

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 20th March 2018

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: I will make that Communication when the delegates come. We can proceed.

MESSAGES

NOMINEE FOR APPOINTMENT AS MEMBER OF THE JUDICIAL SERVICE COMMISSION

Hon. Speaker: Hon. Members, this is Message No. 007 of 2018 from the President. Pursuant to the provisions of National Assembly Standing Order No. 42 (1), I wish to report to the House that I have received a Message from His Excellency the President, seeking the National Assembly's approval of the nominee for appointment as Member of the Judicial Service Commission (JSC). In the Message, the President conveys that the Court of Appeal elected Hon. Justice Mohamed Abdullahi Warsame as its representative to the JSC as required under Article 171(2)(c) of the Constitution. His Excellency the President now seeks the approval of the National Assembly before appointing the said Judge as required under Article 250(2)(b) of the Constitution.

Section 8 of the Public Appointments (Parliamentary Approval) Act provides that the relevant Committee of the House will consider the suitability, or otherwise, of the nominees. The relevant Committee should table its report for consideration by the House within 14 days from the date the notification of nomination is conveyed to the House. Further, the Act requires the public to be given seven days notification to submit their views regarding the suitability, or otherwise, of the nominee proposed for appointment to an office requiring parliamentary approval.

In this regard, and in accordance with the provisions of Article 259(5)(a) of the Constitution, as read together with Section 5 of the said Act, the seven days notification to the public shall start running on the day following the day when the notice is published in the dailies. Hon. Members, given the critical role played by the JSC, it is advisable that the relevant Committee expeditiously proceeds to notify the nominee and the public, commences the

approval hearings after the seven days notification period, and tables a report when through with the hearings. This will enable the House to consider the matter within the statutory timelines and conduct the process as contemplated under Article 250(2)(b) of the Constitution. This Message, together with the curriculum vitae of the nominee, therefore stands committed to the Departmental Committee on Justice and Legal Affairs for consideration.

However, given that the 14 days for the House to finalise on the matter will lapse during the short recess period between 30th March and 9th April 2018, I advise the Committee to seek necessary extension of the timeline for consideration of this matter, in due course.

I thank you, Hon. Members.

PAPERS LAID

Hon. Speaker: Leader of the Majority Party

Hon. A. B. Duale: Hon. Speaker, the Chamber is extremely cold.

Hon. Speaker: The matter is being addressed.

Hon. A.B. Duale: Hon. Washiali wants to stand on a point of order to tell you that. I have told him that I could convey the message.

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

The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2018 and the Explanatory Memorandum;

The Report of the Auditor-General on the Financial Statements of the National Industrial Training Authority for the year ended 30th June 2017 and the certificate therein;

Reports of the Auditor-General on the Financial Statements of Kenya Industrial Research and Development Institute for the year ended 30th June 2014, 30th June 2015 and 30th June 2016, and the certificates therein.

Thank you Hon. Speaker.

Hon. Speaker: The first ones are to be referred to the Committee on Delegated Legislation, to act in accordance with the Standing Orders. Hon. (Ms.) Wanjiru Chege.

Hon. (Ms.) S.W. Chege: Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Health on the Alleged Sexual Assault, Breakdown of Equipment, Surgical Mix Up and General Operation of Kenyatta National Hospital.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kisang, Chair of Communication, Information and Innovation Committee.

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

Report of the Communication, Information and Innovation Committee on Consideration of the Computer and Cybercrimes Bill, 2017.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

ESTABLISHMENT OF COUNSELLING PROGRAMMES
TO MITIGATE EFFECTS OF MENTAL DISORDERS

Hon. (Ms.) Mumo: Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that there are over 200 classified types of mental disorders, the most common ones being clinical depression, posttraumatic stress disorder, bipolar disorder, anxiety disorder, schizophrenia, and tension deficit hyperactivity disorder; concerned that Kenyan's mental health policy estimates that about 25 per cent of outpatients and about 40 per cent of in-patients suffer from mental health conditions, with the most frequent diagnosis of mental illness made in general hospital setting being depression, substance abuse, stress and anxiety disorders; deeply concerned that the current worrying trend of increased domestic violence among Kenyan families has resulted in suicides, deaths, injuries, psychological trauma, orphaned and unstable children; noting that the prevalence of mental disorders may also be attributed to the noted cases of suicide, homicides and violence at household level; further noting that despite the strategies and guidelines that the Government has put in place towards achieving the highest standard of mental health, prevalence of mental disorders remains high; this House urges the Government to urgently establish programmes and interventions to encourage uptake of counselling services among individual families, and communities to mitigate effects of mental disorders.

Thank you Hon. Speaker.

Hon. Speaker: Hon. (Ms.) Wanjiru Chege.

ADOPTION OF REPORT ON GENERAL OPERATION AT KENYATTA NATIONAL HOSPITAL

Hon. (Ms.) S.W. Chege: Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on Alleged Sexual Assault, Breakdown of Equipment, Surgical Mix Up and General Operation of Kenyatta National Hospital, laid on the Table of the House on Tuesday, 20th March 2018, pursuant to the provisions of Standing Order No.216 (5)(e).

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

STATEMENTS

ZERO HOUR

Hon. Speaker: Hon. Members, before we proceed to the next Order, I wish to draw the attention of the House to an item in the appendix of today's Order Paper titled "Zero Hour Statements." Just for the information of Members, Standing Order No. 43 allows the Speaker to provide an opportunity to Members to make general statements of topical concern every Tuesday at 6.30 p.m.

This is not a new practice. In fact, the use of the procedure known as 'Zero Hour', was popular in the 7th and 8th Parliaments, and part of the 9th Parliament, but gradually diminished with time. In this regard, I want to thank the Hon. Member for Mogotio for studying and

understanding the Standing Orders and being the first Member to utilise this provision in the 12th Parliament. I encourage other Members to borrow a leaf from him.

You should, however, note that any Member making a statement during Zero Hour will speak for not more than three minutes. I may allow brief comments by other Members. Further, a debate on a particular statement is without resolution and, therefore, any matters raised may not fall under matters for follow-up by the Committee on Implementation.

Thank you, Hon. Members.

It, therefore, means that today at 6.30. p.m., if you look at the appendix and the Standing Orders, the Member for Mogotio, Hon. Dr. Tuitoek will at 6.30 p.m., under the Zero Hour procedure, make certain statements, two of which I have approved regarding his constituency. There is some alleged harassment of his constituents. Whoever will be in the Chair at 6.30 p.m., it will be Zero Hour. It means that you can speak ...

Hon. Wakhungu: It is happy hour.

Hon. Speaker: It is not a happy hour. Member for Kiminini, your mind is drifting into some other activities. At that time, Members are at liberty to make comments of general nature, preferably matters which are topical. Of course, what could be topical could be what is happening in your village. If you think it is sufficiently topical, at that time, you are at liberty to rise in your place and say whatever you think could be captured in the HANSARD as having been topical, in your opinion.

Hon. Koinange!

EXTENSION OF TIME FOR CONSIDERATION OF THE KENYA COAST GUARD SERVICE BILL

Hon. Koinange: Hon. Speaker, on behalf of the Departmental Committee on Administration and National Security, which I chair, I request for extension of the period for consideration of the Kenya Coast Guard Service Bill, 2017.

The Departmental Committee on Administration and National Security was scheduled to meet with stakeholders in the first week of March 2018, to consider the Kenya Coast Guard Service Bill, 2017. However, the House went for a post-election seminar in Mombasa from 4th to 8th March, 2018. Consequently, the Committee rescheduled the meeting with stakeholders for Monday, 12th March 2018.

In a letter dated Monday, 12th March 2018, the Committee was informed that the Cabinet Secretary, Ministry of Interior and Coordination of National Government, was out of the country attending a bilateral security meeting in Washington, DC, USA. Therefore, was unable to attend the meeting.

Further, on the same letter, the Ministry requested the Committee to reschedule the meeting on a date after 20th March 2018 when the Cabinet Secretary (CS) is expected to have been back. As a consequence, the Committee has rescheduled meeting with all the stakeholders until Thursday, 22nd March 2018 and thereafter table a report on the Floor of the House. It is in this regard that the Committee is requesting for more time to undertake stakeholders' engagement.

Thank you.

Hon. Speaker: How much more time are you seeking?

Hon. Koinange: One more week, Hon. Speaker.

Hon. Speaker: Very well. Then the Bill will not be considered although it is on the Order Paper. Before we move to the Next Order, allow me to recognise the presence, in the Speaker's Gallery, of students from Naivasha Girls Secondary School, Naivasha Constituency, Nakuru County and those of Kangema High School, Kangema Constituency, Murang'a County. In the Public Gallery, there are students from Kibauni Secondary School, Mwala Constituency, Machakos County. They are all welcome to observe the proceedings in the National Assembly this afternoon.

Next Order!

BILLS

Third Reading

THE DIVISION OF REVENUE BILL

Hon. Speaker: Hon. Members, debate on this Bill was concluded last week. What remained was Question to be put, which I hereby do.

(Question put and agreed to)

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

Second Reading

THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL

(Hon. A.B. Duale on 15.3.2018)

(Resumption of Debate interrupted on 15.3.2018)

Hon. Speaker: Hon. Members, when the House adjourned last Thursday, a total of 16 Members had contributed to this Bill, including Hon. Mukami, Hon. Tuwei Kipkurui, Hon. Kitayama Marwa, Hon. Waihenya Ndirangu, Hon. Rindikiri Murwithania, Hon. John Mose, Hon. Jude Njomo, Hon. Thuku Kwenya, Hon. Daniel Maanzo, Hon. Shamalla Jeniffer, Hon. John Kanyuithia, Hon. John Waluke Koyi and Hon. Mutinda Mule.

I will be giving some clarification and direction regarding an issue that was raised by the Member for Mathare, Hon. Oluoch, on constitutionality or otherwise of this Bill, and on the issue of *sub judice* that he claimed this Bill touched on, but debate may continue. Before I leave the Chair, I will give that Communication.

The Member for Ruaraka is the first on the Floor.

Hon. Kajwang': Thank you, Hon. Speaker. Of all the people that the HANSARD has captured as having spoken on this Bill, only Hon. Ndirangu comes from Nairobi. The rest are peripheral and rural.

(Laughter)

This is a Bill concerning Nairobi metropolitan area. I feel, with a lot of passion, that I should discuss this Bill because if we leave it for the honourable members who respectfully represent the rural constituencies, we may find ourselves in a situation where they import the very good ideas from the rural into the metropolitan.

Just to conclude the bit of constitutionality as you are thinking about other issues raised by Hon. Oluoch, I was thinking about this Bill that only concerns Nairobi. I was wondering if we have a Bill or a piece of legislation which does not seem to have a national effect, how the Bill sits with our programme of legislation. I know we can have a stand-alone Bill which can discuss a specific matter, but the policy we have adopted in this House is to have Bills which have national legislation. I say so because it is a good idea to have very beautiful ideas for Nairobi but Nairobi may have the same problems with Mombasa, Nakuru and Kisumu.

Hon. A.B. Duale: Garissa.

Hon. Kajwang': And Garissa which is aspiring to be a metropolitan soon. If the Ministry is concerned about the policy which I have had the advantage of reading, then a legislation should have come which seem to refer to all the metropolises not just a specific part of the country. If you want to see how ridiculous this Bill is, consider Clause 8 in which the Bill proposes a council and it has in mind something which sits a little above the board where there are Cabinet Secretaries for Transport, Infrastructure, Housing and Urban Development, and the National Treasury, and governors. The thinking of this Bill is that the governors of the peripheral areas including Nairobi sit...

Hon. Ichung'wah: (*Inaudible*).

Hon. Kajwang': I know Hon. Ichung'wah has a big problem because one foot is in town but all his uncles and aunties are in the peripheries. Look at Clause 8. I want Members to consider Clause 8, for example. If you are going to have a council such as this, and you have these governors as Members of this council, where is the place for the National Assembly? The 17 of us are the arm by which this city breathes. The 17 of us are the people who make things work in this city. Even if you are talking about Kiambu, Murang'a and all those other counties that surround Nairobi...

Hon. Ichung'wah: On a point of order, Hon. Speaker.

Hon. Speaker: There is an intervention from the Member for Kikuyu.

Hon. Ichung'wah: Hon. Speaker, I stand on a question of relevance. Hon. T.J. Kajwang' of the famed fake CJ is talking about "17 of us". He has gone at length to talk about those he is calling peripherals and rural. This Bill, as the good Hon. T.J. Kajwang' is aware, is about the metropolis. Therefore, when he continues talking about the "17 of us," I am left wondering who these "17 of us" are. I was assuming he is talking about the 17 Members of Parliament from Nairobi County but there are also other Members of Parliament from Kajiado, Murang'a and the greater Kiambu and that makes 12 Members of Parliament who are not peripheral but part of the metropolis. Maybe the good T.J. should restrict himself to issues relevant to what is provided for in the Bill, because the Bill is not talking about Nairobi County, it is talking about the Nairobi metropolitan area.

Hon. Speaker: Hon. Members that is a point of argument. There is nothing out of order in what he is saying. He is entitled to those views. If you think he is mistaken, get a chance and correct him when you speak to the Bill.

Hon. Kajwang': Hon. Speaker, the Member for Kikuyu forgets that I am government. I am *serikali*, Hon. Speaker.

(Laughter)

The Member for Kikuyu has corrected himself. Before, he said that I was a fake Chief Justice, but when he sat down he said that I am his very good friend, “the Hon. Chief Justice”. I withdraw the sentiments that I could be the Chief Justice but, I may be, in the very near future, in the people’s Government that is coming very soon.

(Laughter)

Hon. Speaker, I am raising a very serious issue here. The issue I am raising for the National Assembly is: Where is the nexus? Where is the adjunct between leaders of the county *vis-a-vis* members or leaders of the national Government? We sit here as leaders of the national Government. So, how does my learned senior get involved as a Member in Murang’a County? How does he interface with the management of this Authority? How does he do that? If it is considered that it is governors who should sit as a council, where is the corresponding thinking on how the national Government would be served in this council? I would have thought - I know we are going to propose amendments – it should be two others nominated by members of the national Government or members of the National Assembly in that county. Somehow, then, there would be an interface of the National Assembly or the national Government *vis-a-vis* the county.

The bigger issue has to do with consequential legislation. Even if we pass this Bill today and we have touched on the County Government Act, the Traffic Act and other relevant legislation, to what avail or effect would this legislation be? What value will it have unless there is consequential legislation coming as standalone in Statute Law (Miscellaneous Amendments) legislation or, in this very Bill to amend the other legislation? Otherwise, we are going to act in futility.

The biggest issue I want to talk about is public participation. Hon. Ichung’wah has a problem that I am talking about the 17 of us. The Bill is titled “The Nairobi Metropolitan Area Transport Authority Bill”; it is not “Kikuyu Metropolitan Area Transport Authority Bill”.

(Laughter)

Nairobi has 17 Members. In fact, last week as we were talking with the Cabinet Secretary concerned, we had not even seen the Bill. We had to interact with him. We were wondering how he did public participation. Do you know how he went around it? He said: “This animal called public participation is unruly.” I am sure he must have sat down with my very good friends in the business community in Nairobi. I am sure he must have consulted a few people from the Dagoretti Slaughterhouse to enrich the Bill. How I wish Members of Parliament of Nairobi County, Murang’a County and Kiambu County, where the Hon. Member comes from were consulted with some depth about how these things will happen. The Member for Kikuyu is very cheerful here, but I am sure this Bill, from what I have heard and seen it propose, will write off some of his constituents who are very good at *matatu* business. They will be out of business the next day and also the other people who vote for him. To what extent have these people been involved? The question of public participation is an important issue.

Hon. Speaker: There is an intervention from the Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I do not want to interrupt my good friend, Hon. T.J. Kajwang'. But, he should be aware that the Committee tabled a Report. The Committee met all the stakeholders, including the *matatu* people. If you get a copy of the Report, you will confirm that bit.

Secondly, this Bill draws its powers from Article 189(2) of the Constitution, where two levels of Government can share resources to make sure a certain function is efficient and effective. I think he has not gone through the Report. Even on Murang'a, Kiambu, Machakos and the governance consultative forums, all those have been addressed in the Report.

Hon. Kajwang': Hon. Leader of the Majority Party, how I wish you could have been patient a little. I have looked at the Report. This is where we, the National Assembly, are taken for a ride. If nobody has consulted you as a Member of the National Assembly seated here, yet it is about things that concern your people directly and there are claims from the Ministry that some people participated, surely, is that fair? Unless it is this thing known as opinion poll where everybody does it, but they never talk to you... Who are these people being consulted? What is this public participation? Out of the 17 MPs from Nairobi County none of them ever knew that there was a legislation coming. I do not know if people from Kiambu, Murang'a or Kajiado knew. I can tell you, Leader of the Majority Party, that I have seen that Report. They have purported to have seen people. What I am saying is that Members of the National Assembly are an integral part of this. They are stakeholders. If we have not been consulted, I think there is a problem with participation.

Secondly, it could be anchored on Article 189 of the Constitution because these are shared functions. That is fine. The problem I have is that the County Governments Act has legislation on how the counties should run. The *matatus*, for example, will operate in Nairobi. If the Authority seems to suggest that there is another way, what will we do? The Authority will own buses in this country; and the Authority will remove the *matatus* that are there. How are these things going to run when the counties also have their systems? These are the questions we are asking.

These are big issues, Leader of the Majority Party. If you do not mind, I think this is a good Bill, but it should be uniform; it should be national. We should have a Metropolitan Area Transport Authority and then have schedules that discuss, say, Mombasa, Nakuru and all these other places because each is different from the other. Their transport needs are different. With that, I thank you for the little more time you have given me. I have done my research.

