

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Thursday, 15<sup>th</sup> October 2020

The House met at 10.00 a.m.

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

#### PRAYERS

#### QUORUM

**Hon. Deputy Speaker:** Order Member!. We do not seem to have the required quorum. Therefore, I order that the Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Looking at the few Members who have just walked in, we now have the required quorum. Therefore, business will begin.

#### PAPERS LAID

**Hon. Deputy Speaker:** Under this particular Order, we have a handful from the Leader of the Majority Party. I am only interested to know who will be tabling the Papers on his behalf. I cannot see the Leader of the Majority Party. The Majority Whip will do that. I understand the Majority Whip has two functions. You have to whip Members to the Chamber and at the same time table the Papers.

Please, proceed and table them.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Deputy Speaker for understanding the situation.

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

Legal Notice No.177 of 2020 relating to the Copyright Regulations, 2020 and the Explanatory Memorandum from the Attorney-General.

Legal Notice No.178 of 2020 relating to the Copyright Collective Management Regulations, 2020 and the Explanatory Memorandum from the Attorney-General.

Legal Notice No.189 of 2020 relating to the Value Added Tax (Electronic Invoice) Regulations, 2020 and the Explanatory Memorandum from the National Treasury.

Legal Notice No.190 of 2020 relating to the Value Added Tax (Digital Marketplace Supply) Regulations, 2020 and the Explanatory Memorandum from the National Treasury.

The 2019/2020 Financial Year Public Debt Management Report from the National Treasury.

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Annual Report and Financial Statements for the Kenya Re-Insurance Corporation Limited for the year ended 31<sup>st</sup> December, 2019.

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

- (i) The State Department of Agricultural Research.
- (ii) Office of the Controller of Budget.
- (iii) Office of the Controller of Budget Staff Retirements Benefits Scheme.
- (iv) Water Sector Trust Fund.

**Hon. Deputy Speaker:** Very well. Next Order.

### ORDINARY QUESTIONS

**Hon. Deputy Speaker:** Under this particular Order, Questions, we seem to only have Ordinary Questions this morning. Starting us off is the Member for Lamu East, Hon. Sharif Athman Ali.

It is becoming difficult for us to track you, especially with the reorganisation of the Chamber. Unless you place your card in the intervention slot, it becomes very difficult for us to track you. Do you have your card, Hon. Athman? Obviously, you do not have it and that is the reason we are not able to track you. You will have leeway today, but it is not something that we are going to encourage. When you have a Question, you should come prepared with all your items.

#### *Question No.171/2020*

#### DELAYS IN CONSTRUCTION/UPGRADING OF MTANGAWANDA-KIZINGITINI, BASUBA-KIUNGA AND MKOKONI-KIUNGA ROADS

**Hon Ali Sharif** (Lamu East, JP): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker, I wish to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain why there have been inordinate delays in the construction and upgrading to bitumen standards of Mtangawanda-Kizingitini, Basuba-Kiunga and Mkokoni-Kiunga roads in Lamu East Constituency?
- (ii) What measures have been put in place by the Ministry to ensure that the said road projects are undertaken and completed without any further delays considering that my constituency has no single kilometre of tarmac road?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. This will be replied to before the Departmental Committee on Transport, Public Works and Housing.

Next is the Member for Mukurweini, Hon. Anthony Kiai.

#### *Question No.271/2020*

#### HUMAN-WILDLIFE CONFLICT IN NYERI COUNTY

**Hon. Anthony Kiai** (Mukurweini, JP): Hon. Deputy Speaker, I rise to ask Question No.271/2020 directed to the Cabinet Secretary for Tourism and Wildlife:

- (i) What steps is the Ministry taking to stop any further human-wildlife conflict in Nyeri County in particular, monkey invasions in parts of Kiuu area in Central Ward, Wajee and Kangurwe areas in Rugi Ward, Mukurweini Constituency?
- (ii) Considering that the monkey menace has negatively affected crop production which is the main source of livelihood in the mentioned areas, could the Ministry consider compensating the affected farmers?

Thank you, very much.

**Hon. Deputy Speaker:** Very well. That one will be replied to before the Departmental Committee on Environment and Natural Resources.

Next is the Member for Marakwet East, Hon. Kangogo Bowen.

*Question No.287/2020*

STALLING OF WORKS ON MAKUTANO-CHESOI-

CHUGAR-CHESONGOCH-TOT ROAD

**Hon. Kangogo Bowen** (Marakwet East, JP): Thank you, Hon. Deputy Speaker. I would like to ask Question No.287/2020 to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain what caused the stalling of works on the Makutano-Chesoi-Chugar-Chesongoch-Tot road in Marakwet East Constituency, which has stalled for the last seven years?
- (ii) What reasons informed a change of the authority in-charge of construction of the said road from the Kenya Rural Roads Authority (KeRRA) to the Kenya National Highways Authority (KeNHA)? Actually, this is the reason the construction of the road stalled.
- (iii) What measures has the Ministry put in place to ensure that works resume on the project so as to complete the remaining 11 kilometres of the road from Chugar to Tot.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. This is to be replied before the Departmental Committee on Transport, Public Works and Housing.

Next is the Member for Laisamis, Hon. Arbelle Malimo.

*Question No.287/2020*

ELECTRICITY CONNECTIVITY PROJECTS IN LAISAMIS CONSTITUENCY

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Energy the following Question:

- (i) What is the status of the electricity connectivity projects in Loyangalani Township, Gatap area of Mt. Kulal and South Horr Town in Laisamis Constituency that were directed by the President when he commissioned Lake Turkana Wind Power Project on 19<sup>th</sup> July 2019?

- (ii) What caused delays in connecting the said areas with electricity and what measures has the Ministry put in place to ensure the areas get electricity connection immediately, as directed by the President?
- (iii) Could the Cabinet Secretary equally explain when the Merille-Laisamis-Loglogo power transmission line in Laisamis Constituency will be operationalised?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. This is to be replied before the Departmental Committee on Energy.

The last Question is by the Member for Tigania East, Hon, Josphat Kabebea.

*Question No.299/2020*

#### ELECTRICITY CONNECTIVITY TO SCHOOLS IN TIGANIA EAST

Well, he is not in. So, we will proceed to the next Order. Sorry, Hon. Members, I noticed that we have a Statement request by Hon. Aramat Lemanken, the Member for Narok East.

*(Question deferred)*

#### REQUEST FOR STATEMENT

##### QUESTIONABLE TRANSFER OF AN ACTING HEADTEACHER IN NAROK COUNTY

**Hon. Lemanken Aramat** (Narok East, JP): Thank you, Hon. Deputy Speaker. I rise to request for a Statement pursuant to Standing Order No.44 (2)(c), from the Chairperson of the Departmental Committee on Education and Research, regarding questionable transfer of an acting school head teacher in Narok County.

Hon. Deputy Speaker, Section 7(1)(e) of the Public Service (Values and Principles) Act 2015 requires that the public service be provided to the end user effectively while Section 7(6) requires every public institution to ensure adaptability of public service to the needs of the public which are key pillars of devolution hence enshrined in the Constitution.

The Teachers Service Commission seeks to undertake the questionable transfer of Mr. Fleming Simpiti Kudate of TSC No.522291 from Inkoirienito Mixed Boarding school in Narok County where he has been serving as an acting head teacher to an unknown, undisclosed and unspecified school despite the excellent performance that he has exhibited in the school.

Under Mr. Kudate's leadership, the school has greatly improved from a mean score of 2030 in 2015 to 301 in 2019, and from a zonal ranking of number 50 to...

**Hon. Deputy Speaker:** Let us correct that bit. It is from 230 to 301 not 2030.

**Hon. Lemanken Aramat** (Narok East, JP): Yes, 230 in 2015 to 301 in 2019, and from a zonal ranking of position 50 to 2 that has led to increase in enrollment from 200 to 860 pupils. This is why the sudden and ill-advised questionable replacement with a non-performing teacher has led to massive demonstrations by parents and the general public in Narok who fear that the transfer shall negatively affect the education standards in the area.

Hon. Deputy Speaker, it is on the account of these public concerns that I seek a Statement from the Chairperson of the Departmental Committee of Education and Research, on the following-

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- (i) What led TSC to propose the replacement of Mr. Fleming Simpiri Kudate with a non-performing teacher in direct opposition to public interest?
- (ii) Could the TSC provide the performance of the said teacher with regard to the school?
- (iii) Why has Mr. Kudate been serving in acting capacity despite his stellar performance that has improved the school education standard?
- (iv) Within what timelines shall TSC revoke the proposed transfer so as to safeguard the increasing education standards of Inkoirienito Mixed Day and Boarding School and in the neighbouring areas of Narok County?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I see a lot of interest in this particular Statement, which I do not understand. I expect Members to seek clarification at the point of presentation of that Statement. But since I see many Members here, I could give a minute each. Make it very short if there is an issue you want added to it. To me, it looks like a straight forward individual Question which touches on a specific person. If you are opening it up, then it means you have to ask for your own Statement.

What is it, the Member for Chepalungu?

**Hon. Gideon Koske** (Chepalungu, CCM): Thank you, Hon. Deputy Speaker. Let me add to what the Member has touched on.

Teachers being transferred cut across the country. All constituencies are affected by random transfer of teachers. When I look at it, if a teacher, a head teacher or a principal has performed well in a given school, what makes the TSC to transfer that teacher? It is just like a doctor. If a patient responds to a certain medication, should you change the hospital or the doctor? It does not make sense. This thing must stop.

**Hon. Deputy Speaker:** Hon. Koske, you have asked a very valid clarification which would be very good at the point of the Statement being given. You also have an opportunity to request for your own Statement or Question or even a Petition. There are many avenues.

What is out of order, Hon. Sankok?

**Hon. David ole Sankok** (Nominated, JP): There is nothing out of order, It is actually in order. As Narok, we feel we are being targeted. Our illiteracy levels are very high, but whenever there is a head teacher who performs well and a school's mean score improves from 230 to 301 marks, they get transferred. It is not the first or the second case. We want the TSC to consider that our illiteracy level is very high and when there is improvement in our schools, we demand that those teachers do not get transferred.

I beg to support.

**Hon. Deputy Speaker:** That is also going to come at the point when the Statement will be answered. Hon. Kenta, what is it? Is it a county issue?

**Hon. Richard ole Kenta** (Narok North, ODM): Yes, it is actually a county issue. It is important for us to say this, please, because we are a marginalised community and this Parliament should hear us. What my colleague has raised cuts across Narok County. We are very concerned by the way the TSC transfers teachers and brings other people whose interests we do not know.

Another issue is on employment of new teachers. This is a very serious issue. Our people are left out year in year out. This is something that must be addressed adequately because our people are becoming restless.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** So that it does not look like a county issue, I could give a chance to Hon. Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): Hon. Deputy Speaker, it is irrational. Let us not tie it down to Narok County. There is a big problem. The problem that we have, in as much as a Member stood and asked a Question that is very specific, the Committee needs, this time round, to take it up with the TSC and, of course, the Ministry, so that all the many things such as transfers are handled at once such that we do not appear, as a House, to be harassing cabinet secretaries or ministries. This is happening now. Transfers have been happening from last month. It is so grave to an extent that you get a school receiving four or five different head teachers transferred to one school then within that one week, all of them are withdrawn to an unknown place and the school is left with a deputy head teacher. So, there is a big problem. There are those who transferred.

**Hon. Deputy Speaker:** That is fine. You have made your point, Hon. Ochanda. I am very surprised that there are many Members who want to speak on this. Do we have the Chair of the Departmental Committee on Education and Research here? He needs to look at some of these things, so that they can be beefed up as we get a Statement.

