides and road reserves. This is a very important proposal, especially if it is included in project contracts. If this is anchored in the Bills of Quantities (BQs), it will be upon the contractors to ensure that trees are planted. We have a good example of the Nairobi Expressway, where we see beautiful green flowers on both sides of the road. What is required now is maintenance. If we could have trees planted alongside all existing roads, it will be very good. The roads will be beautified, there will be reduction of erosion and the trees will control flooding. These are some of the benefits of trees. Trees have very many benefits such that we cannot list all of them.

Hon. Temporary Speaker, I was involved in planting trees along the roads in my constituency through my former Member of Parliament. We even involved the family in planting trees along the highway. It was a good exercise because I still see some of the trees I planted then. They have grown big and beautiful, and people seek shelter from the hot sun. People also enjoy walking along the pathways. The challenge has been that when people are

contracted to do bush clearing along the roads, they clear everything. They have cut down some of the trees I planted, which is very bad.

As some Members have said, it is important to maintain these trees. As contractors finish their work, they should enter into partnership with institutions like Kenya Forest Service (KFS) to ensure that the trees are taken care of to maturity. This could also involve the youth and women living alongside the roads. It is easy to plant trees but maintaining them is not easy. This could also go a long way in encouraging people to plant trees not only along the main highways but also along the small roads. The communities living alongside the roads should be encouraged to plant trees so as to increase the forest cover in our country.

Hon. Temporary Speaker, as some Members have said, the President has committed to planting five billion trees during his first term. If we had planted many trees, most of the problems we are currently experiencing would not be with us. Right now, Ukambani region is extremely dry. I remember that when I was growing up, there were many trees. The hills were full of trees and water springs flowing downstream. Today, this is no more. The area is very dry, and the drought has led to famine. Climate change has brought about global warming and extreme drought. This has, in turn, increased conflict over natural resources. We hear of areas where people fight over water and pasture for their livestock. We have also seen the Government distributing relief food to people as a result of deforestation.

This is a very important Motion because it encourages planting of many trees alongside the roads. We should make it mandatory to include tree planting in the BQs for new road projects across the country. I also request Members to come up with ways of ensuring that the trees are cared for to maturity once contractors leave the project sites, especially by involving other bodies to take over.

With those remarks, I beg to support the Motion.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Fabian Muli, Member for Kangundo.

Hon. Fabian Muli (Kangundo, GDDP): Thank you very much, Hon. Temporary Speaker for giving me an opportunity to add my voice to this important Motion, especially being cognizant of the fact that Article 42 of the Constitution talks about an healthy and organised environment.

Some of these Motions are very important. That is why they have found their way back to this House, having lapsed with the previous Parliament. There are Motions we passed during the 12th Parliament, which could not be implemented due to the lapse of that Parliament. They have now been brought back. These Motions are very important, especially the one on tree planting along the roadsides and road reserves. I always ask whether we have the Committee on Implementation, which oversees implementation of the resolutions of this House. Planting trees is very important. Africans are categorised as people who come from forests. However, our country looks more like a desert than countries founded in deserts. Compare Kenya with a country in the Middle East, which is predominantly a desert. We come from a forest but Kenya looks like a desert today, especially Nairobi.

Some cities have come up with plans on how to plant trees and maintain the environment. If we want to give a prize to future generations, we must plant trees. For the benefit of our generation and future generations, everybody should wake up and plant trees. It does not cost us anything. There are a lot of social factors that are brought about by planting trees. The President said that we need to plant a billion trees during his tenure. We should not solely rely on the proposal to plant along roadsides and road reserves to actualise the President's dream. We should consider coming up with community-based tree planting programmes. Hon. John Kiarie's Motion says that we need trees along the roads, which is true. When contractors embark on road projects, they cut down trees. What will the future hold for this country, if they cut all the trees to pave way for road construction and nobody plants new

ones? The Motion tells us that we need to plant trees along the road. Tree planting has social-economic factors that are important to the communities living nearby. We enjoy fresh air due to reduction in pollution. There are also economic factors which this country can benefit from. If you go to areas where there are many trees, like Mt. Kenya and Coast Regions, there is a difference in terms of the weather. If you install a cooling system by planting trees in your immediate neighbourhood, you incur less expenses. If you go to dry areas with no trees, you need a lot of money. So, trees are very important.