The Chairman responsible for the Departmental Committee on Public Works and Housing should not mind calling some of us, even at this late hour to interface with him so that we give him more ideas. Fortunately, you come from Lodwar and you may have not seen the problems of traffic jam in Nairobi. If you come to us, we will give you some practical information about how Nairobi is run; about how wealth in Nairobi is created and, how those things should be handled.

Thank you, Hon. Speaker.

Hon. Speaker: Sorry, are these Members who are putting interventions about to contribute or is it...

Hon. Kajwang': (*Off-record*)

(*Laughter*)

Hon. Speaker: So, do we go back to the Bill?

Member for Kipipiri, you have the Floor.

Hon. Kimunya: Thank you, Hon. Speaker. I rise to support this Bill.

Perhaps, even before I proceed, I would like to just draw the attention of the Hon. Member who has just finished talking that this Bill is not just about a metropolis. It is about creating a systematic transport system for Nairobi and its environs. It is specific to a certain area. I know that because I started the initial work on this Bill when I was the Minister of Transport. It is an old Bill. It has been developed over time. The whole thinking about this transport system for Nairobi is so that, if one is coming from Murang'a, Kiambu or Kajiado and because of the devolution of transport to the counties, there is order. If all these counties have different systems for managing transport, we end up with a very discordant way of doing things.

A *matatu* coming from Murang'a will be travelling to Thika using a system that is designed in a way that it will then go to Kiambu Road and finally Nairobi. We will end up with lots of issues coming out, and you never know what happens. Transport is supposed to be seamless. If you look at the mass transport systems, you are talking of how people are moving from Nairobi to Murang'a, Mombasa or to all other places without all these bottlenecks we currently see.

When Thika Road was designed - this is a typical example - we got lots of lanes getting out of Nairobi, but when coming back into the city, you end up with lots of bottlenecks. It is because all these things were done without that interconnectedness. That is the rationale behind this Bill. Let us not look at it as something that is generic to every metropolis. The transport system in Mombasa may be affecting Kilifi, Kwale and Mombasa and not necessarily all the other counties. That is one of the things that I wanted to help Hon. Kajwang' appreciate as part of the Nairobi stakeholders.

I was surprised to hear the Hon. Member for Mathare expressing shock that he has not seen this Bill or he was not aware about it, yet notice was given in this House of a Bill coming and it was available in Room 8. As a stakeholder in Nairobi, I would have expected him to be the first one to pick it, seek where consultations are taking place and guide us in terms of some of the areas that we have left out so that the Chairman of the Departmental Committee on Public Works and Housing can get the benefit of what is missing in this Bill. That said and done, I believe we should all support it. I know some concerns have been expressed which Hon. Speaker will be guiding us on, but the most important thing is to know that this Authority will now be run on a long term basis, and devoid of the politics that come with elections every five years.

We are talking of body corporate that can remove all these politics and all these issues that come with politics of the day and look at the management of our transport systems into the future by coming up with the plans every 10 years. We are not just talking of Hon. Kajwang' being a Member for five years and some of the things he wants to do within those five years, but we are talking of something that transcends generation of leadership. This is because we are talking of the long term view in terms of the growth of the cities and the metropolis – when Nairobi eventually joins with Kajiado and Kiambu; especially interconnection of counties – on the developments taking place within each of those counties. How do the transport systems get enlarged? We are seeing in Upper Hill, how plans for the vehicular traffic and how you plan for the trains and all these plans coming, within a holistic planning framework rather than each standalone plan.

A lot of work has been done on this and if Members of Parliament are interested, especially those who are affected with this... Studies have been done for a long time on this Bill. The Bill has been sponsored by the African Development Bank (ADB) and the Japanese. There

is a lot of wealth within the Ministry of Transport, Infrastructure, Housing and Urban Development that will guide you in terms of how you react to this Bill. I actually support this Bill and hope that this can be fast-tracked so that the traffic jams in Nairobi become a thing of the past. Movement of the people becomes easy and then we can move into the 24-hour economy because people have reliable transport systems like we see in every city.

I remember just about the same time we were looking at this, Dubai City was looking at creating its rail system and everyone thought that a fast train system was a waste of time. If you get to Dubai today, that train is always full and it is moving people, it has decongested the roads and has removed a number of vehicles because people want to move in the fastest way possible. I am hoping that when we get all these and with the Standard Gauge Railway now connecting people to Mombasa and eventually up to Malaba, we will have all these roads interconnected to our railway system. It is happening in Addis and we are almost lagging behind, yet we started together. Go to Addis Ababa and you will see what is happening in terms of the transport system. Hopefully, we will eventually sort out the issues of *matatus*, buses and the desired transport system that we require for this country. I could go on and on with this discussion because it is something I am very passionate about.

I would like to welcome Hon. Kajwang' and his colleagues for tea. I will get you more details on this. If there are any fears, you will be assured that, indeed this is the best thing for residents of Nairobi and the people who surround this area. Just to explain, there are no politics in this. It is a good Bill and I hope we will all support it.

With those few remarks, I beg to support.

Hon. Speaker: Leader of the Minority Party.

Hon. Ng'ongo: Thank you, Hon. Speaker. Let me also contribute to this Bill. First, there is this controversy as to whether this Bill should be before us or it is misplaced, so to speak. I have been looking at the Constitution and wondering. Looking at the functions and the responsibilities we have given to the counties, it is true that one of the functions of the counties is to look at issues regarding traffic, transport in terms of traffic management, street lighting, traffic and parking on county roads. Looking at it from that perspective, you can safely say that this is a function that should go to the County Government of Nairobi. Looking at the importance of Nairobi City, then one may also look at it from the point that it is a national issue and a national concern. That negates what our "Chief Justice" T. J. Kajwang' mentioned about us being rural. When it comes to Nairobi, we can never be rural. It concerns all of us because Nairobi controls the largest percentage of the economy of this country. We have interest and a stake in it. Hon. Duale read Article 189 of the Constitution which allows the county and the national Government to liaise. Let me read.

Article 189(2) says:

"(2) Government at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities."

My understanding is that the Nairobi Metropolitan Area Transport Authority will be considered as a joint authority between the county government and the national Government bringing in the Cabinet Secretary at the council together with some governors. I have an issue with the governors who have been brought here and I will mention that later, together with the Chairman who will be appointed. Looking at it that way, then it meets the threshold of that constitutional provision of being a joint authority.

There are three fundamental questions that need to be addressed. One, if you are creating a legislation to handle metropolitan matters, you need to ask yourself whether it is only Nairobi that is of concern to us. That is a question that we should not run away from. Many of us have gone to Mombasa. Mombasa faces the same challenges as Nairobi in terms of traffic management and services that we are creating this Authority to handle. When you go to Eldoret, I do not even want to mention Kisumu and Nakuru because, at least, it is easy to manage traffic in Kisumu and Nakuru...

Those of us who have been in Eldoret will agree with me that managing traffic in Eldoret sometimes becomes a nightmare. Therefore, the fundamental question we are asking is whether we will be coming up with pieces of legislation for each and every metropolitan area in this country. It would have been more decent and time-saving, if we looked at all the areas we could classify as metropolitan areas so that we have one piece of legislation. Having many pieces of legislation becomes very difficult even when you want to refer to them. That is the question that needs to be addressed.

The other question that probably needs to be addressed is really about understanding this Bill critically. I have seen that the proposed membership of council includes the Cabinet Secretaries responsible for transport and the National Treasury. We also have the governors of Nairobi, Kiambu, Machakos, Kajiado and Murang'a. First of all, having these governors to form a body to manage anything, to me, is a waste of time. Knowing the governors, the way they think, their time and their orientation, I wonder whether they will make any difference in terms of correcting the problems that are in this city.

Secondly, I am asking myself why it is important to bring the Governor of Murang'a to the council. I am trying to look at the boundaries and how they are connected to Nairobi. Kajiado, Machakos and Kiambu counties are connected to Nairobi. Maybe, my geography is very poor. Someone needs to cite to me how Murang'a is connected to Nairobi. Or is it connected through association to Kiambu? In that case, Narok County is also connected to Nairobi in a way. I do not understand why the Bill seeks to bring in Murang'a County and not Narok County. Maybe, someone needs to explain to me. Did someone just sit somewhere and decide for us which areas they would imagine have more interest and more stakes? I know that originally, quite a number of people I would call "immigrants" came and settled in Nairobi. I know there is quite a large number of people in Nairobi whose original homeland is Murang'a. That does not qualify Murang'a to be part of Nairobi Metropolitan, because that is a very debatable point. We need to carry out a census to determine which counties need to fall here. That is a fundamental issue that needs to be addressed, going forward.

Hon. Speaker, the other fear that I think many of us have is whether this Bill is an attempt to create the Ministry that used to be headed by the late Hon. Mutula Kilonzo – the Ministry of Nairobi Metropolitan? We are wondering whether this could be an attempt to create that Ministry, through the backdoor, and give it some responsibility. I am speaking to Nairobi voters. I am not campaigning against anyone. This Bill is an indictment that Nairobi voters have not been able to hold their leaders to account, especially the governors. This is a complete failure of the Nairobi County Government. We created the County Government of Nairobi to manage some of the things that I see here. The County Government of Nairobi is one of the very few cities in this country which have administrative units, and with the largest budget in this country. Many have argued that Nairobi should not have been a county but we made it one with a governor. However, we have been disappointed. It is not just about the current Government; it is from the Government which came to office in 2013 which was a total failure. We now have

another Government which has also failed totally. We now think we can cure the problem by creating another body, which in my view, we may not. We will end up being frustrated. The voters of Nairobi need to be very... By the way, if I happen to be campaigning for anybody so be it. This is because if someone else can provide these services, it is better.

We are now spending so much time debating a Bill to manage traffic, transport and set fares in Nairobi. These are things that the County Government of Nairobi, through the Executive and the Legislature, should be handling. When we give the responsibility to another authority to create a board and a council with all the expenses relating to performing the responsibility of developing a policy, setting goals, objectives and priorities for the area; determining the financial contribution, approval of the master plan and strategic plan, then this will be a fully fledged office with a budget. A huge budgetary allocation will go into this office. For purposes of paying other public servants, we are creating a board. This board will have Principal Secretaries and some executive members from the five counties. We will take people from their counties to come and sit somewhere and manage Nairobi. The County Executive Committee which is supposed to manage issues of transport in Murang'a will be sitting in Nairobi, a lot of times, to discuss issues concerning Nairobi.

Hon. Speaker, let us call a spade a spade. If there is a problem with the Nairobi County Government in terms of management and provision of services, let the voters of Nairobi come out and elect people who can deliver services. It is wrong for the people of Nairobi to be voting in someone because he or she is very generous, philanthropic or gives *unga* to people. This is where Kenyans go wrong. The fact that I am generous does not make me a good manager. The fact that I am not rich will never make me a good governor. As they elect their governors, Kenyans need to understand that they are electing people who will be heading their county governments, which are supposed to deliver services. You do not give us problems then expect us to solve them.

For me, this Bill should be withdrawn. Let it be withdrawn or whatever it is going to be done with. Let us have the County Government of Nairobi, first of all, prove that they cannot deliver services. We can then decide as a country, whether we need the 47th county. If we do not need it, let us say so instead of creating, through the backdoor, another body to discharge duties which this county should be discharging. In the event that there is failure – like there has been as exhibited by the flooding that we witnessed when it rained – people will be blaming each other. The Authority being created will be saying: “That function is for the county government; they are the ones who are supposed to unblock drainages. We are not supposed to do drainages.” The County Government will be saying: “No, you are supposed to manage traffic. You have not done so.” In that case, who will be responsible to the people of Kenya?

Let us have one line of authority. If it is the County Government of Nairobi, we leave it there. If it is not, we should make a conscious decision as a country, to do away with this County Government and make it a national Government function. Everybody should know that Kenya has only 46 counties. Nairobi is not a county but a national Government area to manage, so that we know who to blame. If you ask me, this Bill is an admission of failure, but it is cleverly looking for a way of trying to manage that failure. I know many of my colleagues who have looked at this Bill would agree with me that it is really an admission of failure.

I want to disagree with my friend, Hon. T.J Kajwang'. This is not something that you should even ask, but you should be involved in. As Members of Parliament, we are actually overseeing the Government operations; legislating and representing our people. You cannot be involved again in the management of traffic in Nairobi. Surely, I would not accept to be involved

in the management of traffic and setting of fares. What happens if fares are set at levels that my constituents cannot afford to pay? My constituents will blame me for being part of the people who are fleecing them. I would want to be in a position and a place - this is probably the rural thinking in my mind - where if there is a problem, then my constituents would run to me and I know who to target rather than being part of a system that you may not even make much impact.

In fact, that is why I disagreed with Members who wanted to be in the management committees of counties, where Senators were supposed to chair and governors were supposed to be secretary and Members were to form the county board. I was not for the idea because I do not want to be part of failure of another person in management. If someone has been elected as governor let him deliver services. If that person fails let him fail alone. I do not want to go down with another person. You can see the problems we now have with our roads. No one knows which is a county, or national Government road. Many times I see people blaming me for roads that I have absolutely no role over. I have no resources. I have no budgetary allocation for them. So, with those many remarks I oppose this Bill.

Thank you.

Hon. Speaker: Of course, Hon. John Mbadi, you are at liberty. It is your right. As you spoke, I was just wondering whether you had forgotten and I know you took part in the enactment of a law that I have not seen being implemented called “Cities and Urban Areas Act of 2012.” How has it been implemented? I appreciate that it is not the role of this House to oversee the implementation of such a law. Obviously, you know where it is targeted, but you know where the people who are supposed to see to it that the Cities and Urban Areas Act is implemented to the letter are. They should now stop the tug of war. There is a lot of work that needs to be done because as Hon. Kajwang’ pointed out, there is obviously need to have a correlation between the County Government Act, the Cities and Urban Areas Act and this proposed Bill, should it become law so as to see which of the functions in the Cities and Urban Areas Act will be ceded to this body. Before I give the Floor to the next speaker, allow me to recognise the presence, in the Public Gallery, of students from Medrose Secondary School, Bahati Constituency Nakuru County. They too are welcome to observe proceedings.

Member for Kangema, you have the Floor.

Hon. Kigano: Thank you Hon. Speaker, I support the Bill. The intention of the Bill is fairly apparent when one looks at Article 189(2). It is unfortunate that my learned friend, Hon. T.J. Kajwang’ was not involved in the public participation. I sympathise because the “Chief Justice” was too engaged in some demonstrations. The Leader of the Minority Party was also unable to participate, perhaps because he was more caring about the People’s Assemblies and did not see the wisdom of this Bill. I am stating the reason you missed the public participation.

Hon. Speaker, the intention of the Bill is to harmonise public facilities such as transport. London today provides one of the most efficient types of transport. If you look at the zoning of London, it goes to more than 150 kilometers away from the Central Business District. It covers several shires around London. If you are to go to do speed ramps, it is not economical to do them for a small unit. So, when you do Murang’a, Kiambu, Kajiado, Machakos, then it becomes economically viable. If you only do it for Kasarani for example - Is it Kisirani? I am not imputing any ill motive against my learned friend, Hon. Kajwang’, but, if you did it for Nairobi, Eastlands or Westlands, it will fail. So, it is worthwhile and economical when it is a larger population.

Hon. Speaker, we are lucky there is a law on public participation now. Even if a Member of Parliament, like me, did not publicly participate in the making of this Bill, participation is

relative. To me, it is objective when my governor and MCAs are consulted and participated because I will have participated indirectly. It is a question of whether it is subjective or objective so long as some willing participants and some stakeholders are consulted. So, this Bill is long overdue. It points to the purpose for which each one of us was elected to this House. As for public good, it is one of the best Bills that will operationalise Article 189(2).

Thank you, Hon. Speakers.

Hon. Speaker: Your chance, Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Speaker. I rise to oppose this Bill. This Bill, to me, is unconstitutional because it is the function of the county particularly when it comes to transport.

Rumour has it that this is an authority to be created and be given to Mr. Polycarp Igathe as the CEO. This will be undermining Governor Sonko.

Hon. Speaker: Hon. Wamalwa, as Members we also owe it to ourselves not to bring matters which are irrelevant because you want to bring names of people who cannot defend themselves on the Floor. If we asked you to table the evidence about what you have just alleged, will you do it?

Hon. Wakhungu: I said rumour has it.

Hon. Speaker: No. You are an honourable Member; you are not supposed to rely on rumours.

Hon. Wakhungu: Thank you Hon. Speaker. I am guided. This Bill talks of five counties: Kiambu, Kajiado, Murang'a, Machakos and Nairobi.

In terms of significance, Nairobi County contributes 92 per cent. The rest will only contribute about 8 per cent. So, the gist of the matter, as far as transport is concerned, is about Nairobi County. I have gone through the memoranda. I was very interested to see the submissions from Nairobi County, but I have not seen any. Nairobi County is critical as far as this Bill is concerned. The rest of the counties are totally insignificant.

Hon. Speaker, the greatest problems we have had in this city are issues such of floods, traffic jam and potholes. We have suffered in this country and people have complained about the issue of the wage bill. When we create this Authority, we will balloon the wage bill. The critical part is that we must focus on Nairobi County. I was wondering whether Governor Sonko of Nairobi is aware of this Bill. I remember the day this Bill was introduced in this House in the last Parliament. Evans Kidero was the Governor of Nairobi then and he had set up a task force to look into issues in the Bill that would affect his functions. I am wondering where Hon. Sonko is with regard to this matter. That is why I am asking whether or not he is aware, again, because this is as a result of public participation.