Let us hear the Hon. Murungi.

**Hon. Kathuri Murungi** (South Imenti, Independent): Hon. Deputy Speaker, thank you. Now that the Chair of the Departmental Committee on Education and Research is in the House, he should engage the TSC on this matter at a national level. There are many principals who are transferred and the deputy principals are left to act as principals. When they act for a year or two, they are not remunerated or promoted to principals for the extra work.

So, this is an opportunity we have and the matter should be addressed as a national matter. A Report should be brought to the House for further discussion.

Thank you.

**Hon. Deputy Speaker:** Let us hear from the Member for Turkana.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Deputy Speaker. While I support my colleagues' sentiments on the unnecessary transfer of performing teachers, I rise on a slightly different, but related matter.

A few months ago, we tabled a Petition from Turkana on the TSC policy requiring that during recruitment they only pick graduates of some years back while in some counties like Turkana, and I am sure other northern counties where we have new graduates, and this disadvantages our young graduates who aspire to be teachers but are unable to. We did not get support from the Committee at that time.

Thank you.

**Hon. Deputy Speaker:** Hon. Members, we can leave it at that because what will happen is that we will have a sufficient opportunity when this Statement is responded to. I believe this Statement can be responded to very quickly because it is a matter which is really live.

Even if I gave a chance to two Members, I see there are about 15 Members with interest. Let me try to get quick ones from every Member. Not that it is procedural. At this point, it is not supposed to be open, but since it is a very live thing, let us hear Hon. Lentoimaga.

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Deputy Speaker. I concur with my colleague from Narok. Apart from concurring with him, I also congratulate the TSC County Director of Education for Samburu because this time, they have done very well.

The issue at hand is about accessibility of the TSC by Members. There is a problem between us and that office in Nairobi. These issues could have you been ironed out very quickly, but when we go to the TSC, we can never see the CEO even if we sit there the whole day. We are

always told that she is in a meeting. These issues could have been sorted out if there was accessibility and dialogue between Members and the TSC headquarters here in Nairobi.

**Hon. Deputy Speaker:** Hon. Chepjesire Cheruiyot.

**Hon. Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker. People are wondering who that is. That is my name.

I sincerely also appreciate and support the Statement because even in Baringo, in the deeper areas and in the lowlands, we face the same problem. The Chair of the Committee is here and so, this could be done formally, so that, as Kenyans, we are aware that after a specific period of time, a principal or a head teacher is valid to be transferred so that we get mentally prepared that transfers will be done after every five years or something of the sort. It is not worth for people to be complaining every time.

**Hon. Deputy Speaker:** Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker.

The issue that has been raised by our colleague is very serious, but we should also not encourage lynching of principals on performance. Saying that a principal should be transferred because performance has gone down means that he is being transferred to a school where he will take standards down. Who would want standards to go down in their place? The best thing is that a principal whose performance has gone down should be demoted and somebody else whose performance is better to take that position.

**Hon. Deputy Speaker:** Hon. Owino, you have the Floor.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Deputy Speaker. It is not only when they are transferred out, but sometimes the one who is being removed is a performer being replaced by a bad one.

Secondly, we should also look at those who the community is complaining to be taken out. They are never taken out. They are left there. So, the whole thing is about the rationale of transfers and what they are based on. That is very important.

**Hon. Deputy Speaker:** Let us have Hon. Wangwe. Probably, that should be the last one. Hon. Members, I can see there is a lot of interest. Let us save it for the next...

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Deputy Speaker. When you talk of a principal, you talk of the creation of that place. When the Chairperson will be addressing the Teachers Service Commission, let her also take cognisance of the fact that there are parities in terms of promotion of deputy principals to principals. You will find that instead of creating universality in terms of creation of the principal, in some areas a teacher in Job Group "N" can be promoted to head a school yet a teacher in Job Group N cannot head a school. Therefore, let the Chairperson of the Departmental Committee on Education and Research address the issue of creation of those principals because that is the genesis of the whole problem.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I see there are a number of Members who did not speak. They will speak when we are responding to the Statements. Chairperson, Departmental Committee on Education and Research, when are you going to be prepared? You can see the kind of interest it has generated?

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Thank you, Hon. Deputy Speaker. The Statement request is very well noted. It will be provided in the shortest time possible. With that said, the important issue that has been picked is the issue of the rationale of how the transfers are being done. Of course, the TSC has its own rules and regulations on placements, transfers and

promotions, but if it is not working, we need to relook at it as a Committee and have the right answers tabled.

We are also having a retreat with very many stakeholders since the Ministry has been very busy because of the reopening of schools. We have been having a lot of meetings. So, we are going to have a retreat where we will put the TSC to task to answer these questions because it is not just happening in Kajiado County. It is also happening in my county. So, we will have the right answer tabled in the shortest time possible when we resume.

**Hon. Deputy Speaker:** Since you know we are resuming in two weeks' time from now, can you specifically tell us whether you will do that in the first sitting on Tuesday or Thursday?

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Hon. Deputy Speaker, the first sitting on Tuesday is fine.

Thank you.

**Hon. Deputy Speaker:** Okay. What is your point of order, again, Hon. Washiali?

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. I wanted to find out from the Chairperson whether she is aware that transfers that used to take place at the end of the year, so that learning in schools is not disrupted are now happening in between the year. That means there are a lot of disruptions that are leading to whatever is happening now. Would I be in order to ask that question?

*(Laughter)*

**Hon. Deputy Speaker:** That is obviously not a point of order. You sneaked through the backdoor to make your point. I hope the one by Hon. (Dr.) Wamalwa is a real point of order.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Hon. Deputy Speaker, my point of order is to the Chairperson. Is she aware there are people who are 50 years old who have also applied for the jobs? It should be first in, first out. Somebody is 50 years old and he or she has not been given the job yet he or she will be retiring within five years. Can the TSC prioritise recruitment based on first in, first out basis?

**Hon. Deputy Speaker:** That is a completely different issue.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): At least, she has taken note of that, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. (Dr.) Wamalwa, you know you can ask for a Statement on that specific one or even ask a question. So, that is completely different because what the Member brought in his Statement is actually about a transfer of a specific teacher. I would entertain other interests in terms of transfers but in terms of recruitment, I think that is something that can be canvassed differently.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): I appreciate, Hon. Deputy Speaker. Thank you.

**Hon. Deputy Speaker:** Anyway, you have placed your point. So, let us go to the next Order.

## BILLS

### *Second Readings*

#### THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL

*(Hon. Benjamin Mwangi on 2.5.2019)*

*(Resumption of Debate interrupted on 8.10.2020 - Morning Sitting)*

**Hon. Deputy Speaker:** Hon. Members, I can confirm that we have the required quorum and what remained on this one was the Question to be put.

*(Question put and agreed to)*

#### THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL

*(Hon. Kimani Ichung'wah on 8.10.2020)*

*(Resumption of Debate interrupted on 8.10.2020 – Morning Sitting)*

**Hon. Deputy Speaker:** On this particular one, we have a balance of one hour and thirty-eight minutes. We can finish earlier than that, which will be better. I do not know who was on the Floor. I can confirm that quickly, but it does not seem that we have somebody who was on the Floor. So, we will simply go by the order here. I see Hon. Maanzo. Do you want to speak to this Bill?

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute on this very important Bill on disaster management.

The last time we had heavy rains in the country, efforts to coordinate rescues and food supplies were disastrous. There is a department somewhere in Nyayo House which is allegedly supposed to deal with disasters. When I had issues in Makueni Constituency in a certain ward where floods washed away homes, and in many other parts of Makueni Constituency where rivers over-flowed, it was very difficult to be assisted by the Government. The few officers who were in that office at Nyayo House were overwhelmed. So, this law is very important so that we have somebody we can definitely hold responsible in disaster management. We have so many organisations in the country which deal with disaster management by their own merit, like the Red Cross Society, among others, which have done a very good job.

During a disaster, even the Red Cross is overwhelmed hence they call for volunteers. They have a number of branches in different constituencies in Kenya where people volunteer to work for them. When you look at the responsibility of the county governments, because this Bill touches them, as well as that of the national Government, we have emergency Funds. I also believe that under the National Government Constituencies Development Fund (NG-CDF), we have a small emergency Fund. The NG-CDF is not sufficient to do much. It can replace one or two classroom roofs that may have been swept away by floods in a school.

However, when it comes to the total management of a disaster in the country, for example, when we have floods all over the country, by the time a decision is made to get the money budgeted for emergencies in the country, the disaster will have happened and damage caused. Sometimes bridges collapse, and various Government departments deal with them.

So, if we have a system of dealing with disaster management in the country, I believe we will do much better than we have done in the past in terms of saving lives. This year floods killed more people than COVID-19 even at its peak. Now, the COVID-19 cases are rising again.

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Sometimes people have been caught unaware when dams broke their banks when it rained at night and deaths occurred. When things happen, we have to hold somebody responsible. As the elected representatives of people, we must be very concerned and something has to be done at the right time.

One of the proposals contained in this Bill is that the Cabinet Secretary (CS) should make regulations once it becomes law, and I believe it will. However, it is not specific which CS is to be tasked with this responsibility. This matter has been lying under the Ministry of Interior and Co-ordination of National Government. I believe it should be specific to this Ministry.

Again, we have a lot of improvements to do when it comes to the Third Reading to make the Bill much better, so that when it gets to the President, it does not have to come back with a few reservations here and there or as a rejection. So, during the Third Reading, we have to frame it in a way that it serves its purpose without conflicting other laws or organisations.

Bringing the system together and making a particular person liable and responsible the moment there is an emergency and that person, when contacted about an emergency, takes quick action, will avail the funds quickly. What is mostly needed during an emergency is funding. We have to come out clear and even be specific under this law, which will definitely go to the Senate, the role of county government and its emergency funds. That has to come out clearly. What is the role of the national Government when there is an emergency in a certain county, area or in the whole country? Again, emergencies have different natures. There are emergencies which are handled. If there is an external aggression, for example, that is handled by a different department, that department can also help us. It may be the Department of Defence when we have an internal issue. The system must be clear.

I beg to support and I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Kabinga, is it this one that you want to speak to? Okay. Proceed. Again you have removed your card. Press the intervention button for me to see you again.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Deputy Speaker. I support this Bill for the establishment of a National Disaster Management Authority (NDMA).

Whenever we have disasters in this country, it is always a haphazard approach to resolving issues because there is no authority that coordinates such disasters especially when we have resources distributed between the national Government and the county governments. When we have these disasters, the coordination part of it is never there yet we know there are some natural disasters that we experience year by year. Like now, we are heading to the rains. I know we shall be having disasters. We have rivers that overflow in Mwea and whenever we have these disasters, coordination between the county and the national Government is never there.

By establishing a national Authority, we will have resources specific to these tasks of disaster management. The Authority will manage the resources and focus without having to wait for the different sources of disaster management. We have a disaster management unit at Nyayo House which is usually never felt in the counties and the counties have resources which they sometimes do not know how to utilise or they have not utilised them properly thereby leaving the Kenya Red Cross to carry the cross alone. It is only the Kenya Red Cross that has been out there.

By having this Bill passed, and I believe it will be passed, we will have an Authority that will work with bodies like the Kenya Red Cross in a more coordinated manner than we have.

I support.

**Hon. Deputy Speaker:** Hon. (Dr.) Tecla Tum, you have the Floor.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Hon. Deputy Speaker, I support this Bill on the establishment of NDMA.