Hon. Members have talked about climate change. It is true that the whole world is speaking about it. However, the Motion we are debating today is a better topic than the climate change that is being talked about in other places. The discussions on climate change, and the politics on coal, that are ongoing at the particular global forum will not benefit this country. The best climate change this country can talk about is the President's agenda of planting trees, and the Motion by Hon. John Kiarie. We should not only plant trees on the roadsides and road reserves but also in school compounds and compounds of institutions like churches. If we do so, this country will become green. Let us compare the arial view when we approach Jomo Kenyatta International Airport for landing, as we return from overseas trips, with the arial view while landing at an airport in India. You see a city looking green in India. However, you only see pollution in Nairobi. When you are landing in Nairobi, you see a lot of darkness. There are no trees to cover all the human errors and pollution. Thank you very much, Hon. John Kiarie, for coming up with this Motion.

When you reply to this Motion, you will need to tell us whether the contractor who will be planting these trees along the roads will be a one-off contractor or a progressive contractor. This is a money Bill and, therefore, we need to understand the terms of implementation. Some contractors leave immediately after they are done with the contract. We also need someone to maintain the trees. You need to tell us whether you want this Motion to go with progressive contractors or a one-off contractor.

The other argument is that the county governments are tasked to deal with issues of agriculture. If our Governors will not take the issue of planting trees seriously through the agricultural department, we will continue having deserts. Our people are experiencing poverty because of lack of trees that have been brought about by lack of rains. If you check all the way from Isiolo, through Marsabit to Ukambani. there is no rain because they do not have trees. This Motion should be joined together with another Motion on bringing piped water everywhere so that when we plant these trees, we can have water along the road.

Thank you, Hon. Temporary Speaker. I support

The Temporary Speaker (Hon. Omboko Milemba): Hon. Khamala Mukhwana, Member for Lurambi.

Hon. Titus Khamala (Lurambi, ODM): Thank you, Hon. Temporary Speaker. At the outset, I want to congratulate you on your appointment to the Chairperson's Panel.

I support this Motion brought by my friend, Hon. Kiarie. When we talk about trees, we are talking about life. When we talk about life, we are talking about water. A country that is not serious about tree planting and preservation of our environment through tree planting is on the verge of collapse. This Motion is very timely.

On a light note, I was really enjoying what was going on between Hon. Kiarie and my very good friend, Hon. Caleb Amisi, on the issue of burial. Being a bishop, I do not care the manner in which you are buried as long as I get my offering.

The issue of tree planting is something that we must take seriously as a country. Those of us that have had an opportunity to travel or stayed in other countries have seen how countries are serious with tree planting. For example, if you looked at Mombasa Road around Gateway Mall, before construction of the expressway, there used to be trees that were planted and it was beautiful, wonderful and good. It was a great preservation of our environment. We must be

serious when utilising road reserves. We must also be serious in utilising public land and public utilities where we are not going to put buildings and make sure we have trees.

I want to echo the sentiments of one of the Hon. Members that when you fly into Jomo Kenyatta International Airport (JKIA), it seems like you are flying into some kind of desert. It looks so horrible. It is not green; it is dark. It is not right yet God has blessed Kenya with plenty of rain. I know we have places that are not receiving rain but I come from Kakamega in Western Kenya where there is rain even now. How are we utilising the areas where there is rain. Places like Dubai do not have rain but look at how they have planted trees and flowers. Look at how they use irrigation to water those trees. They spend so much to keep the trees green. In Kenya, we may wonder why we should spend money watering trees when we should be spending the money on something else. However, very soon when the trees are all depleted and we do not have rain, then we will realise how terrible and harmful not having trees is.