Hon. Speaker, I am drafting a Bill on public participation because the Constitution talks about it in Article 118. We do not have a Bill to provide a framework on public participation and yet it is very critical. We must have the Bill so that when we talk of public participation we do not miss its gist. According to me, public participation is very critical so that *wananchi* or their representations in different professional bodies can be incorporated when it comes to legislation.

I am also concerned about Narok and Makueni counties just as Hon. Mbadi. From here, when you do a radius, Makueni and Narok are between 50 kilometres and 60 kilometres away. We talk about Konza City which is in Makueni. Considering that radius, I do not know what the basis was for coming up with the other metropolis, say, Murang'a, which is after Thika. In fact, that radius should qualify Makueni and Narok to be part and parcel of the Nairobi Metropolitan.

Nairobi is a capital city which handles everybody in Kenya, including those of us from the Rift Valley and western Kenya. We have a say in this city because the Gross Domestic

Product (GDP) of Nairobi contributes almost 60 per cent of the entire GDP of this country. It is indeed, very important, that when it came to public participation, they should have invited other stakeholders, including members of the civil society who deal in matters transport.

It is my humble request that as we move on, we expedite my Bill on public participation because it will solve most of these problems. I want to express my displeasure concerning the harassment, threats and torture upon my party leader, Senator Moses Wetangula. In the Bible, the stone that was rejected become the corner stone.

Hon. Speaker: Irrelevant! Please, remember you are dealing with this Bill.

Hon. Members: Thank you, Hon. Speaker!

Hon. Wakhungu: Hon. Speaker, during the Zero Hour which is coming, we will talk more on that. I want to thank you for that Zero Hour because we will use that time to talk about matters of importance in this country. We are entitled to our own expression. The Zero Hour must be inclusive. When *Baba* says, 'left', we go left. When he says we go right, we also go right.

(Loud consultations)

That was not a problem. We are here to move forward as a team and that is why I can see Hon. Kajwang'.

Back on the Bill, the implementation of this Bill is going to be challenge.

Hon. A.B. Duale: They will remove you!

Hon. Wakhungu: Hon. Speaker, protect me from Hon. Duale. He is saying that I will be removed. There is freedom of expression. The challenge is, as we move on, how will we implement this Bill? The County Government Act and the Traffic Act will be at loggerheads with it. It is important that when it comes to implementation, for purposes of harmonisation, we bring some amendments. That way, implementation, would be easy.

I support the dialogue that is going on and also the Agenda Four, but we are not part of Government. We are here to provide oversight. I remain on this side where I stand to oppose because it is right to oppose. When an idea is for the good of the public, we will stand here and support it. However, for this Bill, we are going to oppose it.

Thank you, Hon. Speaker. I oppose.

Hon. Speaker: Hon. Members, let us just remain relevant to the Bill. Do not spend a lot of time raising other issues. Let me issue a Communication so that we can clear the air on this matter.

COMMUNICATION FROM THE CHAIR

THE ALLEGED *SUB JUDICE* STATUS AND UNCONSTITUTIONALITY OF THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL

Hon. Members, you may recall that on Thursday, 15th March 2018, the Member for Mathare Constituency, Hon. Anthony Tom Oluoch, rose on a point of order and invited the Speaker to declare the Nairobi Metropolitan Area Transport Authority Bill (National Assembly Bill No.41 of 2017) inadmissible for consideration by the House on grounds of unconstitutionality under application of Standing Order No.89 relating to matters *sub judice*.

In his submissions, the Member referred to Articles 187 and 189 of the Constitution, the Inter-Governmental Relations Act of 2012, and Standing Order Nos.83(3), 89(4), 117(c) and 118. The Member also questioned the Memorandum of Understanding (MOU) signed between the national Government and the five county governments towards the establishment of the Nairobi Metropolitan Transport Authority and then proceeded to lay before the House a letter addressed to the Speaker of the National Assembly in connection with his claims. He also laid an annexure containing among other items a copy of a High Court Petition No.94 of 2018, the parties being one Wanjiru Gikonyo versus the Attorney-General and others.

Hon. Members, in the ensuing debate, various Members amongst them the Hon. Jude Njomo, Hon. Rahab Mukami, Hon. Waihenya Ndirangu, Hon. Rindikiri Murwithania and Hon. David Pkosing ventilated on the various aspects of the Bill. In particular, Hon. David Pkosing, who is also the Chairperson of the Departmental Committee on Public Works and Housing, stated that the MoU between the two levels of Government had been signed in connection with the operations of Nairobi Metropolitan area, as contemplated under Article 189(2) of the Constitution. He pointed out that the Government, by Gazette Notice No. 1093 of 20th February 2015, had established a steering committee that brought together key technical stakeholders for all the five counties involved in the understanding.

Indeed, the Chairperson acknowledged that during the public participation phase of the proposed legislation, his Committee received and deliberated on the same claims of *sub judice* as well as unconstitutionality of the Bill and found them to be misplaced. Hon. Members, from the submissions of the Member for Mathare, I have deduced two areas that require guidance emanating from the matters raised as follows: Whether the provision of Standing Order No.89 relating to matters *sub judice* will limit the House from considering and passing the Nairobi Metropolitan Area Transport Authority Bill 2017; and whether the Nairobi Metropolitan Area Transport Authority Bill No.41 of 2017 is unconstitutional.

At the outset, I wish to inform the House that my reading of the Long Title of the Bill reveals that the principal object of the Nairobi Metropolitan Area Transport Authority Bill, National Assembly Bill No.41 of 2017 is to give effect to Article 189(2) of the Constitution. This will be by establishing the Nairobi Metropolitan Area Transport Authority and provide for an integrated and sustainable public transport system within the Nairobi Metropolitan Area that consists of the counties of Nairobi, Kiambu, Machakos, Kajiado and Murang'a.

Hon. Members, as a matter of fact, the documents laid by the Member for Mathare Constituency relate to a matter in the High Court by one Wanjiru Gikonyo, the petitioner, as aforementioned, challenging the constitutional validity of Legal Notice No.18 of 2017.

The legal notice created the Nairobi Area Authority by way of an Executive Order issued by His Excellency the President in exercise of his powers under Section 3 (1) of the State Corporations Act Cap 446 and made several appointments thereto. This Petition does not, in any way touch on the Bill before this House. Further, you will agree that the *sub judice* rule does not, in any circumstances, apply to the legislative authority of the House as provided for under Articles 94, 95 and 109 of the Constitution.

Moreover, Erskine May, the celebrated authority in Parliamentary Practice and Procedure, on page 396 of the 24th Edition of his book speaking to this matter of *sub judice*, states:

“The House has expressly resolved that the *sub judice* rule is qualified by the right of the House to legislate on any matter.”

In light of the foregoing and particularly in consideration of the fact that the aforementioned High Court Petition relates to a different matter separate from this particular Bill, it is my view and conclusion that the Standing Order No. 89 relating to matters *sub judice* does not apply to this Bill currently before the House. This, therefore, settles the first question raised by Hon. Oluoch.

Hon. Members, as regards the second question concerning constitutionality of the Nairobi Metropolitan Area Transport Authority Bill, I wish to remind the House that I have previously ruled that a question on the constitutionality of a Bill may be raised by Members at any stage of the Bill. Members may wish to refer to my earlier ruling on the admissibility of the National Police Service and the National Police Service Commission Bills of 25th September 2013 and the constitutionality of the National Police Service Commission (Amendment) Bill of 13th November 2013.

In the matter at hand, the Member for Mathare has neither cited nor indicated which particular clause of the Bill is likely to offend any provision of the Constitution, should the Bill be passed by this House. If the Member was to convince me and, indeed, this House, that any clause of the Bill contravenes any provision of the Constitution, I would, without hesitation, order the specific clause or clauses to be struck off from the Bill during the Committee of the whole House stage.

However, Hon. Members, it will be actually inconceivable that the entire Bill, from its title all through to its 46 clauses and its schedules would offend all the 206 articles of our Constitution and all its six schedules. In the circumstances, I, therefore, do not see anything unconstitutional with the Nairobi Metropolitan Area Transport Authority Bill (National Assembly Bill No. 41 of 2017) as published and is before the House. I, therefore, reject the contention or argument by Hon. Oluoch and order that the Bill proceeds through its remaining stages in accordance with the Standing Orders of this House. The Member and, indeed, the House stands accordingly guided.

I thank you.

(Resumption of debate)

Hon. Speaker: Member for Lang'ata.

Hon. Korir: Thank you, Hon. Speaker. I support the Nairobi Metropolitan Area Transport Authority. As you are aware, just like my colleagues have said, Nairobi City contributes more than 60 per cent of the national Gross Domestic Product. It is only important that we have an Authority that moderates, organises and facilitates the construction and organisation of the transport system. As you are aware, right now our transport system is pathetic. We do not have a proper transport system. The traffic that we experience in Nairobi is costing this country billions of shillings every year. If we have an Authority that will put together the relevant stakeholders and the county governments around Nairobi, Kiambu, Machakos, Kajiado and other counties around Nairobi, the governors, the County Executive Committee members and the relevant ministry will come together. They will ensure that we have a proper and organised mobilisation of resources to ensure that this menace is put to rest. We can ensure that we have a proper light rail system for the Nairobi residents and that we have maintained, organised and proper roads so that we can stop wasting time on the roads and get to offices to work.

I rise to support this Bill. Just like my colleague, Hon. TJ has said, the only missing link is the Members of Parliament. As we can see right now, we have a Council of Governors. The governors and the CECs will be sitting together. The Members of the National Assembly are the only missing link. We may need to also see how we can incorporate them so that we can have the MPs also participate. This is because we have priority roads and we know the roads that are important to the residents and which are not priority.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Tharaka.

Hon. Murugara: Thank you, Hon. Speaker. I rise to support this Bill and make some observations, which are quite different from what has been given by previous proponents and opposers. This Bill seeks to establish a metropolitan area which covers Nairobi County and four other counties that neighbour Nairobi.

The object of the Bill is to ensure that there is an integral and sustainable public transport system that enables the county of Nairobi and its environs to be served well in terms of transport. There is no doubt whatsoever that the transport system in Nairobi is still in shambles in spite of the fact that the Government has done its best to ensure that, that problem is eased. We have had quite some modern roads constructed in Nairobi but that does not cure, amongst other problems, traffic jams. No doubt, those jams extend from Nairobi to Kiambu, Kajiado and sometimes all the way to Murang'a. This is the reason why these counties have actually been included in the metropolitan area to be set up. It goes without saying that if the lives of the residents of Nairobi and its environs are to be eased, then we need a body that will regulate transport within these vicinities.

The law is quite clear that for this to happen, Nairobi County alone is not enough to cater for the problem. This is why the Bill has transcended from Nairobi County to the other counties. It is also most important to note that this is an intergovernmental Bill that touches on the national Government and the county governments. The Constitution is clear that where the two governments have to operate jointly, a law has to be enacted. The law will enable the two governments to work seamlessly. This is one such Bill and this is why I rise to support it and urge this House to pass it.

There is a proposal to establish a board which will take care of the enforcement of the Act. There is an argument that we are possibly introducing ulterior authorities with a view to undermining the County Government of Nairobi. Looking at this Act carefully, nothing of that sort is provided. Even if we were to do so with a good motive to ensure that the County Government of Nairobi works to perfection and another body comes and works to perfection, there would be no objection whatsoever. We would all be working for the good of the people of Nairobi. We are residents of Nairobi. Others are residents of Kiambu, Kajiado and the other surrounding counties. We demand that we be served properly. If that service will come from both the County Government of Nairobi and the national Government of Kenya, so be it.

This is a good Bill. It is here to assist the people of Kenya realise better lives while they live in Nairobi, and to ease the lives of those of us who come from rural areas. It is disheartening when one comes from a rural county like my county of Tharaka Nithi to arrive in Nairobi early enough, but you are stuck in traffic jam for more than two hours. It disheartens one and kills the morale of coming to do business in the city. That problem should be streamlined once and for all.

With those remarks, I support this Bill.

Hon. Speaker: Let us have the Member for Funyula.

Hon. Oundo: Thank you, Hon. Speaker for giving me this opportunity. At the outset, I rise to raise serious misgivings about the workability of this Bill. While I appreciate that the issues of transport, traffic and inconveniences caused by poor management of transport in Nairobi County are a point of concern to all of us who live in this city, I feel that the Bill, as drafted, is premature and an indictment on the management of the city affairs.

I must confess that I have lived in the city for many years. The issues of traffic, inadequate transport and lack of service lanes remain a problem, but I believe the approach taken to solve the problems is not the right one. There is no shortage of legislation and policies to manage traffic affairs in this country. For example, just the other day, we passed the Urban Land Use Policy, the Land Use Policy and, at the moment, we are debating amendments to the Physical Planning Act that are adequate to provide solutions to the endemic problem of traffic in this city. The Urban Areas and Cities Act enacted in 2012 is very clear on the roles and functions of managing traffic and related activities in this town. I sincerely feel that this particular Act attempts, in all practical purposes, to emasculate the powers of the county governments to manage the affairs of this country.

We have the Nairobi Metropolitan Growth Strategy, which did not include Murang'a County. As my colleagues have said, if we included Murang'a County, we could as well have included Nakuru County, Narok County and all counties within a radius of 100 kilometres. From my technical perspective, I feel that including some of those areas is just duplication and a waste of time.

I concur with my colleagues who have spoken before me; that the issue of traffic does not affect Nairobi and its environs alone. While driving to Mombasa, you know how many hours it takes you to get to the city centre from Mariakani. Many times, even entering Kisumu Town occasionally from Nyamasaria can be a traffic problem, not to mention the chaos that are normally in Nakuru Town as you cross the railway bridge to the Ngata side. Those of us who have on occasions driven through Eldoret know the number of hours you spend to drive through Eldoret Town. My view is that we should have generated a country-wide Bill to address traffic challenges in prime cities in this country, instead of merely concentrating on Nairobi area. We read an ulterior motive and mischief on the part of the national Government in coming up with this particular Bill.

Looking at the various issues affecting Nairobi, transport is integrated to other issues. Issues of traffic and congestion in Nairobi are integrated to other issues such as economic performance, housing and the rest. Many people opt to live outside Nairobi City because of the high cost of living and the high rents. If we could solve that problem, we would probably not wonder about the issue of traffic congestion.

The issue of traffic congestion also has to do with the poor working capacity or ability of the Traffic Department. Generally, we have seen many occasions where traffic lights have worked seamlessly, where we never have major traffic jam. However, whenever traffic police officers from the Traffic Department step in, the city clogs up. The issue of drainage has nothing to do with Murang'a, Kitengela and Machakos. It essentially has to do with the internal drainage system. As you know, drainage causes the biggest traffic challenges in this town. We need to strengthen Nairobi County.

On the issue of constitutionality of the Bill, my simple understanding is that we could look at it project by project, and not as a long-term issue. What do we do once we solve the traffic problems in Nairobi? Does the Act become irrelevant or are we in a way trying to

perpetuate some kind of national supervision of the affairs of Nairobi County? While the motive or the long-term intention is good, the way the matter is being approached smacks of mischief.

On that score, I oppose the Bill as drafted and as intended to be applied.

Hon. Speaker: Let us have the Member for Nyeri Town.

Hon. Martin Wambugu: Thank you very much, Hon. Speaker. I rise to support the Bill.

I want to focus our attention on the fact that this Bill has been introduced to specifically deal with the issue of transport. As a Member of Parliament from the rural areas - as my good friend, Hon. Kajwang' said - I spend a lot of time in Nairobi. I am very interested in how the transport system of Nairobi works. When I listened to my colleagues who opposed this Bill, I felt as if we are looking at the Bill beyond the scope of what we have in front of us. I read this Bill as the Nairobi Metropolitan Area Transport Authority Bill. In Clause 6(1), the Authority we propose to set up shall oversee the establishment of an integrated, efficient, effective and sustainable public transport system within the metropolitan area. It is a fact that Nairobi County has a transport problem. I live just outside Nairobi. I take close to two hours to get to Nairobi.

When we talk about the amount of money that we will incur to staff the Authority, we are forgetting about the amount of money we lose or spend every day as an economy in traffic jams. We also need to realise that Nairobi is different from nearly every other county that we have in the country in terms of Gross Domestic Product and population. When we speak of setting up a transport authority specifically for the Nairobi metropolitan area, we have to remember that the surrounding counties feed a lot of traffic into and out of Nairobi. If we can have an efficient and effective public transport service within Nairobi County, we can not only benefit Nairobi County, but also the surrounding counties and even those of us from the rural counties. We still come here, live and work here. I want to support this Bill very strongly.

I also want to re-emphasise the issue of cost. There are a lot of costs which were not factored in. I talked about the number of hours students and we spend in traffic. Any time I come to work in the morning, I meet school buses at 6.30 a.m. picking children who are supposed to be in class at 8.00 a.m. Part of that problem is transport. So, when we think about streamlining transport facilities in the Nairobi metropolitan area, let us not only think about ourselves, but also about the socio-economic aspects of what we are trying to do. This Bill is trying to cure the inability of moving people from one place to the other. It has no other political connotation. I have heard a colleague say that it is supposed to undermine the Nairobi County Government. I do not see that in this Bill. We can presuppose, interpret and listen to rumours like my colleague, Hon. Wamalwa. When I read the Bill that is in front of me, I see a cure for the transport problems of Nairobi County which affect all of us adversely. That is why I rise to support it.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kilifi North

Hon. Baya: Thank you, Hon. Speaker, for giving me this opportunity to contribute. I stand to oppose this Bill.