We have seen a lot of in-fighting between different institutions because there is no coordinated Authority in charge of disasters in our country. When this Authority is established, there will be control, management and coordination of disasters. We have seen a number of people losing their lives. We have also seen livelihoods being lost. We have seen floods wiping people out like in Elgeyo/Marakwet. Even in Nandi County, there are a number of people who were affected and there was no one to assist them because of the in-fighting between different authorities.

There will be a monitoring system which will monitor the weather in this country. We know climate change is with us. There will be a lot of floods in dry areas. There will be a lot of rainfall in dry areas and we need to have a system in place. It will monitor the natural disasters in our country.

There is the issue of terrorism. People lose their lives and there is no one who is in charge. We have seen unfair distribution of resources when there are disasters in the country. So we need an organ which will be in charge. We need accountability in the use of resources in this nation. We can see other areas are rich. Other areas are given food and they are given other resources during disasters and other places are left behind. So, there is need for the Authority to be in charge because a policy will be in place where county governments will play their role and the national Government will also play its role. Somebody somewhere will be held accountable when our people cannot be reached when there are disasters in the country.

I support this Bill because we cannot be left behind. We know when there is climate change, a number of diseases will occur. We need somebody who will be in charge to reach our people in the country. County governments should know their role and the national Government should know its role in management of disasters, so that there will be no duplication of activities and roles, and each institution will be held responsible in case it does not perform its roles.

I support this Bill. Thank you.

**Hon. Deputy Speaker:** Let us now have Hon. Mbui.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker, for the opportunity.

I also rise to support this Bill. I wish to state that Kenya has had its fair share of disasters, starting from the fires that we constantly have in our schools and informal settlements. That is one area where we constantly have a lot of property lost and sometimes we lose lives. We have flood issues. We have also problems that are unique to this country like the collapse of buildings. Every time, you hear buildings have collapsed and the rubble has buried families alive. This may be caused by poor workmanship and low quality materials and not earthquakes. So, we really have issues as a nation. Many times you have heard of the ferry carrying too many people capsizing and sinking to the bottom of the ocean. So, this Bill is really timely because it seeks to answer the questions of who we call when we have disasters, what we do when we have disasters and how we do it.

I wish to state that from my reading of the Bill, I can see that the author proposes that we create an Authority. This Authority is supposed to coordinate and control all responses. In fact, it is supposed to be the command centre. If you remember when we had a terrorist attack at Westgate, many Kenyans lost their lives. Some of the people who died were officers in our forces. The reason this happened is that we had our army, and we also had our police, both on the same side, but not coordinated. In the exchange of fire which was friendly, I believe there are people who lost their lives. So it is important to have a coordinated effort whenever we are doing any rescue operations.

Hon. Deputy Speaker, this Bill also proposes that Kenyans should be given what we call public awareness and disaster preparedness. It is shocking that in this country when you hear gun shots, instead of people running and taking cover, they run towards the sound of the gunshots. In fact, many times people get injured or maimed because of going in the wrong direction. I think it is also important that this Bill is used to train people to understand what exactly is expected of them when we have a disaster.

It is important that this Bill is used to train people on whatever is expected of them whenever there is a disaster, so that we can save lives. When disasters occur, many people lose lives. I wish to support the Bill and congratulate Hon. Ichung'wah for this excellent Bill. However, I have noted that his choice of leaders is a disaster.

**Hon. Deputy Speaker:** Hon. Iringo, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Bill. At the outset, I want to congratulate Hon. Ichung'wah for this Bill. It is a well thought-out Bill that will give a foundation on how we handle disasters in this country. I hope the Authority will live to the wish and the mandate of the Bill, so that we can change this country from its reactive nature towards disasters. Our country is prone to droughts, heavy rains and other disasters, but unfortunately, we only react once calamities befall us. We do not prepare for the same. We have equipment and qualified personnel on weather forecast, but even when a forecast has been done, nothing happens until a calamity occurs. You will recall the dam that burst in the Rift Valley and killed many people. There were warnings from the experts, but we waited for it to burst for us to respond.

We have floods every year in Budalangi, Nyanza, and Lower Tana. This is a common phenomenon, but no one bothers to make prior arrangements for people to be evacuated. We have left that work to NGOs, especially the Kenya Red Cross. These NGOs are now horses carrying carts of disaster management. Mother nature will always be harsh, either positively or negatively, and we must be ready. I hope the management Authority will recruit people with enough expertise to do proper forecast and management.

Hon. Deputy Speaker, there should be a kitty in the Ministry concerned, through the National Treasury, to take care of disasters and repair roads or bridges swept by water. When disasters happen, people are marooned and cut off from their villages, places of work and relatives and it takes a long time to provide a solution because there was no prior arrangement. I hope this Authority will trickle down to the county governments because there are minor disasters that should be handled at the county, sub-county and village levels. It should be handled under the same umbrella so that we can manage these disasters.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us now have Hon. Prof. Oduol.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Deputy Speaker. I would like to support this Bill. As it is clearly reflected in the objective of the Bill, we have experienced disasters, terror attacks and floods. In Alego-Usonga Constituency, Siaya County, where I come from, as I speak, we have people in Usonga Region whose lives have been completely disrupted and they largely rely on charitable and uncoordinated assistance from Faith Based Groups, individuals and the county government. As I support this Bill, I do it in recognition that we have a disaster management unit and a clear national policy for disaster management. You will agree with me that a well thought out policy or document is not law. We need legislation to set out standards and spell out procedures and principles to enable the Government to put in place the necessary institutional and legal frameworks. As we look at this Bill, we can see that it is in

this connection that it seeks to provide the necessary infrastructure by establishing the National Disaster Management Authority as the main body. As we look at the Bill, it is clear that this is in response to the lack of coordination and absence of functional placement that different agencies at the county, national level, Government and non-governmental organisations will interact. I want to commend Hon. Ichung'wah because for a long time, we have normalised disaster management as something we respond to by way of surprise without proper infrastructure and visionary management that is befitting of something as serious as this.

For the reasons above, I support the Bill. We need to take into account the fact that we have different players that we want to work in a coordinated mechanism, and legislation will not be enough. We should be clear in the Bill, so that the good law is translated into action.

Thank you, Hon. Deputy Speaker. I support

**Hon. Deputy Speaker:** Very well. Let us have the Member for Ol Jorok.

**Hon. Michael Muchira** (Ol Jorok, JP): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support the National Disaster Management Authority Bill, sponsored by Hon. Kimani Ichung'wah. Kenya is prone to natural disasters such as floods, fires, drought and collapsing buildings. We have observed over the years that our response to disasters are wanting because of lack of coordination. Currently, we have the National Disaster Management Unit at the Ministry of Interior and Coordination of National Government, but it lacks the legal framework since it was formed through a Presidential directive, and not a statute. It is important to have this Bill to establish an Authority with a legal backing to ensure we have a coordinated approach to disaster management and response. When a disaster happens, we have witnessed a lot of laxity, lack of preparedness and buck passing where one unit blames the other or waits for it to respond.

It is my hope that once this Bill becomes an Act of Parliament, we will have one unit that will be charged with addressing and coordinating disaster response. It is also important to ensure that the unit coordinates the two levels of government, the national and county governments, so that there is no confusion, and there is a seamless approach to disaster response and management. We need to incorporate the community-based risk reduction management by training and empowering communities to be part of disaster response. We have seen in some instances where local divers are used to save people who have drowned. Unfortunately, those local divers are not facilitated; they are not empowered. We need to look for a way of incorporating the local communities in the Bill and empower them to ensure that they are part and parcel of disaster response and management. Most of the time, the local communities are aware of the terrain and they are readily available before you mobilise resources and personnel from the Government in the event of a disaster.

With those few remarks, I support. I will be bringing several amendments during the Committee of the whole House stage on the composition of the board and the involvement of communities in disaster management and response.

Thank you.

**Hon. Deputy Speaker:** Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I want to join my colleagues in supporting this important Bill; the National Disaster Management Authority Bill. I must thank my colleague and friend, Hon. Ichung'wah, for bringing this Bill. If you walk down history lane, you will realise that this Bill was before the 11<sup>th</sup> Parliament, but it was not able to see the light of day because the term of that Parliament expired before it was passed.

When you look at the object of this Bill, it is to ensure that there is a centralised coordination of disaster management in this country. My colleagues have mentioned a number of disasters that have happened in this country.

The fact that we are now talking about the National Disaster Management Authority which will coordinate - in a centralised way - all disaster management in this country, will be an advantage. There are quite a number of benefits that come with that kind of National Disaster Management Authority. The first benefit is that there will be quick response to disasters when they happen in this country. We have experiences and examples in this country where the response to disaster took so long that, at the end of the day, we ended up losing lives. This Authority will be like a one-stop center where, if you report or get there, action will be taken without wasting a lot of time. That will be good for the country.

The second benefit is the management of resources. This country has so much in terms of public resources that are scattered in different institutions. In that case, it becomes difficult to know how much money is available and how it can be applied. With this Authority, what will happen is that, we will be able to know how much is available at any point so that, when it comes to the application of those resources, there will be fairness.

If I can remember, about two years ago, we saw situations where heavy rains caused some people to lose their houses through demolitions and others through earthquakes. Some people were able to have new houses constructed for them while others got nothing. When that happens in this country, some people start feeling they are less Kenyans than others. With that kind of Authority, it will be possible to ensure that there is fairness when it comes to mitigating disaster and every Kenyan will have a sense of belonging in terms of benefitting from disaster funds. At the same time, there are a lot of resources in other organisations like Non-Governments Organizations (NGOs), for example, the Red Cross. We also have the Kenya Defence Forces (KDF). So long as those resources are connected in a centralised way, it will be of benefit.

The third benefit is the early warning monitoring system. If we are able to monitor and get early warnings, we can reduce cases of disaster. In that case, Kenyans will benefit because, by the time disaster strikes, they will be prepared such that within a short time, they will be out of that disaster with the assistance from the Government or NGOs. As we look at this Bill, I want to urge my colleagues to fast-track it before the end of the term of this Parliament so that it does not lapse and then it is restarted in the 13<sup>th</sup> Parliament. If we do that, we will have done a good thing for Kenyans and we will be assisting this country.

As I conclude, generally in this country, there are some disasters which are predictable. For example, we know that when rains are not there, some areas will not have food. So, we have to prepare for food relief. In some areas, when the rains are heavy, there will be landslides. So, we have to prepare for that. The component of early warning is important. I want to reemphasise the fact that when that National Disaster Management Authority is established, one of the things it must seriously do is early warning preparedness so that, at the end of the day, Kenyans can know, for example that, next month or next year and the following year, they are likely to have a disaster so that they can prepare themselves.

With those remarks, I support. Thank you.

**Hon. Deputy Speaker:** Hon. Sankok. You seem not to be ready.

**Hon. David ole Sankok** (Nominated, JP): No, Hon. Deputy Speaker. It is not that I am not ready. I had contributed to this Bill.

**Hon. Deputy Speaker:** Why is your name on top? Okay, we will have Hon. Martin Owino.

That is good of you, Hon. Sankok. It would have been misconduct if you were to contribute twice to the Bill. It is good that you are that keen.

**Hon. David ole Sankok** (Nominated, JP): I am well behaved, Hon. Deputy Speaker. It is well known.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Martin Owino.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you so much, Hon. Deputy Speaker. I thank him too for doing that. When disaster strikes on any community or individual, they want to see their Government swing into action. That is not happening because there is no coordination and enough resources for it. That is why I am supporting this Bill, the National Disaster Management Authority Bill. Disaster is a cycle and it has phases. Phase one is response which other colleagues have talked about. It is key when you appear as a Government in any area that has been hit by a disaster. The second phase is the management of the disaster. It is important to consider the elements of a disaster. The previous speaker has talked about it. One of them is the warnings, evacuation, search and rescue, assessment of the damage, compensations and support. Last on the elements line is prevention. It is usually referred to as disaster preparedness.