I want to echo what my colleagues have said and also laud Hon. Kiarie, who is my great friend; that, indeed, this is a timely Motion. We should not just be hearers, as the Bible says, but doers. We have to be people who live by what we say. We want those in the Executive, and more so those who are concerned in the various ministries, to listen so that they know what the Members of this House are saying. We do not want a situation where the Chair says, “As many as are of this opinion say “Aye”, we say “Aye” and then when the Chair says, “The Ayes have it”, it becomes the dead end of the story. That will be horrible. Even according to the Book of Heaven, it will not be right for the people sitting in the Executive. They must know that Hon. Kiarie is talking about trees. If it is the Cabinet Secretary for Roads, Transport and Public Works; or the Cabinet Secretary for Environment and Forestry who are responsible for the implementation of this proposal, they must also call Hon. Kiarie and say, “We want to know what you are talking about. We are keen on your Motion. How can we partner to make sure that trees are planted on road reserves and other areas?” This is because this is a noble cause for our country.

With those remarks, I support the Motion.

Thank you, yours truly, Titus Khamala Bishop.

The Temporary Speaker (Hon. Omboko Milemba): Next is the Member for Kipkelion East.

Hon. Joseph Cherorot (Kipkelion East, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute on this Motion, which has been brought by Hon. Kiarie, my good friend. I also thank you because of being elevated to the Speaker’s Panel. I know you very well, and I know that you can deliver.

Hon. Temporary Speaker, this Motion is very wide. I know that it requires a lot of teamwork and collective responsibility from several groups, especially Government agencies and contractors. Planting trees along roads being constructed has to involve contractors, and has to start from the tendering stage. This is because if we do not commit the contractors from the beginning, they will abdicate that responsibility. We should also consider our youth because the contractor will be there for a while – maybe two or three years – and leave. Thereafter, our youth should be involved in taking care of those trees.

As we think of this, we have to consider how we will get the seedlings that will be planted along those roads. We have to make sure that we encourage those doing tree nurseries along the roads. We see them, for example, in the areas of Elementaita and in several other areas of this country. It is time Hon. Kiarie included such stakeholders in this whole idea so that we have more seedlings to plant.

The other day I was at Londiani Forest College during a passout parade. Londiani Forest College is known for trees. At the same time, I come from a place called Soget Forest in Londiani. That place used to have a lot of trees. I remember when I was growing up, there was the motto that says, “Cut one, plant two”. Right now, we are faced with drought and many

challenges. We do not have food, and there is no rain. We have to ask ourselves where the rain started beating us and then we start walking. Thank you, Hon. Kiarie, because this Motion has come at the right time.

Hon. Temporary Speaker, as you travel along the Nakuru-Naivasha Road, as many people have mentioned, there are trees along that road, which were planted by the late Hon. Chotara Kariuki. Also, as you travel from Kericho to Litein, there are trees along the road, which were planted by a former Member of Parliament, Hon. Mibey. Those trees are there up to now. As we talk about planting trees along the highways, we also have to involve the Kenya National Highways Authority (KeNHA). There are roads reserve, which we have to think about. We also have to think about roads that have already been constructed. We need to plant trees along those roads as well.

Let us also not forget that there are areas like Ndakaini Dam, which was mentioned earlier, and other water towers. We must make sure that we conserve them so that, as we plant the trees, we have rain. If we do not have rain, we cannot achieve our goals. We also need to involve the communities in those areas. There are landowners whose land touch the highways. We have to encourage them. I will suggest to Hon. Kiarie that, if possible, they should be asked to plant two or three lines of trees along the highways. That will help us to beautify our country, avoid soil erosion and create shade for those travelling along those roads. As we have heard, trees also reduce sound pollution.

Hon. Temporary Speaker, trees are important but we also need to involve other agencies such as the Water Service Boards. We need targets, if possible. I am happy that His Excellency the President has mentioned a target of planting five billion trees in five years. That can only be achieved through commitment and proper cooperation amongst Kenyans. If we instil this attitude in families and communities, such that each person knows that it is their responsibility to plant trees, I am sure that we will achieve a lot.