Nairobi metropolis is fed from the coastal city. If the transport system of the coastal city is not working, you will simply have the same problems. If we do not unblock the transport at the Coast where all goods and everything else comes through, the GDP of Nairobi will not grow. If you want to set up the Nairobi Metropolitan Area Transport Authority and forget about one for Mombasa, then you will actually have a problem because all the goods and items which come from the coastal region end up here in the city. If you cannot pass Mariakani with your goods or if you cannot leave the Port and come to Nairobi, you will have set up something beautiful here, but it will be impinged by something from the other end. That is one of the things that make me

say that we need to have transport authorities in Nairobi, the coastal city, in Kisumu and Nakuru, so that we have a well-managed transport system within the country. You want to cure the problems here in Nairobi, and then wait for 10 years to try to cure the problems on the other side. Swahilis say: “*Usipoziba ufa, utajenga ukuta*”. That is what we are trying to do. I want to look at a whole national integrated metropolis development where the entire metropolis in this country is taken into account.

The other thing that I would like us to focus on is the constitutionality of that matter. I know the Speaker has ruled on that. The Inter-governmental Authority Act should guide metropolis development where you put counties into blocks. This Bill has put several counties into blocks. This means that you want to run away from the Inter-governmental Relations Act which gives governors an opportunity to sit down to handle problems that affect them. I wish that the Inter-governmental Authority Act and the Inter-governmental Council which is in place can sit down and look at this. They should also look at the Cities and Municipalities Bill, the Transport Act and the County Governments Act and come up with something that will help the country instead of just segmenting one area.

I also want to look at how much resources would be put into this Authority, apart from the resources that the county governments have. This is a multi-billion shilling Authority which will be put in place. Nairobi County will now gobble up the budget that is available and deny other counties. Fair treatment of every county should be the principal that guides how this Bill will move forward.

There is also another thing which I would like to add on the coastal city. It can contribute a bigger GDP of this country, especially in the tourism sector. Right now, you realise that many tourists do not land in Mombasa or Kenya because of the transport system. We need to unclog the transport system at the coastal cities so that we can grow the economy through the tourism sector. Nowadays, tourists fly to Zanzibar, South Africa and other areas because the transport system in Mombasa is clogged. It does not give an opportunity for the growth of the economy in that area.

I would like to add one point on the fact that every development and civilisation in the world came through coastal cities. If you look at many cities like Alexandria and what is happening, civilisation comes through coastal cities or port cities. If we do very well in the transport system within the port areas, then it is easier to grow the GDP in the hinterland. Therefore, because this Bill may go through, it is my wish and prayer that the Mombasa metropolitan area transport system is included to ensure that the two areas complement each other in business and transport system.

Thank you very much, Hon. Speaker.

Hon. Speaker: Member for Tigania West.

Hon. Mutunga: Thank you very much, Hon. Speaker, for giving me the opportunity to contribute to this Bill.

Hon. Speaker: Sorry, Member for Tigania West. You have already contributed to this Bill.

Hon. Mutunga: Thank you very much, Hon. Speaker. I contributed at a very late hour for two minutes.

Hon. Speaker: Our rules are very clear. It is the same Bill that you contributed to.

Hon. Mutunga: Hon. Speaker, I will not say what I said the other day.

Hon. Speaker: It is not possible. The Standing Orders are very clear. Once you have made your contribution to one Bill, the rest of the time when it is being debated, you just sit, listen or go and represent people in other ways.

Proceed, Member for Kiharu.

Hon. Nyoro: Thank you very much, Hon. Speaker. I rise to support this Bill. We all know how important an organised transport system is to the growth of any economy in all perspectives. Having listened to my colleagues argue their points in regard to this Bill, especially those who oppose it, I am very surprised, as my first point, that most of us are very ignorant about the geography of our country. I have heard many Members castigate the inclusion of Murang'a County in the counties that are in this Bill because, possibly, most of us think that it starts from Murang'a Town. I want to bring Members like Hon. Wamalwa and others to speed that Blue Post Hotel in Thika is in Murang'a County. Thika Greens Estate is also in Murang'a County. We have so many people who work in Nairobi. They travel all the way from Murang'a County to come and work in the great City of Nairobi. On proximity, the Leader of the Minority Party stated the issue about Murang'a County. I want to tell you that the water that you drink in your estate comes from there. The fact that we get water from Murang'a County explains the proximity of Nairobi to Murang'a. Therefore, the inclusion of Murang'a County is very much in order as we try to sort out the transport issue in the city.

Hon. Speaker, Nairobi, as many have said, contributes over 60 per cent of our GDP. Transport is very crucial in the output of this GDP, the same way industries are. This Bill proposes something on smart management of our transport system. We have concentrated so much on the modes of transport. For instance, we are building roads around the city, but we have not put much effort on the management of those means. I am sure that if there is a transport master plan for Nairobi City County, it was created before we had *boda bodas* as one of the major means of transport in the country and even within the city. Therefore, the Authority will encompass all the means and modes of transport that we have currently.

Even as I support this Bill, in Kenya, we have more bodies than we need. In the transport sector, the other day, we were debating a Bill on some authorities, that is, the Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA), Kenya National Highways Authority (KeNHA), the National Transport and Safety Authority (NTSA) and we are now adding another body. As a country, we will have to relook at all these bodies because when we create many entities, most of the money actually evaporates within the recurrent expenditure of those authorities and institutions. We should borrow from countries that have done very well in the management of transport system, for example, Singapore. Singapore has only one body that deals with transport, the Land Transport Authority. It manages roads and railways. It does not have many bodies like we do here in Kenya. Progressively, we need to relook at that. When we have one harmonised body, we will be able to harmonise all the other transport issues.

Going through this Bill, I have seen that most of the representation is from the county governments. We have the County Executive Committee member in charge of transport and the governors represented. But going through the Bill again, you notice that the Authority is the coming together of the national Government, especially in terms of resources, and county governments. The MPs seated here, especially those who come from the counties mentioned in the Bill, are actually the patrons of KURA and most national Government entities in regard to building of roads and transportation. We need to include Members of Parliament so that when we talk about harmonising transportation, we do it wholesomely by incorporating every person that has an entity or has a resource that goes to the roads and the transport sector in this country.

The issue of Sonko and Igathe as raised by my friend, Hon. Wamalwa is innuendo and misplaced. We have seen a lot of investments from the national Government in the city. We have many roads being opened up. Ngong Road is being expanded and there are plans to expand the Jomo Kenyatta International Airport-Likoni Road on a World Bank loan. All these roads and other big investments are being done by the national Government. Therefore, we cannot just push all the responsibility and liabilities of building infrastructure to the national Government, and then deny it a say when it comes to the management of those modes of transport.

With those few remarks, I support this Bill.

Hon. Speaker: Member for Bondo.

Hon. Ogolla: Thank you, Hon. Speaker. One thing that is clear is that the Bill has some good intent in as much as it could be having weaknesses and challenges in terms of details. The intent is fine in spite of what we are experiencing as a country. In the last two weeks, when interacting with our embassy in France, we were informed that while Nairobi and Kenya for that matter would have been a preferred destination, Tanzania is overtaking us. One of the things that is cited constantly as affecting our preference is transport in Nairobi. You can now see the extent to which we are losing economically. It is all because of transport; forget the internal losses that we make.

It is not right when we treat Nairobi as local and as a city that does not concern all of us. My thinking is that Nairobi is both national and international. We have to look at it in that manner. We do not need to compare it with Busia or every other place. If we go in that direction, we will miss a very big point.

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

[The Deputy Speaker (Hon. Cheboi) took the Chair]

My view is that transport in Nairobi, if this is the route, needs to be fixed. I know there are many other ways how one may want to look at it, but if this is the route, it is important that it is fixed.

If you look at this Bill in detail, you will realise that it addresses certain things that counties are very slow at. Our Constitution is very clear that counties, at their own horizontal arrangement, can get into partnerships and work together. They can also work vertically. They have been very slow in doing this to an extent that things that touch them have not been handled in a manner that, for example, this Bill is likely to bring out. For example, Nairobi, as a county, can work very well with sister counties. This is critical. In principle, if we put aside the issue of transport, counties can work across themselves. Counties can also work vertically with the national Government. That is important.

If we look at it in that manner, when it works out, I believe certain counties will have the courage and will cite that something like this has happened. Even if we do not look at it in terms of us legislating, there are those of us who are very worried or concerned that if we do this, does it mean we are going to be legislating for Kisumu, Mombasa and so on? There is nothing wrong with that. We are here for purposes of legislation. So, in my view, this is not wrong, but we will be creating a situation where, even if we do not legislate, Kisumu, Vihiga and Homa Bay counties can, on their own, see what has happened in this arrangement and adopt or see how exactly they can adjust to those kinds of challenges. In my view, it is very important in terms of principle.

The other day, when we were discussing the issue of Kenyatta National Hospital, we saw how counties around Kenyatta National Hospital impact on it as a national referral facility. We saw that the biggest problem that Kenyatta National Hospital has is a problem of Nairobi County, Kiambu, Kajiado and all the other counties around here. If Kenyatta National Hospital was somewhere in Busia, the counties we are talking about might not be the issue. So, when we talk about Nairobi, we definitely must involve Kiambu, Machakos and Kajiado counties. If you look at the amount of movement of both human and vehicular traffic, I believe a big percentage of it is from without Nairobi. Residents of Nairobi are recipients of massive amounts of commodities, including vegetables. These are basically consumers. What supports Nairobi comes from outside and a lot of it is from Murang'a, Nakuru and the counties we are talking about. When we talk about Nairobi, it is important we look at it plus the counties around it.

Coming back to transport as a specific, the biggest problem we now have in Nairobi is traffic snarl ups and the amount of wastage that goes with it. In many other cities, if you are, say, past Westlands, you are in another county. A good example is Harare: The first traffic lights are over 20 kilometres away. It is not a city to borrow from but, I can tell you that if you get there, traffic is managed in a manner that the first traffic lights are 20 kilometres away. Where is 20 kilometres out of Nairobi? Whether you go south, north or east, anytime you do 20 kilometres, you are in another county. I support this because of its intent, but I believe there is much that needs to be done for purposes of details.

Again, we cannot prescribe everything in legislation like this. There are many other things that need to be looked into. There are all those fears in terms of how we look at the issue of resources. In itself, the Authority can generate resources. There might only be a problem now in terms of resource sharing. We will be generating resources in transport as a sector or a sub-sector for all the six or so counties. How do you share a portion to Murang'a or Kajiado counties? These are the things that need to be looked at as we consider this piece of legislation.

In my view, it is very necessary in as much as it requires some of the details to be checked again.

Thank you.

Hon. Deputy Speaker: Let us have Baya Yaa from Kilifi North.

Hon. Baya: I have spoken.

Hon. Deputy Speaker: Then what is the card doing here? I am going to give Hon. (Ms.) Ochieng Awuor a chance. Nowadays, it is very difficult for us to differentiate who sits where after the silver handshake.

Hon. (Ms.) Ochieng: Thank you, Hon. Deputy Speaker. Having read the Bill and of course the discussions that have gone on, I rise to oppose this Bill. The Bill sounds good and it appears like the creation of the Authority may solve the transport problem in Nairobi, but I do not think this is necessary because in Kenya, we have quite a number of authorities. The other day, we saw the National Transport and Safety Authority which was created with an aim to manage our roads and bring down the level of accidents that we have on Kenyan roads. Every one of us would agree that the situation has not been better. We saw its disbandment the other day. The real issue here according to me is that we are talking about the concept of transport. Picking up from one of my colleagues who spoke earlier, I emphasize the fact that in this Bill, we see a cure for the traffic snarl-ups in Nairobi.

I rise to point out that if only leaders, including this House, would think robustly about Nairobi in particular as the city where we have most of the things that we do not have elsewhere in the country, the real cure for Nairobi's traffic is not in the creation of the Authority. It is in the

robust thinking of trying to see how we can run a 24-hour economy. How will this help? This will make sure that there is a continuous flow of people in and out of Nairobi so that everybody does not have to rush to Nairobi in the morning and evacuate again in the evening.

I am thinking along this line because in the history, at some stage, there had been a thought of this nature which was then fronted by Hon. Kalonzo Musyoka, when he was talking about the concept of a 24-hour running economy. This kind of thing has helped other cities but, here in Nairobi, we insist on all workers reporting to work in the morning around 8 a.m. and by 5 p.m. everybody leaves. This is what causes the snarl-ups. If we have to think and help Nairobi for a long term, it is not the creation of an authority as per our Supplementary Estimates. It may be a question of seeing how we can manage the inflow and the outflow of people with vehicles and other means into and out of Nairobi.

Apart from that, sometimes, when you look at the concept of the transport and traffic snarl-ups in Nairobi, I still want to maintain and insist that the issue is sometimes sheer indiscipline. We have seen that, sometimes, leaders have played politics with the concept of transportation in Nairobi. There was a time when there were designated areas where *matatus* could go. At some stage, this thing was again reverted. We have seen all sorts of vehicles flowing into Nairobi all the time, all the day. This is what is causing the problem. An issue like this is not only a Nairobi concern, but a national concern as has been noted correctly by previous speakers. Nairobi receives vehicles from all over the country. If we insist on maintaining discipline on the roads regardless of who is elected where, we can manage the transportation problem in Nairobi area without the Authority.

When we think about the county government, it is not good to dismiss the fact that the said governments are also supposed to be part of the management of what is happening in the entire county. When we have had County Executive Committee at the county government level, and we are also creating another authority running parallel to that, it will bring conflict of interest. Most of the time, as somebody noted, you find that in the county, an MP is claiming the responsibility of making a road that is also claimed by the county government and the area member of county assembly (MCA). It is high time Kenyans became serious and charged the relevant authorities with the responsibility that they deserve. I would not be surprised if after creating that Authority there is excuse and buck-passing as has been the case with every other person. The Authority will blame the county government and the county government will blame the Authority for the problem. With this, we need to relook at the real benefits of having these transport departments within the county government.

In my opinion, it is high time the county assembly was tasked to discuss this thing that we are discussing on how we can solve transport problem in Nairobi. This is because they receive money from the national Government to make sure that transport within the county is well coordinated and well managed. What we are discussing here sounds good but, if you look at it critically, it is another way of just creating other bodies and positions that would create conflicts and not solve the problem in question.

With that, I oppose the Bill. Thank you.

Hon. Deputy Speaker: On this other side, I will give Hon. Sankok a chance to speak. Do you want to speak to it, Hon. Sankok or I give the Member for Lari an opportunity to speak?

Hon. ole Sankok: I want to speak, Hon. Deputy Speaker.

Hon. Deputy Speaker: I can give you the microphone where you are. This is the problem of pastoralism. Hold on Member for Lari, I will also give you a chance.

Hon. ole Sankok: Thank you, Hon. Deputy Speaker. Let me at the outset say that I support this Bill. We waste a lot of time. We are affected in terms of finances and economy because of the jams that we have in our city. There are people alluding that this Bill is politically motivated. I can say without fear of contradiction that this is a Bill that has been developed from 2014 until now, because of the problem affecting our city. We need to have a smooth flow of vehicles from one point to another. Economically, it is affecting us. We burn a lot of fuel in our roads.

Secondly, tourists and investors are getting scared of traffic jam in our city. Some of them prefer investing in our neighbouring countries like Tanzania and Uganda. Some of them are visiting countries that are neighbouring us because of the easier movement of persons from one point to another. If we get a tourist from Europe today, they will spend around eight hours to travel from England to Kenya. Their intention is to visit our game reserves, like Maasai Mara. From the airport to Maasai Mara, it will take them not less than 10 hours. You can imagine somebody travelling all the way from Europe or England, spending eight hours in the air only to come and spend 10 to 12 hours from our airport to Maasai Mara Game Reserve or Amboseli National Park because of traffic jams on our roads.

We really need to deal with this problem once and for all for us to benefit economically. When we say that it is a metropolis, it includes Kajiado, Machakos, Kiambu and Murang'a. It only means there is no way you can cure the problem of traffic snarl-up in our city without creating another problem in the neighbouring counties. If we expand the road network in Nairobi and leave them the way they are in the neighbouring counties, into which the spill of vehicles from Nairobi goes, we will create more problems in those counties.

I support this Bill. I urge those who are opposing this Bill to read it again and try to understand it. If you were not there when there was public participation, you should consult other Members because I am 100 per cent sure that there is no politics in this Bill. It is dealing with a problem that needs to be solved by all Kenyans. Members of Parliament should lead in solving this problem.

The only problem we have is the issue of having commissions. We spend a lot of money on maintenance or administrative fees when we have many commissions or authorities. The Hon. Member from Kiharu had given us an example of Singapore, which has only one Land Transport Commission that deals with the railway and all transport that is on land. In Kenya, when you talk of land transport, you will fill a whole page mentioning all those commissions. The commissions on roads alone are almost five or six and we are creating another one. If we can merge all these commissions, we can reduce the administrative expenses that we incur. The savings that will be realised can go directly to the intended purpose of expanding our roads.

Hon. Deputy Speaker: Very well. Let us have the Member for Lari as the Member for Kwanza gets ready.

Hon. Jonah Mwangi: Thank you, Hon. Deputy Speaker. I rise to support this Motion.

At the outset, I am wondering why people are looking at the proposed Authority only as a roads network authority.

Hon. Deputy Speaker: Hon. Members, especially those on the left of the Deputy Speaker, please, let me confirm those who have not spoken. I can see there are cards which have stuck here, like the one for Baya Yaa and (Ms.) Ochieng Awuor, who has just spoken. The cards seem to be stuck here. I do not know whether Nyikal has spoken.

(Hon. (Dr.) Nyikal gestured)

Okay, we will find time. Proceed.