When we establish the National Disaster Management Authority, one of the elements that will be important to be established is the research division, so that we can know how disasters evolve and how they can be prevented. The object of this Bill speaks it all. It is to establish a centralised system of responding to and managing disasters in the country. I am from the lake region and, as we speak, we are losing many people due to capsized boats. There is no one to respond to such disasters. There are no speed boats that can be coordinated to respond.

In my constituency, there is a river which is notoriously known for hosting alligators and crocodiles. You can find that when they strike and the person is taken down, we only have local divers with no equipment at all. In addition, people can camp there for two weeks or more looking for their loved one with no Government face at all. At least, you can get guys from the Red Cross coming. All this is happening because we are not coordinated and we have not put our resources in that area.

The other element we should look into when this Bill comes into operation is the element of funding. We are in the era of programme-based and itemised budgets. All those elements I talked about, if not funded, will remain in the bookshelf as literature and nothing will be happening. I want to urge our colleagues that this Bill ought to have been passed like yesterday. This is because Kenyans are suffering from one disaster to the other. Some are repetitions because we are not prepared. I, therefore, urge that we pass this Bill as quickly as possible. When it comes to the budgeting time, let us put more resources into this area so that Kenyans can feel that they have a Government that is responsive and which cares for them.

With those remarks, I support.

**Hon. Deputy Speaker:** Hon. King'ara Ng'ang'a.

**Hon. Simon King'ara** (Ruiru, JP): Thank you, Hon. Deputy Speaker. I stand to support this Bill because it is important to save our communities. As it has been said by previous speakers, disasters happen at the village-level and in the city centres. However, the department that is supposed to take care of disaster management is not evenly distributed to respond promptly where disasters happen. I want to give a case scenario.

Last year, we had floods in some place in Ruiru, where a dam broke its banks and over 200 residents were locked inside their homes. We lacked the necessary equipment to evacuate them. At that point in time, I wished the National Government Constituencies Development Fund (NG-CDF) had a kitty which could support the evacuation exercise. We would have rushed to it. Therefore, it is one of my proposals that, maybe, within the NG-CDF kitty, we should have a small budget for disaster management because disasters happen at the grassroots level, where we represent the people. It was also said that when disasters happen, there is no coordination. It should be well stipulated how disasters can be managed, and what kind of disaster should be managed by who. You can recall that people are killed as communities try to save others among themselves. We need good order so that we can save lives, rather than lose lives as we try to save lives.

With those few remarks, I support.

**Hon. Deputy Speaker:** Hon. Gladwell Cheruiyot.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker. This Bill is very timely considering what is happening in Baringo. It is in the knowledge of everyone in this country.

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

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

We have lost a lot of property in terms of crops, schools, homes and hospitals due to the flooding of Lake Baringo. Moreover, as we speak, despite the challenges that the people are undergoing, it has taken forever to get the necessary assistance because we have not been having the proposed authority. We know very well that we have had a disaster management department which has not been very responsive to the kinds of disasters that are happening in the country. Furthermore, without looking at Baringo alone but the whole countrywide, we have so many things that happen unplanned. We have landslides, accidents and so many other natural disasters that happen.

As we speak, in the lower part of Baringo County and Baringo South, we have 15 schools that are submerged in water. It is a real time disaster because, even as schools reopen, we do not know where the children who were going to those schools before the unfolding of that phenomenon will go. In as much as the Cabinet Secretary has travelled down there – and even today the Cabinet Secretary in charge of devolution went there – this is something that happened some months ago. It ought to have been looked into so that by now, we know where our children will be going. The truth of the matter is that we want the proposed Authority to come into being and sort out the issues that affect our people on a day-to-day basis. We also have wildlife destroying crops and killing people. The process of reporting to the authorities concerned becomes a hustle. Many people in this country have never got the right compensation for the disasters that happen to them. Therefore, this Bill is long overdue. It ought to have come earlier. However, now that it is here, it is only prudent that we do what is necessary for the proposed Authority to be established to serve the nation so that Kenyans can feel like they are in a country where leaders are really concerned about what happens to them every day. Therefore, I am in real support of this Bill. I wish it could be passed as fast as possible so that, even before we go for the next term of this Parliament, we have an Act functioning so that we are able to serve our people.

With those remarks, I truly support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Order Members!

*(Some hon. Member walked into the Chamber while others walked out)*

The Members who are coming into the Chamber and those who are leaving, do so in a more civilized manner or decorum.

Member for Marakwet East, Hon. Bowen Kangogo.

**Hon. Kangogo Bowen** (Marakwet East, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this Bill. I thank Hon. Ichung'wah for proposing this Bill. The colleagues who have spoken before me have talked a lot about disaster management in the country. Disasters have been happening since time immemorial, and they are still happening today in some parts of the country. We know that in the near future, we will have many of them. Someone said that almost three to six months ago, we had a serious disaster in West Pokot, which affected people close to Marakwet. You can imagine that we have Disaster Management Unit under the Office of the President. The Cabinet Secretary then flew up to Kitale and decided to return to Nairobi, saying that the place was inaccessible. I, together with Members of Parliament from West Pokot and Elgeyo Marakwet, managed to access the site. It was terrible. My constituency has so far lost 26 people since then. We have not traced them. The Government came for two days and then it called off the operation. So, the enactment of this Bill is very important. The proposed Authority will coordinate disaster management across the country.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Marakwet East, we really appreciate your very good contribution but can you, please, put on your mask? I know you look very handsome without it but, for the purposes of COVID-19...

*(Laughter)*

**Hon. Kangogo Bowen** (Marakwet East, JP): Hon. Temporary Deputy Speaker, this mask will conceal my handsomeness!

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Yes, but we must protect the other Members.

**Hon. Kangogo Bowen** (Marakwet East, JP): Hon. Temporary Deputy Speaker, I was saying that the proposed Authority will, if well-funded, coordinate disasters across the country and develop policies on disaster management, and disaster preparedness will possibly be devolved. It can be devolved so that, at least, every county will have a unit, department or county offices. This is so that whenever there is an issue of disaster across the country, there are immediate people who are deployed.

Hon. Temporary Deputy Speaker, currently, we can say that the only disaster management unit in the country is Kenya Red Cross. When there are disasters in Makuani or Turkana, they are there and everywhere. Kenya Red Cross is the only disaster management unit in the country and yet, we have a functioning Government and we appropriate money in this House every year for disaster management. With this Authority, I am very sure it will work together with NGOs like the Kenya Red Cross so that they are able to handle those disaster management issues effectively.

I do not want to belabour on this because we are at the Second Reading and there are quite a number of amendments that we are going to bring in the Third Reading.

I support this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Omboko Milemba is next on my line. Kindly, have the Floor.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker. I join the rest of the Members in supporting this Bill, the National Disaster Management Authority Bill. It is a Bill that wants to consolidate the issues of disaster into one unit – an Authority which will coordinate all the agencies which deal with disasters in the country. We will have a centralised point, a command center where issues of disaster can be managed from both the levels of research, predictability of disaster and even handling of the same disaster.

This Bill is quite good and comprehensive. This is because it touches on several items, among others, the establishment of the Authority itself, the functions and the powers that would be managing disasters. That one has been handled very well in Clauses 3 to 21.

The Bill also handles what is very important to me and what should be important to all Kenyans and that it is, financing of that particular Authority. This is so that we know where the money will come from and how to finance the Authority that is dealing with disasters in the country and always regulate, whether it is underfinanced or overfinanced. Furthermore, it even talks about how that Authority will also be audited so that we can know how the money that has always been appropriated by Parliament to disaster management has been used.

The Bill further talks about the roles of the Authority at the county and national levels. This should also go a long way to remove any sort of confusion or competition during disasters. I also hope that as we enhance this Bill, we shall be able to widen the Authority so that it can handle any kind of disaster. Currently, we have all sorts of disasters, though very few are mentioned here. However, even schools can burn. This is like what we had in Rift Valley where a dam collapsed. Yesterday, Musingu High School was on fire and nobody knew what to do or who to turn to. In many situations, people just go there to witness and see. What I saw in Musingu High School is that everybody was watching and taking photographs, *selfies* and using their phones to post them. Disasters are broad. They range from droughts to diseases in some parts of the country. There is also terrorism. There are floods which are regular and somebody said some are predictable. We have landslides and collapsed buildings. Moreover, disasters do evolve with time. In 1979, nobody would have talked about terrorism as a disaster. It was not as common as today.

So, as they evolve, this Authority, I believe would be able to also do some research. I like the contribution that came from the research point of view, so that they are able to see the other new dangers and spheres that disasters may be heading to. This does not mean that the Authority should only be limited to that but again, the Bill has given authority and a window to the Cabinet to also regulate this. We hope by allowing that space to the Cabinet, it should come up as a stronger unit to manage disasters in our country.

A caution would go to the universities and other colleges that pick up on every other thing that is now coming up contemporarily and start training learners without regulations. Sometimes back, when disasters became a real issue – and especially because of terrorism - the universities rushed and started training people in disaster management. They overtrained those people. We also saw the same thing with actuarial science. We have to tell our universities not to exploit opportunities like those ones for their own benefits. You will find that we have too many learners outside the field...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): What do you want to say? You have already finished. You want to say your name? Let us hear what he has to say.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute and I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. It is very important for him to say he supports because it is a House of debate. Let me have the Member for Navakholo, who is also a leader in the House, Hon. Wangwe Emmanuel.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to also add my voice to this very good Bill by Hon. Ichung'wah. The name "Ichung'wah" sometimes is very difficult to pronounce. We call him "Ichungwa" or "Ichung'wah", but he has done a very wonderful Bill. The Bill proposes that a National Disaster Management Authority be established. That Authority will coordinate and control response to disasters.

I rise to support because Navakholo Constituency, during the floods this year, for the first time, we encountered the flooding of River Nzoia. Many houses were swept away, people were rendered homeless and they could not run anywhere else other than to the Office of the Member of Parliament.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Hon. Wangwe. I have seven Members on intervention. I do not know what the issue is. You know where to request. We do not contribute on interventions. Interventions are for points of order. Please, remove your cards from the intervention buttons. If you are on intervention buttons, please, just be on them. Otherwise, you may not be able to...Be careful. You may remove your card and you get deleted from the request list. Hon. Member for Navakholo, carry on, please.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I hope you will compensate me for that minute lost.

There was no one to turn to because what my people did was to call me as their Member of Parliament. They also called the Governor and the Member of County Assembly and yet, the three offices do not have a fund specifically set aside for disasters, rather than the county government which has little funds to contribute. Therefore, by virtue of the creation of this Authority, we are going to have a place where we can call and say one, two and three disasters have happened and this is required to be done. I, therefore, want to thank the Member for thinking big in terms of making sure that Kenyans can now have somewhere to call for help. This House should be able to apportion enough money to cushion Kenyans once and for all in terms of disasters.

The Bill also proposes that this shall serve as a command center for all communications, which I have also alluded to. We will be able to call and have our position in terms of raising the concerns and coordinating the disaster that has occurred and this is going to be a good thing.

This Bill is also good because through capacity building at both levels of government – the county governments and the national Government - there will be good coordination. We will talk to the county governments and the national Government. County governments have been urged to make a budget for disaster management and, at the same time, coordinate with the Ministry of Interior and Coordination of National Government.

All over the world, there are various NGOs which are always ready to support once a disaster happens. But without coordination by a body that can, say, coordinate resources, it has always been difficult. You can call on the World Vision, the United States Agency for International Development (USAID) or any other organization. They have been willing to support but there is no formal way of engaging them. This Bill provides a structure and a way through which NGOs will be engaged by the Government.