With those remarks, I support the Motion.

The Temporary Speaker (Hon. Omboko Milemba): Let us hear Hon. Patrick Simiyu, Member for Cherangany.

Hon. Patrick Simiyu (Cherangany, DAP-K): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to this Motion by Hon. KJ on tree planting along the roadsides. Let me, start by congratulating you for being appointed to the Speaker's Panel and request that, since this is my first time to speak in this House, you allow me to sincerely thank the great people of Cherangany for giving me this opportunity to represent them in this 13th Parliament. It was not...

The Temporary Speaker (Hon. Omboko Milemba): Is this your Maiden Speech so that we make sure you are not interrupted?

Hon. Patrick Simiyu (Cherangany, DAP-K): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Proceed.

Hon. Patrick Simiyu (Cherangany, DAP-K): Hon. Temporary Speaker, it was not easy for me. The competition was very tough considering the cosmopolitan nature of Cherangany Constituency. It is one of the constituencies where no dominant tribe has a monopoly on matters of politics and leadership. You remember the days of the late Masinde Muliro. He was later followed by Kipruto Arap Kirwa, then *Mheshimiwa* Joshua Kutuny and now Yours Truly, *Mheshimiwa* Patrick Simiyu Barasa.

Hon. Temporary Speaker, the political history of Cherangany Constituency is a testimony that every dream is valid regardless of your race or social standing. If you are determined and focused, you can achieve your dream. *Yote yanawezekana*. I pledge to serve the people of Cherangany with integrity and humility as I commit myself to deliver on all the promises I made to them during my campaigns. Allow me to humbly make two requests to the Government on two issues that concerns the people of Cherangany.

The first issue is on the fertilizers that the Government promised to avail to farmers at a cost of Ksh3,500, down from Ksh6,500 per bag. On behalf of the people of Cherangany, I appreciate the Government for this bold move. However, the issue on the ground is that the fertilisers are not available for purchase in the market. I, therefore, humbly, request the Government to avail the fertilisers since we are approaching the next planting season.

The second appeal to the Government is on the pricing of maize. This cuts across the country, and does not concern Cherangany only. The last planting season was costly. A bag of fertilizer was going for Ksh6,500 while all other farm inputs were expensive. The mood in Cherangany Constituency is to beseech the Government to announce new prices of maize. We expect a price of at least, Ksh5,000 for a 90-kilogram bag of maize. As the Government moves to announce the prices, we are requesting the National Cereals and Produce Board (NCPB) to also open their centres for purchase of maize from farmers as early as now. The merciless middlemen are already on the ground and they are offering very low prices for the maize.

As I conclude, I want to thank Hon. Kiarie for bringing this Motion. It is long overdue because every Kenyan wants a conducive environment. The mood in the country is that every Kenyan agrees that we should plant trees everywhere.

With those remarks, I beg to support the Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Well, we have a minute. What is it, Leader of the Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I am sorry for interrupting the debate on this Motion. I just want to request you, since we already have all the nominees for election to the East African Legislature Assembly (EALA), to direct the Office of the Clerk of the National Assembly to facilitate all the EALA nominees, both from the Majority and Minority parties, to access Parliament Buildings to officially begin their campaigns for the election due next week. I just realised that today is Thursday. The nominees can utilize the weekend, Monday and all the days up to Wednesday. So, I request you to, kindly, direct the Clerk's Office and the presiding officers to facilitate the nominees' entry and access to Members of Parliament.

Hon. Temporary Speaker (Hon. Omboko Milemba): Very well, Leader of Majority Party. It is so directed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker.

ADJOURNMENT

Hon. Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the debate on this Motion will continue when listed in the Order Paper next week. I thank you all for staying until this moment.

Hon. Members, it is time for us to close business for today, the time being 7.00 pm. Therefore, the House stands adjourned until Tuesday, 15th November 2022, at 2.30 pm.

The House rose at 7.00 p.m.

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