Hon. Jonah Mwangi: Thank you, Hon. Deputy Speaker. I am looking at the proposed Authority as a body that will be responsible for planning our transport system. I am looking at an authority which will also plan the railway system within the Nairobi metropolis. I am looking at Nairobi as being a sitting room for all the residents. Some people think that Kisumu should be given the same. While we are all in Nairobi, as parliamentarians, Machakos, Kiambu and Kajiado are bedrooms. The population of Nairobi during the day is about six million. It is about three million people at night. The 50 per cent of the people living in Nairobi get out of Nairobi at night. We need an authority that is devoid of politics.

You remember that during the last regime, all the *matatus* started coming up to Moi Avenue because of politics. The Governor wants to feel like a hero and control the *matatu* industry. That is why I feel we need this Authority, which will be devoid of politics. It will plan Nairobi in an organised way.

I am looking at goods coming from Mombasa. We need a system whereby this Authority will be responsible. Why are we offloading these goods? Some come by rail while others come by road. How are we offloading those goods to Nairobi? Nairobi is the biggest consumer in this country. We are over 60 per cent contributors of GDP of the country. So, the system should be governed by an authority that is not politicking daily. I am looking at planning and budget-making. The Government is able to allocate a big budget to build the road network in the whole of Nairobi. When people say that Nairobi has 17 MPs, that is wrong. I heard an MP say that there are 17 MPs in Nairobi. About 70 per cent of the Eastern Bypass is out of Nairobi. About 70 per cent of the Southern Bypass is out of Nairobi. We have the other Upper Eastern Bypass that is coming from Mlolongo to Kilimambogo. The whole 100 per cent of it is out of Nairobi City but, its main purpose is to reduce traffic in Nairobi and make the economy of Nairobi grow faster.

I highly support the creation of this Authority. It should be given a huge budget. All of us are wasting time on these small roads. Some roads come from Athi River while others come from Kiambu. Mine comes from Lari.

When we look at the Big Four agenda of the President, we have affordable housing as one of them. Those houses will not be built in the centre of this city. They will be built out of this city. With this road network, it will be easier to access the city. Others will be built in Konza, Makueni, Limuru and Lari. How do those people get to Nairobi? How will the concerned governors coordinate those activities so that we have a good network for Nairobi? Will each governor give his budget for the road network in Nairobi? I highly support the creation of the proposed Authority because it will create ease of movement in the City of Nairobi.

I support.

(Hon. (Dr.) Nyikal gestured to the Deputy Speaker)

Hon. Deputy Speaker: No! It is not time for the Member for Seme. It is time for the Hon. Member for Kwanza. I will then come to you, Member for Seme.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, I want to differ with my side and support this Bill. I do this with a background. I have been in Nairobi for quite some time. While coming to Nairobi for the first time some time back, I boarded a train in Kisumu. I travelled all the way to Nairobi. My sister was staying at Makongeni. I can tell you the system was working. Kenya Bus came at a specific time. If you had to go to Nairobi West, you would pick a bus at the city

center at a specific time. I have looked at the situation here. Most Members here are well travelled, for some as recent as last week. When you look at other cities, you will appreciate that Nairobi is chaotic. The other day, I was coming for a meeting here. I stay in Kitisuru and it took me two hours to reach here. In fact, I was late for the meeting. So, if you are a Member of Parliament and you are opposing this, I am sorry because you do not understand the history of this city. I agree that this city is international, as somebody has mentioned. It is the only city on this earth that has a national park. Tourists go to the Nairobi Animal Orphanage and the National Museum next door. People come all the way to see what is at the National Museum. Therefore, this is a city and is not just another town like Eldoret or Kitale where I come from. They will grow over time. I, therefore, urge Members to support this Bill.

Somebody said there are too many authorities, but we want to bring order to our city. It is just not a town; Nairobi is an international city. Recently, we passed a Motion to say Nairobi City is an International Monetary Center for the region. What are we talking about? When we start opposing this Bill for the sake of it, we do not understand the history of this country. Secondly, the objective of this Bill is just to have an integrated system. I wish my friend Hon. Ichung'wah was here. People who work in this city do not stay in it. If you commute from Murang'a, Kajiado and Machakos, you will realise that about 60 million people come to this city to work or do some business. Only about four million people live here. The rest of the people come from outside the city. I can tell you for free that my grandson in Kitisuru wakes up at 5.00 a.m. to get to school in Westlands. Let us put everything else aside and support this Bill so that we can have order. We need a systematic system where somebody coming from Murang'a, Kajiado, Machakos and Kiambu will get here on time because the system works. As it is today, children are suffering and I pity them. If a child is not in a boarding school and has to go kilometers away, your guess is as good as mine as to what time he or she will wake up.

Let us decongest the city. It does not matter whether it is Sonko who is there, or I, Ferdinand Wanyonyi, who is the governor of this city. It is ultimately our duty as legislators to look at this Bill for posterity. I was in Rome about three years ago. There are buses, but there is no congestion at all because their system works. Let us decongest this city. This is a capital city. Someone asked why we cannot do the same to Mombasa. I agree with you, but let us start somewhere. Let us start with Nairobi. If the system works, it will be copied elsewhere. Let us start with Nairobi as a pilot project. I am sure if the system will work in Nairobi, then it will work in other towns. Kisumu, Nakuru and Mombasa, the second largest city, will also work on the system. I support this Bill because there is a sense in it. It does not matter whether the governors or Members of Parliament are going to be in the Authority. I want to correct Members. You do not have to be there as a Member of Parliament. You can have your presence there like you have in your National Government Constituencies Development Fund (NG-CDF) through your representation. All we are saying is this: Let us support this Bill for posterity because we know Nairobi is a very important city and it contributes 60 per cent of the GDP of this country. Do we want to wash it away? It does not make sense. Nairobi contributes about 60 per cent of our GDP which you and I enjoy. Therefore, it is neat for us to protect that source of income for our country. Given that most of the people working here come from outside Nairobi, let us have a system that works. I think this Bill will cure that problem. Those of you who came just the other year know that this place is chaotic. It is not the way it was 20 years ago. If we cannot fix it as legislators, we are running amok.

With those few remarks, I want to thank you for giving me this opportunity. Once this is through, we will copy the system elsewhere. I support the Bill.

Thank you so much.

Hon. Deputy Speaker: Okay, let us have Hon. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute to this Bill. This is a well-intentioned Bill but, unfortunately, it is being riddled with controversy that we often have. That should have been seen earlier before the Bill came to us. I know the Speaker had ruled on the issue of constitutionality and *sub judice*. Be that as it may, there are areas that should have been looked at. For instance, how will this Bill relate to the other Acts that are already in place: The Cities and Urban Areas Act, the County Government Act, the Inter-governmental Relations Act and the Traffic Act? I have looked at the Bill and those have not been taken into consideration, and they need to be looked into. It is unfortunate that this Bill has controversy about employment, but that has been ruled out. It relates to a legal notice that gave authority for that employment. Those are the things we should look into. The issue of other urban areas being proposed is something that can be taken care of in the future.

I said this is a well-intentioned Bill and its objects are to provide integrated, sustainable public transport within Nairobi and the Metropolis. Nobody can argue with that. The people of Nairobi have long suffered. In the evening from 5.00 p.m. to nearly 10.00 in the night, people are stuck in this town. They cannot move to their homes. That is something we should look at. Children wake up at 3.00 in the morning. This is something that we owe to the children and, therefore, we should look into. We should learn that when schools are closed, there is relatively little traffic. It means that the people suffering most, when we do not look at our traffic, are the children. Therefore, this is an important thing to look into. As Hon. Wanyonyi has mentioned, this city had the best transport. Some people may be old enough to know that what is now Hilton Hotel was Harding Street and there was a bus park where each bus had a bay with a notice of when the next bus would come. Indeed, the next bus would be there at the stated time. All these routes we are seeing like No.7, 8, 13 and so on were done in such a way to cover the whole city. From Kenyatta to Jericho there was bus No.7, while from Jerusalem to Kabete there was bus No.22. You did not have to get out of the bus in town if you were travelling. Tickets were bought in advance. It was an integrated system and so you could come from Homa Bay with a ticket which allowed you to use the bus system. Even in Mombasa, you could still use the ticket. That is the integration that we obviously need.

That system was killed by the *matatus* when the Transport Licensing Board (TLB) allowed them to operate. We cannot run a city of the magnitude of Nairobi with *matatus* that carry 10 or 15 people at a go. It just cannot work! And then run on purely commercial basis without interests of the residents at heart and no regulation to control them. For that reason, I think this Bill is good. I have given the reservations that I have about it.

Hon. Temporary Deputy Speaker, it is not that there is no money to do this job. It has been an issue of lack of political will. Think of all those people who stay in town late into the night each and every one of them standing at a street corner with, say, Kshs100, waiting for a *matatu*. That is the money we need to run this system.

Hon. Temporary Deputy Speaker, I do not have a problem with the Bill itself. Clause 2 gives definitions that give hope. It defines what a metropolitan area is. With regard to the definition of a metropolis, we may have to go further so that it is not defined just for the purpose of transport. We must look at other areas within a metropolis. I have no problem with cities like Nairobi, Kiambu, Machakos, Kajiado and Murang'a coming together. I even wondered why we could not include Naivasha so that Nakuru is made part of it. The truth is that people come from those places daily and that is why we have the congestion. A rapid bus transport system with

dedicated lanes is long overdue. I think we had a Motion here that was saying we should have dedicated lanes for buses and other road users. With the integrated public transport system, it means that you do not have to pay at every point. When will Nairobi people plan their lives and, say, buy a bus ticket that would enable them move around for one month? I know it has been tried but it has not worked well because we do not have an integrated system that is in place by law. That is what I think we need.

Mass rapid transport is explained here. If it is as indicated here, whether you have underground transport, road transport or light trains, which I hope this law will bring forth, you can move from one point to the other with specific areas where you can park your car and move around.

Hon. Temporary Deputy Speaker, we could even have a circuit from Uhuru Park all the way to the Old Railways and down to Machakos Bus Stop and then to Ngara and back. We could have other circuits from, say, Hurlingham, all the way to Kariokor and Railways to University of Nairobi. With such circuits in place, nobody would need to have a car in town. So, that integration is important.

I have a problem with the definition of “bus”. The definition says that it is anything carrying not less than seven people. I think that definition’s intention is still to retain the *matatus*. Somebody, in his or her heart, is still thinking this city should be run with these small vehicles. The definition of a bus, for me, should be one that provides for carriage of a larger number of people, maybe, 30 passengers. I think we will have to re-look at it.

Clause 4, establishes the Authority. Although there is a constitutional problem, I think Article 189(2) actually allows for joint authorities. I think that is something that might be contained within the Constitution. We will have to look at the issue of representation and membership of the Authority. It has a wide range of functions from policy and plan formulation, implementation and formulation of standards. The same Authority also has the role of regulating. If it is going to implement, then it cannot regulate as well because, obviously, there will be a conflict of interest. It has broad powers. It can form partnerships, purchase land, get corridors and leeway and so on. I think all these are important for that Authority if it is going to work. We should also look at the membership of the Board. We should not say that anything at this level is to be appointed by the President. There are things that should be brought down so that there is a lot of autonomy.

Hon. Temporary Deputy Speaker, it also proposes a council which I have a problem with. This Council is purely Government. It looks like this Council is going to oversee this Authority. However, if you carefully look at the functions of both the Authority and the Council, definitely, there is going to be a conflict of interest and tug of war. I think this is an area we should look at very carefully.

I support this but with the reservations as I have indicated. Lastly, projects of this magnitude are often affected by corruption. Sometimes, the good intentions are marred by those whom they intend to benefit. Those are the people causing us to have reservations.

Hon. Deputy Speaker: Your time is over. Let us have the Member for Marakwet West.

Hon. Kisang: Thank you, Hon. Temporary Deputy Speaker. Just like my colleagues, I rise to support this Motion. Some of us who were in Nairobi in the late 1980s and early 1990s will agree with me that the transport system was very good that time. I remember the number of vehicles within the city center were very few that time. There was no need to even drive your own vehicle to town. If you wanted to go to Ngong, that is where I used to live, you could get a vehicle going through Kiserian, Kenya Bus No.126 and No.111. It was very easy to move around

because the system that time was well maintained and well managed. It is only recently when we started encouraging these small buses, the seven-seater or 14-seater, that we started seeing chaos.

Just the other day you sent us on a trip to Malaysia. In 1970s, Malaysia and Kenya were at par. They were at the same level of development. However, if you see what they have done in the last 50 years of their independence, it is quite different from what we have done. They have under-buses and a rail transport within the city. We took 25 minutes from the airport to the city centre, which is 50 kilometers away. In Nairobi, Jomo Kenyatta International Airport (JKIA) is about 16 kilometers from the city centre, but one would take almost three to four hours. It is all because of the traffic jam that we have within Nairobi. We have actually lost so many resources as a result. Many of the investors willing to come and invest in Nairobi have relocated to other countries like South Africa, Rwanda and even our neighbours Tanzania and Uganda. It is because they cannot manage the losses incurred because of our transport system.

In the past, we passed a Bill here that we need to dedicate some lanes for some special services like ambulances. We have actually lost lives because of traffic jams. This is because we are unable to rescue people by rushing them to hospital on time. So, the creation of this Transport Authority is timely. We need to pilot this Bill and say that when the Nairobi Metropolitan succeeds, we will move the same to the other major cities such as Mombasa, Kisumu and Nakuru. When you are going by road from Nairobi to other towns such as Eldoret, it is very chaotic. At times, just about 15 kilometers to Nakuru Town, you get stuck there for hours. That is because of the transport system within that town.

So, I support this Bill. We need to pass it quickly so that we can get investors back to our country and improve on our economy. Malaysia is 600 times better than Kenya. Their Gross Domestic Product is at 30,000 while ours is at 3,000. We were at par about 40 years ago. It is because of this problem that we need to move quickly and enact the Bill into law and put enough resources.

We can deal with corruption. We have agencies that will ensure that levels of corruption are brought down. So, I support and urge my colleagues on the other side who are opposing to support it so that we can move forward as a nation.

Hon. Deputy Speaker: Member for Kilifi North.

Hon. Kiti: It is Kilifi South, Hon. Deputy Speaker.

Hon. Deputy Speaker: Please proceed.

Hon. Kiti: Hon. Deputy Speaker, I support this Bill. Nairobi has become a city of shame and, more so, when it rains. Most of us have had to use *boda bodas* if we have to catch flights to destinations outside Nairobi. It is a challenge that is real and is being seen nearly all over the world and time has come for this problem to be fixed.

I, however, have some reservations on the name. The challenge we are having in Nairobi is not unique. If you have been to Eldoret, the challenge exists. When you get to a small town such as Embu, it is equally a mess. I represent a very small town; Mtwapa within Kilifi South. It is one of the fastest growing towns as we speak. However, if you have to travel from Kilifi to catch a flight in Mombasa, you will be very lucky if you will make it within two hours. So, the challenge that we are having within Nairobi has a genesis. I strongly believe at one point, similar towns such as Eldoret, Mombasa and Kitale, will get into a situation where Nairobi is. I, therefore, suggest that, instead of having Nairobi Metropolitan Area Transport Authority, we get a name of an authority that will cater of all the cities that we have within Kenya. That is because, at one point in time, those same towns are going to grow to the level of Nairobi City.

Also, as much as devolution is a new concept, in my observation, most of the counties have not factored those challenges that are being faced by pedestrians within the cities. Otherwise, in as much as we are suffering in Nairobi, some other counties would have come up with sessional and concept papers that would lead to addressing some of the challenges that we are facing now in Nairobi. This implies, therefore, that in those counties, for as long as they are not witnessing the problems experienced in Nairobi, life is okay at the moment. I, therefore, support this Bill, but with that reservation that let the Authority take care of all the cities within Kenya so that, at one point or another, should those challenges arise, they will be prepared to deal with them.

Thank you .

Hon. Deputy Speaker: Let us have Hon. Wanyonyi, Member for Westlands.

Hon. Wetangula: Thank you, Hon. Deputy Speaker for giving me this chance. This is a very progressive Bill, but it is only that we need to fix a few loose ends here and there. There are a few weaknesses in the Bill, but I am sure they can be sorted out. A few years ago, when I was working at Nairobi City Council, we had a function somewhere in Barcelona, Spain about something called smart cities. These are cities that have the capacity to solve their problems with minimal interference of the lives of the people.

There are many cities such as Mumbai in India where a few years ago they were chaotic but, right now, they have fixed it. It is working perfectly well with a transport system that is progressive. I believe if this Bill is well intentioned, we can fix the problems in Nairobi. I can also attest that I was a student in Nairobi in the 1990s when the Kenya Bus Service was working and you could take one Kenya Bus from one end of Nairobi to the other end and the time schedule was always adhered to.

So, I believe that this legislation can bring a lot of change in Nairobi, modernise the city and make Nairobi functional. What is not working in this city is the public transport system that is not well organised. It is chaotic and one that is encouraging people to heavily invest in private transport. This is because if we had a functional public system, not many people would be interested in buying private cars. When you go to big cities, people travel by public transport more than by private means. I, therefore, believe that this Bill, when properly implemented, will create much order in our city and will make living in Nairobi better than it is now.

Hon. Deputy Speaker, recently, when we were in Dar-es-Salaam for sports, I saw those lanes for rapid vehicles. This is an experimental thing that is working in Dar-es-Salaam. I am sure it can still work here. We are just scared about what will happen when people will be displaced but, sometimes, you have to pay a price for you to get the right things to be done. Therefore, I believe that when we enact this legislation and the authorities and counties that have been assigned can properly coordinate and make it function, Nairobi and the metropolis that have been mentioned within that radius will work. I remember the late Hon. Mutula Kilonzo when he was the Minister for Nairobi Metropolitan came up with this idea. He travelled across the areas he had defined as covering the metropolis and it looked practical. It, however, reached somewhere and disappeared. I do not know what happened until we now have this.