Disasters are a challenge. This Bill provides for disaster management contingency plans which will be updated regularly. Once you formulate disaster management contingencies, in terms

of the process, how do you approach a particular disaster? It is all laid down in the proposed law, including the issue of support. So, it is a good thing.

I wish to support this Bill and urge all my colleagues to do the same.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Sossion Wilson.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I wish to join the rest of my colleagues in supporting this Bill by Hon. Ichung'wah. I thank him for bringing such a Bill. As we ventilate on this matter, it is important to note that most of the disasters that we are experiencing are linked to climate change, especially the fires. Looking globally... ..

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Members, let us agree to wear our masks. Let us protect each other. We are happy that more of us can now sit in the Chamber. So, it is important to protect each other.

**Hon. Wilson Sossion** (Nominated, ODM): Much obliged. As a country, we should be alive to disasters that are strongly linked to climate change such as fires. The other day, we were discussing about the Tsavo fires. There will be many more questions about the causes of fire all over the country but, all that is linked to climate change. We have seen devastating rains that have caused landslides. Lives have been lost. We are seeing a rise in the water levels in our lakes. Our lakes are experiencing an abnormal rise in the level of water and learning institutions and human settlements have been submerged. These are not things to ignore.

So, this Bill recommends the creation of an authority. We believe that Authority will have the capacity and infrastructure to deal with those matters. The establishment of a research unit within this Authority will be very critical. We have seen many authorities in this country that run into troubles of corruption and they do not deliver. The centralization of all disaster programmes and strategies through this Bill, I believe, will gear us towards efficiency so that this country is ever ready to deal with fires and flood-related disasters. This will enable us take matters of disaster management away from political linkages that make us see how much generous others are politically when there are disasters. This should not be the case. The taxpayers' resources and infrastructure of the country should firmly be in place so that in case of disasters, they are dealt with decisively.

The existing disaster management systems in this country are either from donors or individuals. In Nairobi City, we have the Sonko Rescue Team. We have been independent for 57 years and yet, we still leave disaster management issues to the mercy and benevolence of individuals, whose intention is political mischief. It means we are not doing well in terms of governance. As we develop our country, with respect to climate change and other factors, this Authority should have a strong framework in terms of research, information, focus and ability to swing into action at whatever moment to deal with disasters. We have seen businesses lost through fires and citizens suffer for no apparent reason.

So, this Bill is timely and we hope it will become law that will effectively be implemented so that citizens of this country can see the value in it.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Indeed, I remember the 10<sup>th</sup> contributor to this Bill, Hon. Mutinda Muli, talked about MPs being disaster managers. I think the public should understand how Parliament makes laws.

Members who are coming in, we are on the National Disaster Management Authority Bill, National Assembly Bill No 10 of 2019 by Hon. Kimani Ichung'wah. It is Second Reading.

Let us have Hon. Member for Bomachoge Borabu, Hon. Ogutu. I hear a Member shouting, "Gender!" Male is also gender. Ladies, let us get here on time so that we have the opportunity.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Bill.

I agree with what Members have said about the timely consideration of this Bill. I will say a few things that will kind of embarrass this country.

Disasters have been a common phenomenon in this country because of the nature of the climatic conditions, that is, the erratic nature of the rains and also the level of our development. Some of the disasters we are experiencing are as a result of our increasing population, coupled with lack of land management. We do to have land planning and when... ..

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Hon. ole Sankok. You have already contributed. You cannot be the one who is always out of order. Please, allow the other Members to make their contributions.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker. I was saying that lack of planning has been a major reason for the disasters. In this Bill, we will get the body that will support and coordinate the various activities that will be taking place in this country. Disasters have recently increased because, as the population grows, people settle in areas that were previously open land and which are meant to absorb erratic rains. Such lands also act as a buffer to surface running water.

If this Bill goes through, the Authority's major issue will be to ensure that this country has proper planning in place in terms of land use. Also, that the response to disaster is systematic and cyclic, before, during and after the disaster so that we live well while being cushioned against the disasters that we know come now and again.

For the first time in my constituency, we suffered a huge landslide which we have never seen before. I guess this is because of unmanaged infrastructural development. This includes the massive roads that have been opened up by the county government and which are poorly manned and maintained. That body will help in ensuring that whatever we do on the landscape is well coordinated. Also, whoever is responsible for providing the right services to ensure disasters do not bring much loss should be followed and held accountable.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Let us now have the Member for Wajir County, Hon. Ali Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, I want to thank Hon. Ichung'wah for bringing this wonderful Bill, the National Disaster Management Authority Bill.

This Bill is so dear to many of us; the reason being that the region where I come from was badly hit by a disaster. This was mostly in my county and Hon. Abdisalan's constituency. Many properties and families were badly affected. It is also dear to me because we lost two young men in the DusitD2 complex terror attack who were from my county and constituency.

This Bill is timely because we do not have fairness in terms of dealing with disasters. We concentrate on some areas more than others. Disaster does not know religion or communities. So, it is important for disaster to be treated equally. We should not concentrate on some regions or communities while leaving others out. There are institutions which have mismanaged disasters. We have NGOs which I have heard Members talk about. We need accountability from the NGOs we have in this country. They have turned to be activists and yet, there are serious issues like disasters before us.

As I thank the Member who has brought this Bill, I know what we need is proper monitoring and evaluation systems. This will deal with the issues Members have from their counties and constituencies. We also need a body to control and manage disasters. We have the National Disaster Management Authority. This institution does not provide assistance during disasters. Instead, they focus on issues which are not their priority like cross-border meetings. They need to deal with priorities.

Hon. Temporary Deputy Speaker, I support the Bill. I want to ask Members to check institutions which have failed this country. We saw the Kenya Red Cross doing a good job under the leadership of the former Chief Executive Officer (CEO)... Please add me one minute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): No, I will not add you another minute because I will be breaking the rules of the House. Hon. Osotsi Godfrey.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this Bill. At the outset, I want to thank the Member who has brought it. There is some level of good thinking in this Bill from Hon. Kimani Ichung'wah. How I wish this good thinking can be made use of instead of *tangatangaring* which in English means 'moving around without aim'.

This Bill is good but some amendments need to be done.

**Hon. Mwambu Mabongah** (Bumula, Independent): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): There is an intervention by the Member for Bumula, Hon. Mabongah Mwambu.

**Hon. Mwambu Mabongah** (Bumula, Independent): On a point of order, Hon. Temporary Deputy Speaker...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): What is out of order? In future, Members will be citing from our Standing Orders. Let me hear from you.

**Hon. Mwambu Mabongah** (Bumula, Independent): Hon. Temporary Deputy Speaker, my point of order is on the language the Hon. Member has used. He has contradicted himself by saying this is a well thought out Bill. Yet, he is accusing the same Member who has brought it before the House and is not present right now for *tangatangaring*.

**Hon. Members:** He is right here.

**Hon. Mwambu Mabongah** (Bumula, Independent): I had not seen him. A person who is *tangatangaring* cannot reason to this level.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Mwambu, unless you do not understand what *tangatangaring* means, this is not the language we want to apply here. The Member said *tangatangaring* means moving around.

*(Loud consultations)*

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order Members. Order! I do not want to be part and parcel of your language outside Parliament. We know the procedure of this House. Let me hear from the owner of the Bill. Yes, Hon. Ichung'wah. I can see you are on intervention. Give him the microphone. Members, let us cite which Standing Order has been violated.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): On a point of order, Hon. Temporary Deputy Speaker. In as much as I appreciate Hon. Osotsi’s support of the Bill, what Hon. Mwambu is referring to as offensive is...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Address your issue because you are on intervention.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I am speaking to the offence Hon. Mwambu was pointing out. Indeed, Hon. Osotsi said, in as much as it is a good Bill, the sponsor - who is me - is *tangatangaring*. He interpreted that to mean moving around aimlessly. I know Hon. Osotsi is fond of moving around aimlessly and I am sure he has not read this Bill and that is why...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): No, you are debating. Please, resume your seat. Members, let us not take advantage of points of order. This is a communication that had been done. Hon. Osotsi, please, make a clarification and withdraw what you meant.

**Hon. Members:** Withdraw!

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to continue.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Members. I will make a ruling. You are making noise and this is not procedural. Let the Member make his contribution.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, I only explained what that word means. All along, our friends have made us believe that is their name. So, I do not see any offence. But all the same...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member, please, we do not want to get into that business.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, as I was saying, there are a few amendments which...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi, please, can you just refer to Hon. Ichung’wah and we move on?

**Hon. Godfrey Osotsi** (Nominated, ANC): Yes! The Mover of the Motion is Hon. Ichung’wah. As I was saying, there is some very good thinking that he has put into this...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): So, the Bill is *tangatangaring*? Please, can you just address him and we move on?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, on my reference to the word “*tangatangaring*”, I explained what it means and that reference was not meant to demean Hon. Ichung’wah. If it demeaned Hon. Ichung’wah, I withdraw.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Move on.

**Hon. Godfrey Osotsi** (Nominated, ANC): I continue, Hon. Temporary Deputy Speaker. I said that some amendments need to be done to this Bill, especially on the composition of the board. He proposes 13 members and we know that the *Mwongozo* Guidelines provide for nine members. So, I think in the Committee of the whole House, we will need to bring amendments so that we can improve on the composition of the board. Also, the board is full of Government officials. I

think it is also important to bring in stakeholders who understand the subject of disaster management.

The other thing I want to address is that in this country, when we talk about disaster management, we look at it from the perspective of its effect on humans. However, we also need to think about disaster management from the perspective of the effect on non-humans. I am saying that because we have other disasters which may not have an immediate effect on humans, but may have a long-term effect on the economy or humans in the future. I think one of the things that need to be considered is an effective and proper definition of “disaster management”. We should put it in the Bill so that we go beyond just issues of risk prevention, mitigation, preparedness, rapid response, recovery and such things. In a modern world, people are thinking about business continuity management – that in case of a disaster, how long does it take for us to continue with our normal processes? I think that is something...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): That is what you pay for when you are irrelevant. I will not add you more time, Hon. Osotsi, and you know why. As a matter of procedure of this House, let us plan our points. You passed in this House that Members will debate for five minutes on this. So, every other Member who will be debating on this, please, plan very well for your five minutes. If you allow interventions, that will be at your cost. Again, I will not be privy to our debate outside this Chamber. As a Speaker, I will not allow that. Please, make your contributions.

In our Standing Orders, we have what we call relevance, and I will rule you out of order if you will be irrelevant. We are doing our third year in this Parliament for those who are doing their first terms. Others like me who are doing their second term, we are in our eighth year. Members, it is always good to observe our own rules. Let me have the Member for Turkana.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, I wish to support this Bill and thank Hon. Ichung’wah for bringing it. It is a very critical Bill. It is important to handle all disasters from a central place or institution, especially in this age where human destruction of the eco-system and other anthropogenic activities have resulted in harsh climatic variations which have also resulted in disasters. Many of the disasters, namely fires, floods, drought and even conflicts because they are resource-based, are really from climate change.

Non-Governmental Organizations and other well-wishers have really taken advantage sometimes. Even Government institutions that have been tasked with interventions on disasters have done haphazard jobs and used that as a cash-cow to get money. We have the National Drought Management Authority which is seriously underfunded. It is only handling droughts, including early warning and resultant famine and water shortage.