Let us not inject politics in this Bill. Let us look at it critically and bring out the good in it so that we do not read politics in everything that comes here. I am sure that some people think it is going to interfere with the County Government of Nairobi; that the national Government wants to take over the Nairobi County Government's roles.

That is in bad faith. We as legislators are here to enact laws. However, if we see a bad law, we can make it better by amending it and make it work for us. So, let us not be scared about

issues just like people on the streets. We must be the ones to deal with them head on. We do not have to start talking like we are not part of this House. Even if I am the only one who supports this Bill, I will because I believe it is well intentioned and it can bring something good out of this city, which we need to bring to order.

We spend so much time on our roads and when we constructed Thika Superhighway, we did not think about improving other roads. So, you come from Thika Superhighway with five lanes and then you enter into a road with two lanes. Still, we are not solving anything. We need to expand all our roads and improve our public transport. Regarding the authorities being created, I believe we should minimise the number of government officers because we will just be transferring bureaucracy from Government to those authorities. Those are people who can plan but not implement. So, we can leave the implementation to an authority which is independent without involving public officers.

With those few remarks, I support this Bill. I believe it is properly done and will improve the city and open it up to new horizons.

Hon. Deputy Speaker: Hon. Kamanda.

Hon. Kamanda: Thank you, Hon. Speaker. Let me apologise because when you called me earlier on, I had been summoned and stepped out shortly.

I support this Bill because it is long overdue. It was discussed by the four counties and, in fact, all the governors mentioned here converged in Nairobi in 2016. The champion of this Bill then was the former Governor of Nairobi, Dr. Evans Kidero. Nobody could have believed. It was Kidero who was championing it more than anybody else. I want to tell Members that there was no bad blood between the governors concerning this Bill. It was discussed by the concerned counties.

This country is almost losing its face from other countries surrounding us. If you go to Ethiopia and Tanzania, in terms of transport, they have already overtaken us. I want to tell the Members who are saying that this is a Bill for Nairobi that it is not; it is for the entire country. Nairobi belongs to all of us. When we improve services in Nairobi, we even double its Gross Domestic Product. Nairobi generates more than 60 per cent of what goes to other counties. When we double this, then we will get more NG-CDF money, and even the governors will get more allocation.

This Bill needs the support of everybody. I am very happy because we no longer have the kind of politics that was about to destroy our country. I want to thank the two leaders because they agreed to work together, and we want the agreement cemented. We want to move forward. Kenyans and Members can attest to it that they do not want to hear about elections anymore. We have just come from elections and our people down there do not want to hear that elections will come again because this issue almost divided this country. We were almost going the bad way because of politics. So, can the people who are talking about 2022 politics stop?

We have Cabinet Secretaries who are the engines of governance, appointed by the President and the Deputy President. When we have issues concerning development, they should be the mouthpiece when the President and the Deputy President are touring the counties. Let us remove politicians from those meetings because they talk politics all the time. I was in Malaysia the other day; they are going to hold their elections in April. One cannot know whether elections are nearing because to them, elections come and go but their country remains. They have guided their democracy in such a way that they know who their leader will be in five or 20 years' time. So, they do not want animosity about their tribesman being this or that. They have put it in black and white, and they know when their term will come.

I think we should move in that direction. We should at one time even decide to amend the Constitution and rectify those things which make us to divide our country. I was very happy to see the President shaking hands with Raila. I pray that while their two fathers died in disagreement, they come together now and make this country one. I am the Chairman of the Committee on National Cohesion and Equal Opportunity. When I was given that position, I wondered where to start because of the animosity and fighting that was in the country. I am now the happiest person because I can go to Luo-Nyanza and other parts of this country because we have been united. We can now speak in one voice for the sake of this country.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Let us have Hon. Were Ong'ondo, Member for Kasipul.

Hon. Were: Thank you, Hon. Deputy Speaker. I wish to contribute to the Bill with full support. I have gone through it and it has a very good intent. True, there is a problem in Nairobi concerning transport, which if not well managed, will bring an economical setback.

We cannot decongest Nairobi without mentioning Kiambu, Kajiado and Machakos. The only county which brought suspicion is Murang'a. From my knowledge, Murang'a is almost 70 kilometres away from Nairobi. Nakuru is 150 kilometres away. The Bill is good because without a good transport system, even if you have a sick person, there is no way you can reach the hospital very quickly. Even Members of Parliament face problems because in order to arrive here on time in the morning, you must leave your house by 6.00 a.m. You waste almost two hours on the roads instead of that time being used to do other things. The Bill is good.

I support.

Hon. Deputy Speaker: Let us have the Member for Taveta.

Hon. (Ms.) Shaban: Ahsante sana, Mhe. Naibu Spika, kwa kunipatia nafasi hii ili nami pia niwaunge wenzangu mkono, kwamba tunahitaji halmashauri ya jiji la Nairobi, ili tupate usafiri wa kitaifa.

Ukweli ni kwamba jiji la Nairobi ni letu sisi sote. Si la watu fulani. Ni la Wakenya wote. Jiji la Nairobi ndilo sura ya Kenya na pahali ambapo pesa nyingi ambazo zinatumiwa humu nchini hupatikana. Vile vile, nikiwapeleka nyuma kidogo kihistoria, ukiangalia wakati wa Rais Moi, utaona kwamba alijaribu kuweka usafiri kutumia mabasi ya Nyayo. Watu hawakumwelewa. Lakini leo hii, watu wakikaa, wanakumbuka kuwa Rais Moi alikuwa amefikiria kuwa na usafiri wa kitaifa. Rais Kibaki naye alitutengenezea barabara ya kwenda Thika na hata akataka kupanua barabara ya kuelekea Mombasa lakini siasa iliingizwa hapo. Nataka kuwakumbusha wenzangu: Kilio kilikuwa; kwa nini Nairobi? Sisi tunaoishi Nairobi tunajua matatizo yaliyoko Nairobi kuhusu usafiri. Ukweli ni kwamba Roma haikujengwa kwa siku moja. Ni lazima tuanzishe mahali kabla hatujaenda kwingine.

Rais Uhuru Kenyata alivyoanza kazi yake, aliangalia kwa kina sana usafiri wa Mombasa hasa barabara ya Dongo Kundu, ambayo ilizungumziwa kwa muda mrefu. Sasa hivi inajengwa. Vile vile, barabara ya kutoka uwanja wa ndege inapanuliwa. Barabara ya kutoka Mariakani hadi Mazeras, ambapo kulikuwa na tatizo kubwa, inapanuliwa. Ukienda jiji la Kisumu, vile vile barabara zinapanuliwa. Tukubali Nairobi ikae hivi hivi na tuwe na matatizo milele ama Nairobi iwe ya kwanza kuangaliwa halafu huko kwingine kufuatie.

Miaka iliyopita nikiwa Waziri niliwahi kusafiri kwenda Beijing, China. Nilikuta magari mjini ni zaidi ya milioni tano. Niliporudi baada ya miaka kadha, nilikuta wakijenga usafiri wa kitaifa. Nilipoenda tena niliuliza: "Haya imekuaje?" Sasa hivi, hakuna msongamano wa magari. Sasa usafiri wa kitaifa upo na watu wengi wanaowacha magari nyumbani na kusafiri kwa reli.

Vile vile, Serikali ambayo inasimamia jiji la Beijing imeamua kuwa kuna siku ambazo magari fulani hayataruhusiwi mjini. Ukifika huko, unaona tofauti kubwa sana.

Katika jiji la London, kuna usafiri mzuri sana. Serikali imewataka watu wasafiri na usafiri ule lakini wakati mwingine, watu wengine wanapendelea kuendesha magari yao na kwenda mjini. Wanalipa pesa nyingi wakiingia mjini bila sababu nzuri. Wanalipa karibu Kshs1,000 pesa taslimu za Kenya. Ukienda miji mingine mingi utaona kuwa kuna tofauti kubwa sana kupata usafiri wa kitaifa.

Kuna wasiwasi kuwa kazi za Kaunti ya Nairobi zinachukuliwa na Serikali Kuu. Swali ni kuwa, je wakiachiwa, wataweza kutatua tatizo hili? Ukweli ni kwamba haiwezekani. Kwa hivyo, ni lazima Serikali ya Kitaifa ifanye kazi na serikali ya kaunti ili kutatua matatizo haya.

Mhe. Naibu Spika, Kenya yetu pale imefika sasa ni lazima tubadilishe. Tusiweke siasa katika kila kitu. Tubadilishe mwenendo. Tubadilishe kuwa miradi muhimu inayofanywa na Serikali ambayo inafaidisha Wakenya wote iweze kufanyika. Nafikiria tulikuwa na wewe hapa katika Bunge la Tisa. Wakati tukiwa hapa, kulizungumziwa sana upanujaji wa Uwanja wa Ndege wa Kimataifa wa Jomo Kenyatta. Ikaleta hisia mbaya na ikacheleweshwa mpaka sasa bei zilibadilika zikawa juu sana kwa sababu ya mradi ule kucheleweshwa. Ninawaomba wenzangu wajue kuwa jiji la Nairobi ni letu sote. Kila siku kuna pahali utaanzia na nina imani kuwa mwanzo ni Nairobi ili kwenda kwengine nchini Kenya kupanua usafiri wa maeneo yale.

Jina hili la Nairobi linatia watu wasiwasi lakini ukweli ni kwamba suala hili lilianzishwa wakati wa wizara ya kusimamia masuala ya Nairobi. Ukienda nchi nyingi, utakuta kuwa miji mikuu ya nchi hizo yako na wizara ambayo inasimamia kila kitu. Hata ukienda Nigeria, Lagos ilishindikana na wakaenda Abuja. Wako na wizara inayosimamia masuala ya Abuja. Suala hili lilianzishwa na Raisi Kibaki wakati wa serikali ya mseto wakiwa na Waziri Mkuu kuwa kuna umuhimu wa kuwa na wizara ambayo inasimamia jiji la Nairobi. Sasa, kwa sababu wizara zimepunguzwa, haiwezekani kuwa na wizara ikisimama kivyake. Kuna umuhimu wa halmashauri hii iweze kusimamia masuala ya usafiri.

Ndugu zangu na waheshimiwa wote, nawaomba tuunge mkono suala hili ili tuweze kuanzisha mradi huu ambao utaokoa hali ya usafiri na kuongeza hali ya uchumi. Pia, utawezesha wageni wanaokuja Kenya kutaka kuja zaidi na kuwekeza hapa ili watu wetu waweze kupata kazi.

Asante sana, Mhe. Naibu Spika. Naunga mkono.

Hon. Deputy Speaker: Let us have Hon. Mohamed Sheikh, Member for Wajir South.

Hon. Mohamed Mohamud: Thank you, Hon. Speaker. I support this very invaluable Bill for various reasons. The major reason is that Nairobi is a very important city in East Africa, Africa and the world. Given that that is the case, it is important to understand that Nairobi is the capital city of Kenya and hosts many global institutions. It is an important destination of many people around the world. Given the value it adds to the world, Nairobi becomes very important around the world.

The cost of traffic jam in Nairobi is high. The amount of money that directly and indirectly is incurred by the taxpayer is extremely high. Before I dwell on Nairobi and its networks, it is important that we see, at the global level, what traffic jams really do. A study in the United States of America indicates that a traffic jam can cost a country as high as US\$124 billion per year. Given that situation, the US decided to invest in the road networks and infrastructure and look at ways of easing traffic jams around the world. Another study in the United Kingdom indicates that it costs nearly £1,000 per capita per annum. That is quite a huge

amount of money for an individual. Therefore, in 2030, it is estimated that the cost of traffic jam in the US could sky rocket to about US\$300 billion.

Nairobi is not exceptional from such kind of challenges. In Kenya, it costs the taxpayer nearly Kshs58 million per day. It is also estimated that overall, Kshs38 billion is lost due to traffic and Nairobi takes the highest share. Nairobi traffic is also choking the society and, indeed, affecting the health of the community that lives around Nairobi. This Bill will help streamline the Nairobi traffic challenges and ensure not only economic savings, but also the health and safety of our people. The clogged road network deters investors, growth and development of our society. The challenge may double in the coming years, especially in 2030. It is also important to note that to achieve Vision 2030 in terms of infrastructure and roads, this Bill deserves support. For our national growth, we need to understand that our infrastructural network, especially roads, needs to be cared for. Therefore, this Bill will be one of the important elements that will ensure that, that really happens.

The law on Nairobi Metropolitan Area Transport Authority will enhance the work of the Authority and help them streamline the challenges and the issues that we face. In this day and age, development-conscious societies always streamline the process and plans that they make for their cities. Nairobi is an exceptional city. It is an important city globally, to this country and to East Africa. Because of that, I support this Bill and urge my colleagues to support it.

Hon. Deputy Speaker: Let us have Hon. Martin Owino, Member for Ndhiwa.

Hon. Martin Owino: Thank you, Hon. Deputy Speaker. We all want Nairobi to be the best in this region. We also want this Bill to be one of the corrective measures.

However, some areas need to be reviewed. For example, it was said that we need to review how the council and the Authority will work together. It is known globally that you cannot fix traffic jams by fixing the hardware only. This Bill should address how behaviour will be modified. For example, truck routes have to be addressed. Traffic laws also need to be reviewed because right now, we are going through the same. People drive the way they want even where they are not supposed to. That bit which I call ‘the software’ must be addressed.

We also need to look at the planning of our urban areas and towns. That is one area where we are going wrong. Even the upcoming towns will face the same problem which Nairobi is facing right now. If we do not have preventive measures to ensure that these upcoming cities are well-planned, we will run into the same problems.

We need to decongest our city. It is common knowledge that some Government services are still centred in Nairobi for no good reason. People come to Nairobi to look for them. If we are talking about decongesting Nairobi, those services need to be fully decentralised so that people do not come to look for them in this region. At the same time, we need to look at job creation and opportunities for folks in the rural areas like in Ndhiwa Constituency so that we can expand opportunities to those areas. So long as those are not done, we can have super-highways and trains, but people will still come here and we will still have congestion in the city. This Bill is not going to cure the problem. I know the word ‘cure’ is a medical term which the Member for Nyeri used, but we will treat it to some extent. We will have smooth flow of traffic in the city.

Lastly, I would like to ask the originators of this Bill to take seriously those who have criticised it, even as I support it. Take those observations seriously so that we can have the best Bill which will reduce traffic congestion.

I support the Bill.

*[The Deputy Speaker
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) took the Chair]*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well, Hon. Martin Owino, Member for Ndhiwa. Next on my request list is a Member I cannot see in the House. He put his card in the intervention slot and decided to go and consult. Let us have the Member for Migori, Hon. Ochieng' Awuor. I am told that she left her card in. I will give this opportunity to the Siaya County Member of Parliament, Hon. (Ms.) Oduor Ombaka.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I would like to contribute to this Bill because talking about road networks, expanding and improving them and ensuring that people can use them safely is a key development issue.

The road problem in this country is wide and has spanned many years. Not any one time has the road system in this country been praised for being well done. Nairobi, being a capital city, should be one of the areas where the road system is impressive. Surprisingly, it is the worst. When the rains come like they have currently, we see what they do to the roads. They cause potholes. There are no street lights, the roads are narrow and people do not use the roads well because there is congestion.

Just recently, about a week ago, four Members of Parliament, including myself, were in Berlin Germany. One thing that struck us in Berlin was the road network. We talked about that for hours because we saw simple things being done and working so well. The roads are not as wide as you imagine. They are the same size as ours, but in one road, there are several lanes. There is one for pedestrians, one for cyclists, one for vehicles and another one for the train. It is all integrated, but there is no confusion. Everybody is so disciplined in their lane. Nobody interferes with anything. It is so beautiful and nice. We can learn from those countries. Most of us in this House have travelled widely.

We need to put in place long-term plans for constructing roads. We simply talk. We plan to construct a road and after two years, we demolish homes, houses and buildings in order to expand it. I do not think what we are doing is right. What I am beginning to see is that we do not plan well. We do not think ahead. We do not think that when we construct a road, it should last for more than 50 years. We come up with two-year or five-year development plans and before you know it, we are demolishing what we started two years ago. That is what this Authority should focus on. When it is put in place after this Bill goes through, it should begin to think of how long it should take before we improve a road. If you want to construct a road like the Thika Superhighway, which is so far the best in this country, and then suddenly you narrow down into a two-lane system, it simply does not work. There was no thought put in. Did we plan for the road to last for more than 50 years? Did we anticipate population growth and the number of vehicles that will use that road? Those must be factored in when roads are being constructed. That is where we lose it. That is why the roads are not as they are.

For more than 50 years, Kenya still does not have the best roads yet she leads in other areas. When it comes to the road network system, we are so poor. Nairobi should set the pace because it is the capital. That should be followed immediately by other counties like Mombasa, Kisumu, Eldoret and Nakuru. All the 47 counties should require that roads be improved in the

internationally-required standards so that everybody who lives in those areas enjoys using the roads. Whether you are a cyclist, pedestrian, riding on a bus or train, we should use the same road without interference.

Lastly is the discipline that goes with the road system. We do not have any discipline at all. We just drive as though there are no road rules. We overtake at the wrong point causing accidents. We cross the road at the wrong points. Motorists overspeed. Some do not wear seat-belts. There is simply no discipline. We abuse each other even as we overtake. So much will be factored into this.