I hope that when we come up with this National Disaster Management Authority, it is not going to face the same hurdles the National Drought Management Authority is facing. This Bill is well structured. It is going to do awareness. It is going to undertake early warning and do research and documents to coordinate responses and even capacity-build the two levels of government, the county governments and the national Government. I am sure at the Third Reading stage we are going to introduce some amendments. Particularly, I am interested in climate change and climate-induced vulnerability being incorporated in this. Although we have a Climate Change Council in the Presidency, I think that authority will be well placed to handle some of the climate change effects. Although the definition of “disaster” is done, I think we also need to be very specific on the disasters that the Authority will handle.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): That is what we call relevance. Let me have Hon. Jared Okello.

**Hon. Jared Okelo** (Nyando, ODM): Hon. Temporary Deputy Speaker, I thank you very much for giving me this opportunity. On the same breath, I thank my brother, Hon. Kimani Ichung'wah, for coming up with the National Disaster Management Authority Bill. He understands we are very good friends and the rest is history. I have read the Bill keenly, the opening, the body and the ending. It is about mitigation and responsiveness. It is true that disasters are as old as humankind. For us who read the Bible where I derive my discipline, unlike some of us here, disasters have always been there. Read of the Noah's Ark and what orchestrated the setting up of the ark. I am only perturbed to the extent that each time there are fire outbreaks, for instance in the United States of America or Australia, you see big planes dropping water from the skies to address the calamity. In Kenya, just two weeks ago, we had a disaster at Tsavo East National Park where fires engulfed the entire park. We could literally see people holding twigs to fight fires. It took a long time for the fires to go off. So, we need better responses when it comes to the disasters that we have.

I come from Nyando Constituency, which I represent. Even now as we speak, Lake Victoria is bulging out and reclaiming its former lands. Ten of my schools are submerged in water. They are marooned. Even though schools have reopened, those 10 schools are still closed today. The mitigating interventions from the Government have not been forthcoming. So, there has been a proposal to merge those schools with others on higher grounds and students have to trek long distances to access education, which is a human right as is enshrined in our Constitution.

There has been a proposal to merge these schools with those on higher grounds and students have to trek long distances to access education, which is a human right as enshrined in our Constitution. So, I believe, this authority which is yet to be established courtesy of this Bill, will address some of these gaps we have periodically experienced within this nation.

When fires engulf places like Tsavo East, flora and fauna are subjected to destruction. This is a country that heavily rely on tourism as its number two income earner for our revenues. Therefore, that means, if this continues, then our country will have a dead tourism sector and that portend a great danger to the people of this great nation. The people who are employed in the tourism sector cannot be properly underscored. Therefore, we really need this body like yesterday, to help us address some of these issues.

Drawing a tangent from your statement, all these Members of Parliament have become disaster managers. Even roles that are meant to be played by the county governments, it is the Members of Parliament who are the first port of call during such disasters. We do not have answers because we do not have provisions for handling disasters in our Constituencies Development Fund (CDF) kitty, if that is anything to go by. So, we contend with so much and we are judged so harshly at the end of the day. I think we really need an authority which will be responsible for emerging disasters. Of course, we give *heko* to Red Cross that has done a splendid job each time there is a disaster in this country. However, this is not a Government entity, it is a private entity. So, you have a private entity coming in to rescue the citizens of this country, yet our taxes do not go to Red Cross. Therefore, just like my brother Kimani Ichung'wah has said, this Authority will adequately address the issues that bedevil the disasters in this country.

For that, I support and I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, and thank you for reading the Bible. I am sure every other Member reads the Bible or the Quran. The Hon. Member for Kilifi North, Hon. Mbaya, you have the Floor.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. My name is Baya with a ‘B’, not Mbaya which belongs to Meru. It is Baya which belongs to the Giriama.

At the outset, I want to say that disaster preparedness is very important. I want to thank Hon. Kimani Ichung’wah for this Bill. We fail mostly because we do not prepare for disasters. Disasters will come, but what about preparedness? I hope this Bill will take care of this as we move to the Committee of the whole House, where we will deeply look into preparedness. I want to say this. Last Friday, I attended a funeral in Mpeketoni in Lamu County. A young woman by the name Makamau, 14 years of age, who was the age of my daughter, had drowned in the sea. I looked at the circumstances which led to her death. When the eulogy was read, it said that an uncle, the brother to the father, also drowned at the same place sometime ago. Many other people in Lamu, have continued to drown in that area, the Amu Beach, even when the government is actually aware that this is a dangerous place. We lost a young man that everybody eulogised as a potential, but his life was lost in the sea.

If you come to my constituency in Kilifi, there is a place where every year, when freshers come to Pwani University, there will be about three people who will drown in the sea. At the place where everybody else knows is dangerous nobody in Government takes care of a disaster that is imminent. Every year people go to the sea. When you follow it up, at the county government level, they say that is not their function. The national Government also says it is also not their function. I remember at the funeral in Lamu, there was a game of ping pong between the county government of Lamu and the national Government. I hope that this Bill by Hon. Kimani Ichung’wah will prevent that. Many people get lost in the sea because we do not have this Authority.

What the people of Kilifi and the people of Lamu will require is a few officers to stand at that place or put sign posts to say: “Please do not go to this place.” They say in Kiswahili: “*Ni mlango wa bahari*”, so the water in those two places are dangerous. They want some people to be there who will dive and save lives. They want divers there, so that when they see a child having problems, they can dive in and save a life. They want some boats there to go on rescue missions. On the day when Makamau drowned in Lamu, it took an hour before a boat came from Lamu Town, which is several kilometres from that place. This is the case and yet Government authorities know that is a dangerous place, but nothing happens.

Today, our roads are a source of disaster. Recently we saw what happened in Kilifi where there was a pile up of several cars, at a place where everybody knows is a blind spot that lives are likely to be lost. Nobody is taking the cue to know that we need to prevent disasters. These are the simple things that made three lives get lost. The lives of Kenyans are getting lost on the roads.

We have had disasters in this country because buildings have collapsed. We need to ensure that we have an authority that can manage and prevent disasters. That way, we will save the lives of many Kenyans whose lives are snuffed out, not because of anything else, but because of irresponsibility and lack of structures.

I thank Hon. Ichung’wah for this Bill. As we move to the Committee of the whole House on this Bill we will ensure that Kenyans lives are spared of disasters, by ensuring that we have prepared for them and we can prevent disasters.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. At exactly 12.09 p.m, I will be calling upon the mover to reply since we will be done with the two-and-half hours as per the resolution of the House. We have 21 Members on the request list. The Member for Wajir North, Hon. Ibrahim, you have one minute.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Temporary Deputy Speaker. I was the former Regional Manager for Red Cross in Northern Kenya and I was so much involved in disaster related issues.

I want to support this Bill, but as we speak, the National Drought Management Authority (NEMA) is already doing the same function that is captured in this Bil. The only difference is that, as we are speaking, they are dealing with slow onset disasters, like drought and we only need to expand their mandate, so that they can deal with slow onset disasters like fire outbreak and all we are talking about. As we speak, they are dealing with issues of coordination of response and building capacities for staff that are involved with response. I have been in the command centres that are involved with different interventions as provided in different areas and coordination of response between two levels of Government and other non-state actors. They also provide issues of early warning that is really helping and of course monitoring and evaluation of different response by different actors.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Your time is over. Hon. Members, I know I have 19 Members who want to speak to this. Since we are the ones that have passed resolutions in this House, I cannot break the rules of the House. Let me call upon the Mover to reply.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, allow me to donate a minute each to the following Members: the Member for Laisamis, Hon. Marselino Arbelle; the Member for Marsabit County, Hon. Mwambu Mabongah; Hon. Julius Melly, and Hon. Gichimu Githinji.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, with that order, it is procedural because the debate has been concluded maturely. So, the Mover can donate part of his time. So, I start with the Member for Laisamis. One minute.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Indeed, I have sat here since morning and I do not know how it happened that my name was skipped. Nevertheless...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You have a few seconds.

**Hon. Marselino Arbelle** (Laisamis, JP): No problem. I have to give my views.

Hon. Temporary Deputy Speaker, I rise to support this Bill. Indeed, this is a very important Bill, particularly for pastoralist communities who have endured harsh climatic change. In my constituency, for instance, because we are approaching the rainy season, quite a number of animals have actually succumbed to harsh weather. Quite a number of them have died. I fail to understand...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Your one minute is over, Member for Laisamis. You do not listen to any other Member. Always be focused on the Chair. Those Members were disrupting you.

It is your turn, the Member for Marsabit. You have one minute.

**Hon. (Ms.) Sofia Sheikh** (Marsabit (CWR), JP): Thank you, Hon. Temporary Deputy Speaker.

During the dry spell, the pastoralist communities move from place to place looking for water and pastures. In the process, they experience tribal conflict, which has taken a lot of lives and livestock. If this is not addressed, it will increase the poverty levels in the county and in the country at large. It is important that as Government we prepare to manage disasters.

I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Good planning for your one minute.

Hon. Mwambu Mabongah, you are the third beneficiary. You have one minute.

**Hon. Mwambu Mabongah** (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker.

At the outset, I support this important Bill. With the global warming effects with us here, you will agree that the coastal, inland and semi-arid regions of this country are experiencing disasters. My friend, Hon. Kimani Ichung'wah, has brought this Bill at the right time. If you read this Bill, you will realise that he has captured very well the issue of medication, preparedness, recovery and the way forward that this Authority has to deal with. We will introduce some amendments to ensure that the Bill provides for a research unit as part of the proposed Authority's administrative structure up to the constituency level.

Most of the disasters that we are experiencing today are floods. In my constituency, where people have been submerged by water, we really struggle. Every morning, people call upon the Member of Parliament to ensure that they are assisted. So, if we have structures up to the level of the constituency, we will have somebody who will stand to take responsibility in times of disasters. It should not be like the Government is complimenting NGOs; the NGOs should be complimenting the Government in what it should be doing. So far, we thank the Red Cross for what they do whenever we have a disaster, but the Government should have a well-planned structure...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Julius Melly, you have one minute. Mover, be ready because you will consume the remainder of the minutes.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. I first want to commend Hon. Kimani Ichung'wah for such a brilliant Bill; a Bill that actually tries to manage disasters. Worldwide, it is known that disasters are rarely preventable. Some of them are natural. Some of the effects of disasters can be reduced by well-coordinated management. Even the Tsunamis in South East Asia and the earthquakes that happen in Europe, their effects have been so much reduced by a well-organised disaster management system. Every organisation is supposed to have a well-legislated, well-structured and well-managed disaster management system.

This Bill tries to bring the Kenyan Government and even our society into the modern way of managing disasters. It has actually roped in the county governments and the national Government and gone down to the local level. What can the local people do to manage disasters? As we speak, most schools have been submerged in water across the country...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Gichimu Githinji, you have one minute. That is the sixth Member.

**Hon. Gichimu Githinji** (Gichugu, JP): Hon. Speaker, I rise to support the Bill. I thank Hon. Kimani Ichung'wah for the good work.

This Bill comes as a reprieve to the many people of this country. Disasters have no boundaries. So, it is meant to benefit the entire country. Again, it also comes as a reprieve to the people of Gichugu, where we have some hilly areas where landslides are experienced during the rainy season. So, help will come at the right time when they require it once the National Disaster Management Authority is established.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The last one is the Member for Changamwe, who has been pronounced as a beneficiary. Mover, you will have two minutes to plan.

**Hon. Omar Mwinyi** (Changamwe, ODM): Nashukuru, Mhe. Naibu Spika wa Muda.

Jambo muhimu katika Mswada huu ni kwamba wakati mtu anapofikwa na maafa anahitaji msaada. Ikiwa atafikiwa kwa kuchelewa, itakuwa hakuna faida sana. Kwa hivyo, namshukuru sana ndugu yangu Mhe. Kimani Ichung’wah kwa sababu tuna matatizo mengi.