If we pass this Bill, I believe the Authority that will be created will put in place several things that go with the road system. It is a whole system where you require good road maintenance. When you see a pothole, it should be fixed immediately. This idea of having a pothole and leaving it for two years shows that we are not serious. I support this Bill because I believe that the Authority will construct roads, maintain them and ensure that they are friendly to be used by human beings as well as animals. I see animals in town. These are some of the issues that should be addressed. Do we need animals in this city? I do not think we need them. There should be a demarcation for them where they can be grazed. So, human beings should use the roads without fear, be it at night, daytime, rainy or hot season. The road should be friendly for human survival.

Thank you, Hon. Temporary Deputy Speaker. I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Machakos Town

Hon. (Dr.) Munyaka: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to debate this Bill. The creation of this Authority is long overdue. During the 10th Parliament, Hon. Mutula Kilonzo Senior was the Minister for Nairobi Metropolitan Development and we visited Machakos. We had a public function where we sensitised the people on the importance of Nairobi metropolitan and the developments which would come with that programme. Unfortunately, I do not know what went wrong because the programme appeared to have died. I want to thank those who brought this Bill, so that we can bring sanity in our transport sector.

Two weeks ago, we had traffic gridlock along Mombasa Road towards Machakos for around two days because of poor management of our transport system. There are many other areas where we have serious traffic jams. We know the costs and losses which affect Kenyans due to traffic jams. The Central Business District (CBD) is suffocated because the road network which exists today was there when we had very few vehicles on the roads. Currently, we have thousands of vehicles in the city, but they are still struggling to utilise the same network. Because of the human pressure and traffic in the city, we should think out of the box and create an underground metro system. If you walk along Moi Avenue and Tom Mboya streets right now, you will find thousands of people walking in a human jam at this moment. We require an underground system where travellers look for underground railway systems and leave the buildings upstairs where people can shop safely.

Otherwise, I want to join my colleagues. Those who are opposing should know that we are doing it for posterity.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you and congratulations on winning your petition. I have done it on your behalf.

Member for Molo. Let us hear the youth.

Hon. Kimani: Thank you very much, Hon. Temporary Deputy Speaker. I am here to support the Bill on the Nairobi Metropolitan Area Transport Authority. Before I do so, I want to make an appeal. Recently, we had the National Transport and Safety Authority which we mandated to manage the transport system in the country, especially road safety. We had to disband it and we are back here barely a few months after.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Molo, I want to confirm from the Clerks-at-the-Table whether you contributed to this Bill.

Hon. Kimani: No.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I do not know why I feel that you contributed to this Bill. Carry on.

Hon. Kimani: Thank you very much, Hon. Temporary Deputy Speaker. We disbanded NTSA and now a few months later, we are here with this Bill. My hope is that as we appoint officers to achieve this particular objective, they should take care of value for money for our people. Our biggest challenge is that we assign people roles, and we are very good at legislating, but when it comes to following up and making sure that Kenyans get value for their money and that their taxes are properly utilised, we go wrong.

That said and done, we cannot overemphasise the importance of infrastructure, and in this case, road network, in development. In developed countries, road network or infrastructure accounts for 12 per cent of the Gross Domestic Product. This means that if we are to continue to aspire to be a developed country other than a developing country, then we should look at the factors of production. That person who stays in Westlands and he or she wants to attend a class at Strathmore University to improve his or her education, or that business person who wants to take his goods from Gikomba to Langata should not only ferry them, but should also do it at the shortest time and at the lowest cost possible. If you speak to business people around, they will tell you that one of the biggest costs is transport. It is not because they pay a higher fee on it, but the time they waste. We should look at the other losses that we incur. How many lives do we lose because an ambulance was not able to take a patient to the hospital on time? How many meetings do we miss? I remember we did not arrive at the meeting of Public Accounts Committee (PAC) on time last week because of heavy rains. Should rainfall be a reason why we have to stay for hours in traffic? Most Hon. Members, especially the ones who served in the last Parliament, mentioned that they visited some of these countries which have very good road networks, especially Malaysia. Do we just go to these countries, come back and contribute here? What is done?

As I wind up, I was saying that we legislate and bring up all these institutions, but the ball lies on our court. Do we make sure that Kenyans get value for their money by holding people accountable and making sure that the many pieces of legislation that we pass are followed to the letter?

Thank you. I support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Bomachoge Borabu, Hon. Ogutu.

Hon. Ogutu: Thank you, Hon. Temporary Deputy Speaker. I would like to contribute to this Bill. I want to answer the question on whether this Bill is relevant. I want to say that it is very relevant at this hour. We know where Nairobi has come from. It has come from a more functioning and reliable city to one which is now facing chaos. When we talk about a metropolitan transport system, we are looking at a system which will integrate the various modes of transport, including walking, motor transport, railway transport, cycling and air transport.

Perhaps we are looking at a scenario where the most sustainable transport will become more popular. I am talking of walking, cycling and railway transport. These are areas which more or less are lost as modes of transport in Nairobi because of poor planning. This Bill will make this city more integrated with its neighbouring counties.

Hon. Temporary Deputy Speaker, I have no objection to what has been proposed because we are talking about a system which is open. We need more connectivity with the neighbouring catchment counties of Murang'a, Kiambu, Machakos and others. This will be one way of not only increasing economic interaction, but also another way of trying to solve the problems Nairobi is facing because of opening more opportunities for settlement and operations that can take place away from the core part of the city.

Hon. Temporary Deputy Speaker, when I look through the Bill, I see a number of gaps that may need to be addressed, as some Hon. Members have mentioned. In key partners in the council, I would like to see the private sector appearing as one of the key players in the council. Globally, more cities have become prosperous because of key private sector players. I would like to see this Bill bringing on board the private sector as a key player in the city economy.

I recommend that we have a more lean management in terms of delivering the Bill that we are discussing. Let us not create a body that is going to be another hole for sinking money from the national Budget. I would like to see more harmonised functions between the council and the committee that will implement this Bill.

When we talk about a transport Bill, there is a component of the environment that must be thought about. I have not seen the department of environment coming out clearly either at the council level or at the management section of the Bill. Those are a few of my comments.

I have no problem with this Bill being first introduced in Nairobi. After acquiring experience on how to deliver services in an integrated form, we can amend the law to cover other cities that are already experiencing congestion.

With those few remark, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, Hon. Ogutu Abel. Let us have the Member for Teso North, Hon. Kaunya Oku.

Hon. Kaunya: Thank you very much, Hon. Temporary Deputy Speaker. I rise to contribute to this Bill. My contribution is based, first, on the nature of our city. Our city is one of the largest cities in the world now. It is more complex in terms of managing both its transport and other services. The Bill is well intentioned and has come at the right time.

My suggestion is on its mandate. Though the Nairobi Metropolitan Area Transport Authority Bill covers Nairobi area and the designated outlying areas, there is need to look at it in a holistic perspective for the future. Therefore, I suggest that we include a component that the Authority should also look at other cities because the same challenge has been pointed out in respect of Mombasa, Kisumu and Eldoret, and the situation is getting complicated. Therefore, we should bear in mind the fact that this Authority should then have an extended mandate. We can do it the way the London underground rail transport network serves the greater London Metropolitan Area. The company is managed or owned by the local government. Therefore, my suggestion or proposal is that after creating the Authority, we should look at a more efficient system of running it because the Authority and the council are not at the same operational level. If you recall, we previously created several authorities and in the long run, we experienced inefficiencies which forced us to privatise. The reason why we privatise parastatals and other authorities is that by nature, the Government cannot run business. I agree with the Members who have suggested looking at the role of the private sector in this matter. In the case of the London

Metropolitan, they have an authority like the one we are creating, but under it is a wholly privately-owned enterprise, which runs like a private enterprise. That is the London Underground Limited. In that case, we will be able to move our city to a level where efficiency can be realised.

I support the Bill. We need this Authority, but we also need to make a proviso for it to have an effect in terms of the efficiency we anticipate. If we leave it at the level of the authorities and the parastatal we have created, in the long run, the inefficiency which, of course, is common with public enterprises, will creep in.

I support the Bill with the amendments I have suggested on the mandate of the proposed Authority and, of course, subject to bringing on board the private sector enterprise.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, Hon. Kaunya Oku. The next on my request list is Hon. Nguna Ngusya.

Hon. Nguna: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this timely Bill.

Nairobi generates almost 60 per cent of our GDP, and it is the only capital city in the world with a national park, which is very important for tourism in this region and in Africa.

I rise to support this Bill because I see the multiplier effect it is going to have on our economy. We have to note that we are losing almost Kshs100 billion annually because of an inefficient transport system in this country. If you look at other developed cities in the world, especially London, New York and Athens in Greece, where I have lived for many years, this system has worked.

I support the Motion on the basis of the impact it will have.

Hon. Temporary Deputy Speaker, the Leader of the Majority Party is making noise. He is interrupting me.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Leader of the Majority Party, you are being mentioned. I am sure he wants to be given his time to contribute. You are in control, Hon. Member.

Hon. Nguna: Yes. I am supporting this Bill because we are losing a lot of revenue annually amounting to Kshs1 billion because of the inefficient transport system. I am proposing that the Mover should recommend privatisation of this system. The Government cannot fund and run it in an efficient way. We have seen it working in so many countries. I support it because I know the significance of decongesting the city and spurring economic growth in these counties. I am sure if we privatise it, we are going to ensure that it is well run.

This Bill, of course, is going to save energy, time and costs of having to move around the three counties. It is also going to have a lot of impact on microeconomic variables that I am talking about. For this, I recommend that as we implement it through privatisation, the Committee responsible for transport should study how the system has worked in other countries. If the Chairman of the Departmental Committee on Public Works and Housing is here, I will recommend that he does a further study and brings the findings to this House. It is important for all the Members, especially those who are opposing it, to look at it from a deeper perspective. I am sure it is going to benefit this country. It is going to have a positive impact in our country.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Mbeere South, Hon. Muturi King'ang'i.

Hon. Muturi: Thank you, Hon. Temporary Deputy Speaker. I rise to add my voice to this debate on the Nairobi Metropolitan Area Transport Authority Bill. First of all, I commend

the entrepreneurial spirit of Kenyans. For a long time now, this City of Nairobi has been run by the enterprise of the Kenyan people, namely, the *matatu* transport system, the *boda boda* and *Tuk Tuk* operators, taxis and now Uber that has come into the grid. Because of these Kenyans, we have survived in terms of public transport for this long.

Many Members have also remarked and confirmed that this city has grown with those kinds of interventions. We cannot continue to rely on *matatus* and *boda bodas* in this city because this is an international city. It is equal to any other city in the world. When I look at the transport sector, there is sufficient money. That is why Uber came and within a very short time, it is thriving to the point that the drivers are buying brand new cars from Cooper Motor Corporation (CMC) using money from the Uber business. There is money in the transport sector. What lacks is policy intervention to guide Kenyans on how to build the next level of transportation in this city. This Bill comes at the right time. It is high time we had a serious and comprehensive policy intervention and plan that will serve us for 50 to 100 years. I do not see any problem. A metropolitan light train system like the one in Dubai can be designed here. It is very easy. That kind of a train system along Uhuru Highway or any other road does not take space. It is very easy to push such a system along the Nairobi River. It is very easy to create that system. What lacks is the intervention at the policy level. This Bill comes at the right time. It should be supported by all right-thinking Kenyans because we need to move forward.

I look at this city as being equally good, superior and developed as any other city in the world. If we do not move quickly and implement this, we are going to slowly choke. There is nothing wrong with Kenyans. Kenyans want to be orderly. They appreciate order, but we are letting them down by not creating systems and policies that will make them move to the next level.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I am going to give a chance to the last Member on the request list, Hon. Cornelly, so that we can call the Mover to reply. He is the last one, then the Leader of the Majority Party.

Hon. Serem: Hon. Temporary Deputy Speaker, I was waiting for the Zero Hour, but since I have been given the opportunity...

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You wanted to contribute at the Zero Hour?

Hon. Serem: Yes, but since I am on the Floor, allow me to proceed.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Speaker cannot deny you a chance to speak.

Hon. Serem: Thank you. I do not know why the Leader of the Majority Party is agitated and yet, he is my boss and I am a very loyal Member of the party. He has no reason to worry while I am on the Floor. I am a very loyal Member.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You are very loyal. Let me now give an opportunity to the Leader of the Majority Party to reply.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. Hon. Serem, Member for Aldai, beyond any reasonable doubt, is one of the most loyal active Members of Jubilee. I am sure he is watching the shenanigans going on in the National Super Alliance (NASA) party. It is a very sad day because my good friend and colleague, Hon. Moses Wetangula, has lost the prestigious position of Leader of the Minority Party in the Senate and my lawyer and friend, James Oregno, is now confirmed as the Leader of the Minority Party.

This is a very important Bill. I do not know why people who are opposing it are not here. This Bill is doing one thing fundamentally; it wants to create an integrated, efficient, effective and sustainable public transport system within the Nairobi metropolitan area that will enable people to move from Murang'a to Machakos and from Kajiado to Kiambu. You have seen the chaos we have in this city. Even in Addis Ababa, Ethiopians are doing better than us. Today, there are shuttle trains in Addis Ababa and Cairo.

All that we are asking is for the five counties which are around Nairobi to come together. It is not about whether Nairobi contributes 60 per cent to the national resources. All the money is appropriated by this House. We, therefore, want these counties to come together and have one formula of solving the transport system in the city and its environs because most of the people who come to the city, besides the five million who live in it, come from Machakos, Kiambu, Kajiado, Murang'a and even Makueni. We will even add Makueni because of Konza City. Members can bring an amendment to add Makueni County. I see the essence of Makueni County because of the viability of Konza City. Once this becomes a success, we will go to Mombasa and create another metropolitan which would include Mombasa, Kwale and Kilifi. We will then move to the western part of the country and bring together Kisumu, Kakamega, Vihiga and others. This is a very good idea and it is not about taking powers. Governor Sonko has proved beyond reasonable doubt that he is better than the former Governor Kidero. Today, Governor Sonko raises over Kshs100 million in a day as revenue. He has surplus. Governor Sonko pays his staff between 21st and 23rd of every month. So, Sonko has supported this idea. If there was a problem in the city, it was during the reign of Governor Kidero of the NASA Coalition. It was Coalition for Reforms and Democracy (CORD) then, and then it became NASA. I do not know what it is now because it has become something. Some are claiming to be in the Government and others in Opposition. My friend, the Member for Lugari, when outside there in the village in western Kenya, claims to have the title of Leader of the Minority Party, but in the House, we have Hon. Mbadi.

Secondly and very importantly, and I said it when the Chairman of the Departmental Committee on Public Works and Housing was here, in order to forestall any conflict with other Government agencies during the implementation process of this law, it is very necessary for this House to craft what we call consequential amendments to accompany this law. So, we expect the Committee to have it in mind that as we finish the Second Reading of this Bill, there are certain consequential amendments that will be done that will accompany this Bill in order to align it with other Government agencies' functions, for instance, by the Traffic Department and insurance agencies. In this Bill, it is the First Schedule that sets the procedure for appointment of the chairperson of the board. There is also the Second Schedule that contains provisions on how to conduct business and affairs of this Authority. The Third Schedule contains the oath and affirmation to be taken by the chairperson, the Director-General and the members of the council. This is in line with the infrastructure, policy and vision of the Jubilee Government that we allow even our *matatu* operators to come together. As the Member from Teso said, we could pick some of the best private sector players in the developed world who have done this integrated transport system to come and partner with our local transport lead persons. That way, we can form a very good integrated transport system which is efficient, effective and sustainable in the long run. I am sure many Members will bring forth amendments. I hope Makueni County will be brought on board because of Konza City. This will become a success story.

There is a problem in Kenya and people fear. For example, some time back, we passed the Privatisation Bill. Some governors do not want the sugar factories to be privatised. If they

are not privatised, they will die! It is good to bring the best of the best in management and shareholding in order to inject more resources. In fact, as a leader from the pastoralist communities, I can state here that we want the Kenya Meat Commission (KMC) to be privatised. Let KMC be privatised and be given to a company that has markets in the Middle East. As it is now, KMC is not helping us. It is not helping the country. We pump billions of shillings every year into it and yet we do not see the value for our money. This is from Kibaki's time to date. We want KMC to be handed over to an investor who has the market. He will buy our goats, sheep and camels and slaughter them. Ours will be to breed the stock. The Government cannot do business, as my colleague said. It is true. We need to bring on board the best people in business and this is the right Bill. I am happy the Speaker has made his position known on the constitutionality of the Bill. I beg to move. I hope that at the Committee of the whole House stage, the Chairman will have prepared the necessary amendments. So, let us go to Zero Hour. It is not happy hour.

(Laughter)

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Surprisingly, the Leader of the Majority is aware of the happy hour. I do not know what it is. Thank you, Leader of the Majority Party for replying to the Bill. You were either happy or concerned about what has happened in the Senate. You need to be careful as the Leader of the Majority.

Hon. A. B. Duale: *(Off record)*.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Are you saying that your seat is secure? Of course, the Leader of the Majority Party is doing his work.

Hon. Members I will not put the Question to the Bill because of obvious reasons. I would like to remind the House that we have been debating the Nairobi Metropolitan Area Transport Authority Bill, National Assembly Bill No.41 of 2017 that was moved by the Leader of the Majority Party. It is a Bill under the Departmental Committee on Public Works and Housing. I am sure we have done a good job on this. I, therefore, order that the Question to this will be put at an appropriate time.

(Putting of the Question deferred)

Next Order!

Second Reading

THE IRRIGATION BILL

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Chairman of the Committee. Are you ready?

Hon. Ali Adan: Thank you very much, Hon. Temporary Deputy Speaker. I beg to seek extension of period for consideration of the Irrigation Bill, National Assembly Bill No.46 of 2017 by two weeks from today excluding the period when the House will be on recess.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Well put. I, therefore, order that the Irrigation Bill, National Assembly Bill No.46 of 2017 be deferred for the Committee to be ready in the next two weeks.