Saa hii, kwangu kumechomeka nyumba nne na hakuna mtu anayeangaliwa isipokuwa Mhe. Mbunge. Kwa Hivyo, hili ni jambo muhimu sana. Pengine hata moto ambao hutokea mara kwa mara kule Kariako utaweza kuzuiwa kwa sababu hali hiyo itakuwa inaangaziwa. Utafiti utakua umefanywa kubainisha ni sababu gani mambo hayo hutokea.

Vile vile, ningeomba...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, this is a House of rules and procedures. You had been given one minute each. The Mover always has 10 minutes to reply. In fact, it is like we have a shortage.

So, Mover, you have two minutes to reply.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. Let me take this opportunity to thank Members because all the speakers who have spoken to this Bill have been in support. I also take this opportunity to ask my two good friends, the Senator for Makeni, Hon. Mutula Kilonzo Jnr; and the Senator for Nairobi, Hon. Johnson Sakaja, who had a similar Bill in the Senate – that, once we pass this Bill and it goes to the Senate, they will help to push it through so that it becomes a reality within the life of this Session of both Houses.

A number of issues have been mentioned, especially issues to do with research. Hon. Jared Okelo did touch on it. A number of other Members, including Hon. Mwambu Mabongah also mentioned it. If you read Clause 5 of this Bill, you will appreciate that it provides for documentation, publishing and dissemination of all relevant disaster management data and information to all stakeholders. Therefore, there is an opportunity for this Bill, once enacted, to be used by the Authority to provide for ways and means through which research on disaster management can be done.

Hon. Temporary Deputy Speaker, many Members have spoken to the issue of coordination. More importantly, we shall be funding the proposed Authority through budgetary appropriation in this House. Therefore, the issues of accountability and proper coordination of disaster management within Government will be well taken care of.

More importantly is the question of accountability. Who is accountable and who do we hold to account whenever and wherever there is a disaster? You heard cases of Marakwet sometime last year or early this year, where even the Cabinet Secretary (CS) in charge of Interior and Coordination of National Government purported not to be able to access the areas. We will, therefore, have an Authority we can hold to account – people we can specifically hold to account for their inaction, action, or acts of commission or omission.

Let me, once again, thank Members and request our colleagues in the other House to support this Bill. My apologies to Hon. (Ms.) Haika Mizighi; I had hoped that she would get a minute, but it passed the attention of the Chair.

With those remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): It passed your attention, and it did not pass mine.

*(Hon. Daniel Wanyama stood in his place)*

Order, the tallest Member in the House, Hon. Daniel Wanyama! Can you resume your seat?

Hon. Members, having confirmed that we have the requisite numbers, I put the Question.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

#### THE LAND (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I invite the Chairperson, Hon. Simon King'ara, to move the Second Reading. He is actually the owner of the Bill. The Chairperson will speak later. She will have priority to speak to this. Give him the microphone to move the Second Reading.

**Hon. Simon King'ara** (Ruiru, JP): Thank you, Hon. Temporary Deputy Speaker.

Hon. Temporary Deputy Speaker, I beg to move that the Land (Amendment) Bill (National Assembly Bill No.54 of 2019) be now read a Second Time.

The objective of this Bill is to amend the Land Act No.6 of 2012 in order to provide that where public land has been allocated to public bodies or institutions by the National Land Commission (NLC) for a public purpose or where land has been set aside by persons or land-buying companies for a public purpose, the Registrar of Lands under the Land Registration Act, 2012 shall issue a certificate of title in the name of the public body or institution or the relevant ministry, as the case may be.

As it is presently, public land and land set aside for public purpose by land-buying companies continues to be grabbed by private persons primarily because there exists no certificate of title issued in respect to such land. This Bill, therefore, seeks to provide for registration of public land. The Bill does not delegate legislative powers neither does it limit fundamental rights and freedoms. It is also important to note that the enactment of this Bill shall not encroach on additional expenditure of public land.

The National Land Policy, 2009 and the 2010 Constitution specified that land in Kenya be designated as public land, private land and community land. It is such land that is proposed to be vested in the national Government in trust for the people of Kenya and administered on their behalf by the National Land Commission. The principle behind public land is that it is held in trust for the people by the Government. Public land is, therefore, to be used for the benefit of the citizens of the country to serve their public interests.

Infrastructure investment such as roads, railways, schools, sewage and water treatment plants serve a public purpose. Therefore, there should be ready supply of public land on which to construct such projects particularly in urban areas where the need is great. The projection of urbanisation stands at 50 per cent by 2030. The question is: Will there be enough land to accommodate this 50 per cent coming from the rural areas towards urban settlements? Therefore, this amendment seeks to ensure that all public land is established and registered accordingly.

Hon. Temporary Deputy Speaker, in Kenya today, public land is not readily available mainly due to self and optimal public land management in the past. Poor public land management practice in the past have resulted in a situation in which much of the stock of public land has been left to individual use.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Hon. Member for Ruiru, please do not look like you are reading. I know you are referring, but at least...

**Hon. Simon King'ara** (Ruiru, JP): I am just referring. It is too big to read.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Again, we do not read.

**Hon. Simon King'ara** (Ruiru, JP): Hon. Temporary Deputy Speaker, as I continue, the Government has an obligation to secure the land for public use.

However, if that land is not secured with a document, that will be in vain. If you look at what is happening today, the Kenyan law allows the Government to exercise power to get land from private owners through acquisition. Unfortunately, if land is acquired by the Government, then the same land is not locked and the Government takes too long to do the intended project, eventually the same land will be grabbed. You will find that the same Government now goes back and maybe repossesses and buys the same land.

I will give an example with what happened with the Ruaraka School land. If you look at the history, you will find that the Government had acquired that land long ago. Even if the school was constructed, the same land was not locked. So, far much later, other people came and produced documents and demanded the Government to pay for the same land it had acquired. That notwithstanding, I will take another scenario of Mwihoko Primary School in Ruiru, where I come from.

In 1970s, the land was measuring 74 acres, but now as I stand as the area Member of Parliament, the same land measures 24 acres – and remember it is not yet locked. Imagine what will happen tomorrow. However, if the same land was locked at the beginning, you will find that we will secure enough land for public utilities.

I want to quote the Handbook for Public School Land Defender done by the National Assembly 2020: *Shule Yangu Alliance Campaign*. In this legitimate document that was done in November 2019, it recorded that 32, 354 operating public schools are set. Unfortunately, only 30 per cent of the same schools have land documents or title deeds. The same book records that 4,100 schools have formally reported being at risk of being grabbed; you can imagine what we are talking about. How many pupils are accommodated by these pieces of land? It does not augur well to our economy.

I will cite a scenario when there were demolitions in Ruai and Kariobangi, where 1, 500 and 5,000 people respectively were left homeless the other day. This was public land and someone sold it to them unknowingly. Now, the Government wants to develop the same land and now they have to lose it. The list is long. You can remember what happened to the Nakumatt building in Ukay Centre which was on riparian land where over Ksh125 million was lost. If that land had been secured from the first day, the loss would not have been experienced by these people.

Hon. Temporary Deputy Speaker, when land buying companies buy land, they are supposed to set aside 10 per cent for public utilities. Let me give another case. Tatu City which is a residential city and industrial park stands on 15,000 acres of land. Assume they are supposed to set aside 1,500 acres for public utilities. If that land is not locked, they will start eating into the public land.

This Bill will ensure that whatever that is set aside as public land is locked from the first day, so that it remains locked until its demand or usage is realised.

I urge Hon. Members in this House, including the Senate, to support this Bill so that we are able to lock our land and continue putting public utilities where they belong and grow our country.

With that much, I request the Chair of Departmental Committee on Lands (Dr.).....

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You have not moved it. Give him the microphone so that he can officially move it, as a matter of procedure. I add you one more minute. Wait for the microphone because what you say has to go to the *Hansard*.

**Hon. Simon King'ara** (Ruiru, JP): Thank you, Hon. Temporary Deputy Speaker. We learn every day.

Hon. Temporary Deputy Speaker, I beg to move that the Land (Amendment) Bill (National Assembly Bill No.54 of 2019) be read a Second Time. I request Hon. (Dr.) Nyamai to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Nyamai seconding.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Temporary Deputy Speaker, I beg to second the Second Reading of the Land (Amendment) Bill (National Assembly Bill No.54 of 2019).

First of all, I would like to thank Hon. King'ara for coming up with this Bill and speaking about it this morning as he moved. I would also like to thank Members of the Departmental Committee on Lands for putting up enough time to look at it and tabling the Report within the right timelines. I am seconding the Bill on behalf of the Committee.

Hon. Temporary Deputy Speaker, allow me to start by saying that the Land (Amendment) Bill of 2019 is a very important piece of legislation as it seeks to deal with the menace of rampant land grabbing in this country, as it has been said by the Mover. I am glad that the Bill seeks to address this by ensuring that all public land is registered and title deeds issued to the relevant authorities.

Presently, most of the public land occupied by public utilities remains untitled. This leaves the pieces of land open to grabbing in various parts of the country. As a Committee, we had a chance to look at the Bill together with Hon. King'ara, when he was a Member of the Departmental Committee on Lands. We looked at it clause by clause and found that it is an important piece of legislation and unanimously agreed to stand with him as our Member. That is what we are doing today, even though he moved out of this Committee.

This Bill does not just focus on public land which is allocated by the National Land Commission, but also extends to lands set aside for public purpose by land buying companies. So, it goes beyond public land to deal with matters to do with land buying companies.

The 10 per cent which is usually set aside for public amenities has also been subjected to grabbing. The Hon. Member has given an example of Ruaraka land and many other pieces of land that we have seen Government getting involved in by moving people out. If the pieces of land had been registered and title deeds given to the public utilities, maybe the registered parastatals that own these pieces of land would not have had problems. It means that what we see today where communities and public being moved out of these places would not be happening. This explains why public amenities are slowly disappearing, it is because such lands are being grabbed by private persons. I am glad that this will focus on this as well.

As we looked at this Bill, as a Committee, we noted a few areas of the Bill which will need a little checking. I am sure when the Bill comes to the Committee of the whole House, we will be together with Hon. King'ara and we will raise some amendments that will improve this Bill. I am going to highlight a few of these. First, there is need to expressly state in this Bill who has the honour of applying for registration of public land which, of course, should be a public body. This will give it clarity.

Secondly, there is also the need to align this Bill with current laws. When you look at it, it mentions the Physical Planning Act, but through this House, we have moved from the Physical

Planning Act, and now we have the Physical and Land Use Planning Act, 2019. This is occasioned by the fact that this Bill was brought by Hon. King'ara in 2019, which is also within the same year that we got the Physical and Land Use Planning Act. In this regard, there is need to align the current Bill to the new Act

Thirdly, there is also the need to specify whose name the title of public land will be issued on. In the case of incorporated public entity, the certificate of title should be issued to that particular entity. On the other hand, in the case of unincorporated public entity, the Cabinet Secretary (CS), the National Treasury, then becomes the trustee. In the case of the county governments...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You have already seconded and you are on record. Members, we will not break our own rules. You said that you were seconding at the beginning.

Members, with the Bill having been moved and seconded, procedurally, I will move to propose the Question.

*(An Hon. Member walked along the gangway when the Temporary Deputy Speaker was on her feet)*

No, no, no! You do not do that. You should rather remain there.

*(Question proposed)*

I will give the first chance to the Member for Funyula, Hon. (Dr.) Oundo Ojiambo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the first opportunity after the Mover and the Secunder to contribute on this amendment Bill.

The issues of land have remained emotive and will remain emotive for many years to come because land is the only reservoir for wealth that many Kenyans know. Indeed, after the inauguration of the new Constitution, we moved ahead to consolidate the various Acts of Parliament relating to land matters into one or two that were necessary following the Ndung'u and Njonjo-led Commissions Reports and other reports relating to land matters before then.

I must take this opportunity to thank the Mover or the proposer of the Bill, Hon. King'ara, for bringing these amendments. I will quickly mention two or three amendments that have been proposed here. I am glad that the Chairperson of the Departmental Committee on Lands has pointed out some of the issues. First, the issue of grabbing of public land is essentially a case of failed management, due diligence and action by the relevant parties. The Land Registration Act, No. 3 of 2012 does not, in any way, bar or refuse to register public lands. Failure to register a public land is essentially a failure of the managers in charge of public lands. Indeed, the amendments simply means that we are telling the administrators in charge to do their jobs. We did not need to get to this level because it is obvious that once you have a parcel of land, it is incumbent upon you to have it registered.

Many of us Members of Parliament (MPs) are struggling with many of our schools. Since Independence and since their establishment, they have not had titles. Disputes concerning land boundaries are common all over. Historical claims are common all over. We hope these amendments will compel or move the National Land Commission to expeditiously put in place mechanisms to have all public land surveyed, demarcated and registered for purposes of preserving the same.

If you closely look at Clause 3 (14) and (15), they are a mere duplication. I thought the Mover would be listening, but fortunately the Chair is listening. They are mere duplications. They are a duplication in the sense that the ultimate end game of a registration process is to issue a title or a certificate of title. So they are essentially a duplication.

I hope and imagine that the Bill was drafted before we passed the Land Use and Physical Planning Act of 2019. We request that the Mover or the Committee move with speed to align the same with the new legislative framework, instead of referring to the Physical Planning Act of 1996 that has long been repealed.

Finally, Clause 3 (16) seems to be fairly vague. It is vague and unclear because, ultimately, the process is very clear that the issuance of a title is the ultimate end game. The Registrar of Titles does not approve subdivision schemes. That is the responsibility of the Director of Survey. The registrar cannot issue a title where there is no physical asset. So, we hope we will make amendments to clarify the same at the Committee of the whole House stage.

With those remarks, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. The Member for Kikuyu, Hon. Ichung’wah. Is it Ichungwa or Ichung’wah? It is Ichung’wah. It is very difficult to pronounce but....

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. I hear the Member for Changamwe saying “*machungwa* and ODM” and he knows clearly that I have no relationship with that party. It is Ichung’wah. There is “ng’wah”, not “ngwa”.

Let me rise to support this Bill by the Member for Ruiru, Hon. Simon King’ara. It is a very important Bill as the Mover has said and has also been said by the Seconder and Hon. Oundo, who has also spoken to it. Public land ideally ought to be vested in the hands of either... it is the last point the Chair of the Departmental Committee on Lands was going to make. It should be vested either in the county governments or the former municipal authorities or in the hands of the Principal Secretary (PS) for the National Treasury. It is astounding that over the years a lot of public land has been lost because the land has not been titled and vested in either the former municipal councils or the county governments as it is today, or with the Principal Secretary (PS) for the National Treasury.

The Mover has clearly articulated the issue of the Ruaraka Land Scandal. I do not know why we call it a scandal. It was outright theft of public land. It is also shocking today that thieves stole public land and forced Government to lose over Kshs1.8 billion before the Budget and Appropriations Committee stopped the further theft. I was the Chair then, so I speak with authority because I stopped on the Floor of this House a further payment of Kshs1.5 billion shillings which had already been paid and those issues are under investigations.

I take this opportunity to ask the Ethics and Anti-Corruption Commission (EACC)... They know the thieves, they know who was paid. They had the audit trail of the money that was paid. They know the land that was bought by a Cabinet Secretary in Kiserian using money that came from... They have been taking us round in circles for almost three years now purporting to be investigating what is otherwise common sense. The Mover of the Bill has said that it was clear that original owners of that land had been compensated. It was not just the school because even the General Service Unit land that had been taken for the construction of the Outer Ring intersection with the Thika Superhighway, had been compensated. This kind of theft can only be stemmed if we have a law that obligates Government to title land and it is vested either in the county governments or in the hands of the Principal Secretary, National Treasury. This is necessary

because if people want to take public land, they will be able establish that this is public land through a normal search.

In Makueni, where you come from, you will remember what happened during the construction of the Standard Gauge Railway (SGR) - a lot of land was acquired. The Kenya Railways Corporation already had land along the existing corridor from Mombasa to Nairobi but we spent billions to acquire new land from land owners. You will be shocked that this land is yet to be vested to the Kenya Railways Corporation or the Principal Secretary, National Treasury, and therefore, if we want to do another public project in future, you may find the same owners being compensated again.

That is the same case with our roads. With the road corridors being constructed now, the Government goes acquiring land and it is never expropriated from the original titles and once the roads have been constructed, the land owners engage other third parties and sell part of what had already been compensated. As an innocent buyer, you end up buying a land on the frontline next to the highway not knowing that it is already public land. The land should be vested in Government and titles issued to ensure that innocent buyers are not hoodwinked by unscrupulous people or former land owners. These cases are not just rampant in roads but also in public schools. It is also common where we subdivide land.

The Member has mentioned Tatu City in Ruiru and Northlands City in Kiambu. How much land has Tatu City and Northlands City given to the Government as public land, and whose hand is this land vested in? We must ensure that the law is followed to the letter without regard as to who are the developers of these cities. It is the law and it is blind to whoever owns these cities and they must be vested in the hands of the public for public use. If we do not do that, we will find these lands reverting back to the original owners and resold yet they are meant to establish schools, hospitals and other public utilities.

As I conclude, as land is sub-divided and you must expand roads, those roads that were six meters ought to be expanded by 1.5 meters on either side to create a nine-meter corridor. That is not happening and I want to ask the Chair of the Departmental Committee on Lands to ensure that it is done as we move to the Third Reading.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Ichung'wah. You are welcome to discuss with the Chair and the owner of the Bill before we move to Third Reading.

Member for Taita Taveta, Hon. Mizighi Munene, you have the Floor.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this important Bill. I want to support the Bill. It is an important Bill to the entire country, especially the Coast Region and Taita Taveta. We have many cases of historical land injustices and disputes in the entire country, especially Taita Taveta. I want to state that this is a wake-up call and as we continue to discuss this Bill, I hope the amendments will go through so as to help us in solving these disputes and historical injustices.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. The Member for Seme, the Hon. Nyikal Wambura.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to discuss this Bill. Let me start by congratulating the Mover of the Bill. This is a small but important Bill that seeks to protect land that belongs to public institutions from grabbing, encroachment and retrieval. I like where the Bill insists that, where land has been bought by public companies, cooperatives and SACCOs and divided and allocated to individuals,

the pieces that are allocated for public utilities must get their titles before others get theirs. What has happened is that when public lands are given to public institutions, they have no titles, boundaries and land beacons. They are, therefore, prone to being reallocated and being leased even when the public institutions own them. We have many examples where public schools are allocated land, leases are given and sold out, then people attempt to acquire those lands and move out the children from those schools. So, this Bill is important.

In situations where people have given out land to schools and later on the title of that land is not given in the name of the school or is in the custody of the PS Treasury, they or their children turn around and say that was their land. They start claiming and encroaching on it. You will find problems in institutions involved in such. This Bill will ensure that title of lands belonging to public institutions are in the name of the institutions. That is what the Chair of the Departmental Committee on Lands was saying. That, we amend the Bill so that the titles are in the names of public institutions. That way, nobody will come and claim it, be it a public officer, a lands officer or a persons who gave out the land with good intentions, but later changed their mind or their relatives changed their minds. What has been happening is that these institutions have been having these lands, learning has been going on, but nobody has been bothered with lack of titles.

We should have a provision in this Bill that tasks certain officers with the responsibility of ensuring that the land that the institution they are running sits on has a title deed that is secure. If we do that, all the problems we have with schools, public hospitals and mortuaries will be avoided. I have heard stories where people tried to grab mortuaries by removing dead bodies so that they can develop the land.

With those reasons, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Muchira Mwangi.

**Hon. Michael Muchira** (Ol Jorok, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to support the Land (Amendment) Bill, 2019, sponsored by Hon. King'ara. The issue of public land management has been problematic for a long time. That is why Article 62 of the Kenyan Constitution 2010, stipulates how to manage public land. During subdivision of land, there is always a provision for public land, but I do not know what happens after this provision. Later on, these lands are always grabbed.

This amendment will be handy to ensure that we secure the public land because public land is an important landmark for future development. We find ourselves in a situation where we want to build a school in our constituencies, but find the area that was set aside for construction of schools has been grabbed. You end up looking for land to buy and build schools and in most instances, it is difficult to get land.

When you get land, you find it is quite expensive to purchase and this leads to loss of taxpayers' money, like it happened in Ruaraka land. It is important to note that during demarcation of land, once the land is demarcated we should ensure that the registrar- as the Bill is stipulating- not only registers that land, but we also secure it to ensure that there is no invasion either by squatters or land grabbers. We already have public land in our community like where schools stand, which is not registered. We need to start by registering those. We need to ensure that all public land has titles so that we avoid this land grabbing.

Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well and thank you for using your time well. The Member for Kilifi North, Hon. Baya.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to support the Bill. This is a Bill that passed through my committee, the Departmental

Committee on Lands. I want to thank the Chair and the Mover for what they said. However, one of the things that happens is that sometimes the Government buys land...

I have a case in my constituency at a place called Watamu Plot No. 28 where the Government bought land to settle people. This land was not registered and so no title was issued. So, a private developer went to the Ministry of Lands and Physical Planning and changed the land ownership and removed the caveats that were placed by the Government and started owning the land. He went back and told the people of Watamu that they needed to move out of that land. These people have never known any other method of earning a living apart from fishing. Moreover, they are next to the beach. Now you want to move them and settle them in the hinterland. The Bajuni Community that is known for fishing is now being told that they need to move and go into farms. The Government was generous enough to understand the economic activity of these people and therefore bought the land. Now this land is gone. Why? This is because there was no vesting of this land to the local people. Therefore, it is very important as Hon. Ichung'wah said, that land needs to be vested, but to who? Is it to the county government or to the National Treasury so that we know who owns the land on behalf of a registered group?

We have a catastrophe in Watamu because a whole heritage of people called Bajuni must be removed from their land because a private developer took advantage of that inaction by the Government and now the land is gone. You even have land which the Government bought to construct a dispensary in the same area, but someone has now gone to court to say, 'bring down the dispensary.' We have landing sites which are actually public land and public beaches in my constituency, yet today people are saying, 'bring down the dispensary in Watamu or doctor's house in Watamu' because someone else has taken that land. We have what we call the Red Brick House Beach in Kilifi, Mnarani. Today, a private developer has acquired a title deed for the same. Why? Because the land was declared a public beach, but today someone has a title on the same. They are saying people should not step on it; you are trespassing on what used to be public land because of lack of vesting. Therefore, this law is handy. I just hope the Government now will do something in retrospect. Those people who have grabbed public land must that...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Baya, you will have two minutes to speak to the Land (Amendment) Bill (National Assembly) Bill (No.54 of 2019) when the House resumes. Hon. Members, we have a balance of one hour and 52 minutes to debate the same. I want to appreciate the Members who were here earlier and the ones who have requested to speak to the Bill. Guided by our own Standing Orders, it is time to adjourn the House.

## ADJOURNMENT

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

The House rose at 1.01 p.m.