(Bill deferred)

Next Order.

Hon. Tuitoek: Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! The Chair has not even given you the chance to speak. I need to correct the Leader of the Majority Party that it is not the happy hour. It is the Zero Hour. This is a House of records.

Order, Hon. Members! It is exactly 6.30 p.m. Pursuant to our Standing Order No.43 and as requested procedurally by the Member and granted permission by the Speaker, it is Zero Hour.

Hon. Members, as the Speaker communicated earlier, during the Zero Hour the Mover will have to speak for not more than three minutes. Since I am informed that you have two issues to address during the Zero Hour, I order that you use three minutes for every issue. Hon. Member, you will have six minutes to prosecute your issues. Those who were not in it is already in the Standing Orders. It allows the Speaker to provide an opportunity for Members to make general statements on topical concerns every Tuesday at 6.30 p.m. So, Members, you are encouraged to do so.

ZERO HOUR

HARASSMENT OF RESIDENTS OF MOGOTIO BY FOREST WARDENS

Hon. Tuitoek: Thank you, Hon. Temporary Deputy Speaker for allowing me to make a Statement during this inaugural Zero Hour. I have two little general statements. The first one concerns harassment of the people of Mogotio Constituency by forest warden officers.

Pursuant to Standing Order No.43, I wish to make a statement regarding the continued harassment of the people of Mogotio Constituency by forest warden officers under the pretext that they are engaging in charcoal trade and thus affecting the forest in the area.

The people of Mogotio support the protection and conservation of forests. I wish to highlight that there is actually no forest located in Mogotio. Any charcoal used by residents is from individual farms and more so, from the *Prosopis Juliflora* plant popularly known as *Mathenge*. As far as I know, the charcoal trade has not been outlawed in this country. The ongoing ban is only of cutting down trees in forests for charcoal production. I call upon the forest warden officers and police officers to desist from harassing young people on their private farms, release confiscated motorbikes and work to reverse the hefty fines meted on my people by courts for alleged charcoal trade.

Thank you, Hon. Temporary Deputy Speaker

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Let me allow you to make your second statement.

INVASION OF SINENDE LOCATION BY ELEPHANTS

Hon. Tuitoek: Thank you, Hon. Temporary Deputy Speaker. I would like to take this opportunity to make a second statement that there has been invasion of elephants in Sinende Location, Kisanana Division, Mogotio Constituency. Last year, elephants invaded the same location and caused massive destruction of crops. They ate all the farm crops and my constituents faced starvation. People are scared to venture out during the night and fear for their lives during the day while they graze their animals. The Government has greatly assisted through provision of relief food. This year, the same beasts have become a menace. They have come from our neighboring county of Laikipia. I hereby call upon the Kenya Wildlife Service (KWS) to take immediate action to relocate the elephants to their abode and ensure that the affected persons are compensated. We are also staring at a possible massive loss this year since they have started destroying the vegetation around.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, Hon. Tuitoek, the representative of the people of Mogotio. Thank you for prosecuting your two issues under the Zero Hour which the Speaker really encouraged during his communication.

Hon. Members, I will give the Members permission to make comments on the same. From my desk, you can only use two minutes per Member. I can allow you two minutes to make a comment. Members, you can make a comment on the two issues or on the one you think is appropriate for you. The first is the Member for Kasipul, Hon. Were Ong'ondo.

Hon. Were: Thank you, Hon. Temporary Deputy Speaker. I want to contribute on the same. Actually, game rangers are very notorious, including to my constituents. They invade and harass even the villagers. This should stop.

Hon. Members, we have a lot of dignity. There is something which surprised me in my constituency. A former Member of Parliament is operating a terror gang called *Tiacha Homeboys*. I am not very happy with him. Last week when I was with my party leader, he came with youths. I wish the Inspector-General of Police could look into that because leadership cannot be taken by force. I want him to retire because luckily, he has already served his two terms. With two terms, he will get a good amount of pension. However, even if he wants to be the governor of Homa Bay County, this is not the time to campaign. So, I request all the Members to use their money well when serving, so that by the time they are kicked out, they do not look so desperate. A good Member of Parliament should go out, at least, with a house in Nairobi. We should not see a Member who worked for two terms going to his rural home without a decent home in Nairobi, where he can be resting when the youths are on him.

Thank you. It is just a word of encouragement.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I can see they were just words of encouragement. Do you want to speak to this?

Hon. A.B. Duale: Yes, Hon. Temporary Deputy Speaker. You know, we have not been told to what extent we can speak about this. This is Zero Hour. In the Adjournment Motion, where we normally go on recess, you can speak about anything under the sun. However, this one is about forests and game wardens. Hon. Savula, the Member for Kiminini, Chris Wamalwa and I are here for other business. We are wondering how we are going to navigate. Our colleague is talking about the man he beat in elections. Please, when you win, become magnanimous. You do not want to go and step on that man. Give him space. If he wants to live in the village, let him be.

Hon. Temporary Deputy Speaker, I want to support the Member for Mogotio, *Daktari*. Yes, the KWS has a mandate under the law. The Kenya Forest Service (KFS) has a mandate under the law, but at the same time, the Constitution has given them a mandate on how people

must be treated. You cannot use excessive force against innocent people and particularly the KWS. There is a tendency in our country where wild animals are more precious than human beings. When a lion kills your cows, you should keep quiet, but when you spear a lion you are jailed for 20 years. We need to revisit that Act. Parliament is the one that passed the Act and we are going to re-look at it. We are going to look at the compensation issue. When elephants and hippopotamus invade farms and destroy farms that serious investments have gone into, then it is an issue to think about.

So, I support my colleague. Member for Mogotio, please, keep it up. I am sure Zero Hour will be very popular and bring back Members. I used to stay here up to 6.30 p.m. with the Clerks-at-the-Table. We never used to be more than 10 of us. The word has gone around about Zero Hour. I am sure Zero Hour next Tuesday will not be about forests. It will be a very serious political issue that is happening in the country.

Hon. Moses Wetangula, all is not lost. You are a leader. Positions come and go. I am sure there is light at the end of the tunnel. Take heart, you are a party leader and a serious politician. You have been a Minister for Foreign Affairs and Minister for Trade.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Leader of the Majority Party, observe the relevance principle.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, you did not tell us. So, I cannot speak about elephants and forests. I have finished. My colleagues talked about his opponent. I need to speak about it because I am a leader. What has happened in the Senate in one way or the other is a public discussion in the social media and the mainstream media. We are telling Hon. Moses Wetangula that he has lost nothing. It is just like when he was once sacked as a Minister after the House passed a vote of no confidence. Then he was subsequently cleared and reinstated and became one of the best Foreign Affairs Ministers.

So, he should take heart. I am sure the battle ahead is more important than the battle of today.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, Leader of the Majority Party. I know you are a senior Member of this House, having served for three terms. I am sure Zero Hour will do you favour because most of your topical issues will be fixed during Zero Hour, so that we can have relevance in the debate. I wish to protect the Member on what befell him.

Let us have Hon. Wakhungu Wamalwa, the Member for Kiminini. That is a new name. I know you as Hon. Christopher Wamalwa.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. I want to condemn the harassment of forest officers in Mogotio. It seems the harassment has also gone to the Senate.

(Laughter)

I want to condemn the harassment of the Leader of the Minority Party at the Senate, Sen. Moses Wetangula.

An hon. Member: *(Off record)*

Hon. Wakhungu: Hon. Temporary Deputy Speaker, this gentleman needs to respect me. He needs to know that we are not playing sycophancy here. My intelligential is totally different. I am not a sycophant. In the Bible, the stone that was rejected by the builders became the cornerstone and the Standing Orders allow us to condemn this harassment. How does the Speaker rule? There were two letters and one was from NASA. We support the dialogue.

When *Baba* said, “left!” we went to the left. When he said, “right”, we went to the right. When *Baba* said the letter should be written to the Senate for purposes of Senator Moses Wetangula continuing to lead, I expected Senators from the Orange Democratic Movement (ODM) to have supported that proposal. It is very disappointing at such an hour. They behaved differently from what *Baba* had ordered. There were two letters in the Senate. I condemn the harassment not just of forest officers, but also of Senator Wetangula by the Senate. He is going to be the cornerstone in 2022. I condemn this and people must respect each other. We are here because of competence and we were elected by the great people of western Kenya. Western will no longer be used as a stepping stone for other people.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Chris Wamalwa, you can confine yourself to relevance, unless you want to refer to them as elephants. I now agree with the Leader of the Majority Party that every Tuesday we shall be strict on the matter. The Member came here and raised topical issues. In future, we will be a bit serious. For relevance, if you have a topical issue, you will bring it every Tuesday. A Member went out of his way and saw that Standing Order No.43 can help Members. So, please, bring your topical issues during the Zero Hour. I am sure this is going to take care of them.

Hon. Chris, at least, you spoke yourself out. The Member for Marakwet West, Kisang Kipkemoi, please, be relevant.

Hon. Kisang: Thank you, Hon. Temporary Deputy Speaker. I want to comment on what the Member for Mogotio has said. Communities bordering forests have community forest associations. So, I want to urge forest guards to work very closely with the community forest associations instead of harassing community members. I also want to thank the Member for Mogotio for coming up with this Motion for Zero Hour. As the Member for Marakwet West, on behalf of the great people of both Marakwet East and West, I want to take this opportunity to thank the President and Deputy President for giving us a Principal Secretary for the first time since Independence. We are saying thank you, very much.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! Order, Hon. Kisang Kipkemoi! Hon. Members, seriously we have consultation rooms around. You can also consult in low tones. Do not fight. Hon. Chris, let the others speak and of course with relevance.

Hon. Kisang: Thank you, Hon. Temporary Deputy Speaker. We are grateful as a people because we have been asking, since Independence, for a Principal Secretary position. This time we are happy we have one.

Finally, there are many people who have been bitten by snakes and the KWS has not compensated them. So, we want to use this opportunity to ask the Departmental Committee on Environment and Natural Resources to pursue this so that those who have made claims to the KWS can be compensated for loss of lives and injuries.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Thank you for relevance. I must congratulate you for that. Hon. Musimba Patrick, I am aware there are many elephants in both Kibwezi West and East and I am sure you are going to be relevant.

Hon. Musimba: Thank you, Hon. Temporary Deputy Speaker. I think the air of harassment is very high. I want to thank the Member for Mogotio because this issue of elephants is quite widespread. Both our constituencies border parks. I think this is something which resonates with community members on how to deal with human-wildlife conflict.

As such, I think there is a greater issue which needs to be explored as to why this migration is taking place. Maybe there is inadequacy in terms of food and water within those parks and a proactive measure must be put in place. I believe we have a petition before the Departmental Committee on Environment and Natural Resources. According to the information I have, they will meet next week. I look forward to us ventilating together and looking at issues to do with compensation and how we can enhance our coexistence with wildlife knowing that tourism brings a very huge return to the country in terms of foreign exchange. I think these are able efforts. We are protecting the common will of the country against the individual rights which are enshrined in Chapter Four of the Constitution on the Bill of Rights. This is access and opportunity for all our people to earn a livelihood and in a seamless fashion, so that, indeed, we can continue growing as a nation to greater status.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members, I hope you have listened to Hon. Musimba, who was relevant to what has been moved during the Zero Hour. This is not happy hour. It is Zero Hour. Leader of the Majority Party, I know you have spoken. Allow me to give the Floor to the Member for Laisamis, Hon. Arbelle Malimo.

Hon. Arbelle: *Technical hitch.*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! Are you disclosing the names of the ones who did it? Let us not disclose them here. You have the right channel to do it. We cannot disclose the names of the people you call murderers here. You have the right channel to do it. Be advised.

Hon. Arbelle: *Technical hitch.* The police work is to protect lives and property of Kenyan citizens. I am really disturbed why then the police cannot call in reinforcement in some areas and apprehend these people.

Secondly, the rains are here with us. We actually thank God that he has brought us rain, but at the same time, this rain normally comes with destruction. In the constituency I represent, there are a lot of floods. I would like to appeal to non-governmental organisations to come in and assist the people with shelter.

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, Hon. Member. Why I say you do not disclose is because the people you are naming have not been convicted. It is always good to go by the process. When you hear about the rains, I am sure it is because of the forest. Hon. Members, let us learn to be relevant. Next is the Member for Budalangi, Hon. Wanjala Sauti.

Hon. Wanjala: Thank you, Hon. Temporary Deputy Speaker. Today, Kenya is suffering because we have not taken care of our forests. When forest rangers take care of our forests and they are harassed, we equally feel very disturbed. We have to protect forests the same way Ngilu is protecting them in Kitui. There are people who are fond of going to destroy other people's areas and yet they keep their areas safe. Therefore, we ask the Government to protect the rangers.

Even in Lake Victoria, Ugandans are harassing Kenyans. They arrest them and snatch their properties like engines and destroy their motor boats. This harassment is going on all over. People are now saying that the harassment has been taken to the Senate. It is not true. The decision was made on 30th January when Hon. Raila Amolo Odinga went to Uhuru Park to be sworn-in.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! Order! Order! Hon. Members, the discussion is not about Senate. This is an abuse of the proceedings. Those are Hon. Members and we cannot insinuate that we have elephants in the Senate.

Hon. A.B. Duale: Harassment!

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Harassment of people. Leader of the Majority Party, you seem to be agitated.

Hon. Wanjala: Hon. Temporary Deputy Speaker, even those who are harassing our party leader and are sitting in positions in this Parliament courtesy of the ODM, we will remove them. Some of them will find us seated in those positions. We will not allow people, who are a minority in the NASA coalition to abuse our party leader who has the majority in this House. We will not allow that harassment. We will not allow men who wear long trousers, but have no balls in between to abuse our party leader. If they had balls, they would have gone to Uhuru Park.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is a point of order. The Member is talking and marrying his argument with harassment. Hon. Leader of the Majority Party, what is out of order?

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, the Member for Budalangi is known for being polygamous. He knows what he is talking about. I want him to withdraw that statement that there are men who wear trousers, but do not have something between their legs. That statement is unparliamentary. He should withdraw and apologise.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Before he withdraws his statement, Member for Budalangi, can you substantiate what you meant by saying that those men have trousers but have nothing inside, as the Leader of the Majority Party says?

Hon. Wanjala: Hon. Temporary Deputy Speaker, what I meant is that real men were supposed to be at Uhuru Park on 30th January 2018. Those men who did not go, but were supposed to be there are not men enough. They wear long trousers, but there is nothing in between. That is all I am saying.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Hon. Members! Now I have heard you clearly. Hon. Member, that is completely unparliamentary because you did not substantiate. On that matter, can you withdraw that statement and apologise?

Hon. Wanjala: Hon. Temporary Deputy Speaker, I want to withdraw and paraphrase it.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Hon. Member! Learn how to listen to the Speaker. This is my order to you, Hon. Member for Budalangi. Can you withdraw the statement and apologise? I will not repeat myself.

Hon. Wanjala: I withdraw, apologise and paraphrase it to say that we will not allow...

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): No. We can talk about the other part later. Can you withdraw and apologise?

Hon. Wanjala: We will not allow betrayers who are waiting for...

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Member for Budalangi! You must understand orders. Please, withdraw and apologise.

Hon. Wanjala: I withdraw and apologise.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over.

Hon. Members, let us use parliamentary language. I thought the Member would substantiate what he meant but that is unparliamentary. The next one on my list is the Member for Lugari, Hon. Savula.

Hon. Angatia: Thank you, Hon. Temporary Deputy Speaker. I also rise to contribute on this issue of the KWS rangers.

We need to seriously consider issues arising from compensation for victims of attacks by wildlife and game rangers. We have some leaders in this country who exhibit behaviour of senior game rangers. In 1997, our brother, Michael Kijana Wamalwa, was harassed by the same king of the wildlife in this country. In 2002 and 2007, President Moi and President Kibaki faced the same respectively. Now in 2018, Moses Masika Wetangula is facing the same from the senior political game ranger. Going forward, we must deal with this game ranger.

(Laughter)

We must protect Moses Masika Wetangula from the activities of the political game ranger. We must protect Kalonzo Musyoka and Musalia Mudavadi from the same activities. We will not allow this one to go on further. The same game ranger lied to us that we would go to Canaan, but we disappeared in the wilderness. We must tell them the truth. We need to amend this Act so that...

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Hon. Members, I must ask you to maintain relevance. Please, marry your words.

The last one is the Member for Aldai, Hon. Serem.

Hon. Serem: Hon. Temporary Deputy Speaker, I support the Motion by the Member for Mogotio on harassment by game rangers in his community.

It is unfair to have taxpayers harassed by their employees. I wish all of us could take seriously the issue of people being harassed by individuals who are supposed to protect their interests. The same thing is happening in my constituency. Game rangers take advantage of the community to clear our forests. That is very unfortunate. This matter, having reached here, I would wish that the Members tackle it. However, as Members of the august House, I want to remind a few that have different mindsets that the Member for Kiminini will be the next victim of what has happened in the Senate.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. I give you 30 seconds.

Hon. Serem: The issue of harassment is not new to this House. It just happened to Raila and then to Wetangula. I wish it could quickly extend to Wamalwa and the rest of those who do not toe the line.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your 30 seconds are over. Hon. Members, today is the first day. I must thank the Member for using the Zero Hour. However, in order for us to keep time and address the issue that the Member researched and brought to the House, it is important to confine ourselves to it. In future, let us be guided by our Standing Orders regarding relevance. If you have a matter on topical issue, you will always bring it here.

I give order to that effect.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, the time being 7.02 p.m., this House stands adjourned until tomorrow Wednesday, 21st March 2018 at 9.30 a.m.

The House rose at 7.02 p.m.