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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 5th July 2023

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Serjeant-at-Arms, we do not have quorum. Can you ring the Quorum Bell?

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum to transact business.

PAPERS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Notification on Price Stability Target and the Economic Policy of the Government for the Financial Year 2023/2024 Budget from the National Treasury and Economic Planning.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022, and the certificates therein:
 - (a) Nairobi Metropolitan Area Transport Authority;
 - (b) National Water Harvesting and Storage Authority;
 - (c) Kinango Technical and Vocational College;
 - (d) Mabera Technical and Vocational College;
 - (e) Rangwe Technical and Vocational College;
 - (f) Ikutha Technical and Vocational College;
 - (g) Kiptaragon Technical and Vocational College;
 - (h) Kapcherop Technical and Vocational College;
 - (i) Bomet Central Technical and Vocational College;
 - (j) Bomet University College;
 - (k) Baringo Technical College;
 - (l) Friends University College, Kaimosi;
 - (m) Maseno University;
 - (n) Maasai Mara University;
 - (o) Narok West Technical Training Institute;
 - (p) Mandera Technical Training Institute;
 - (q) St. Joseph's Technical Training Institute for the Deaf, Nyang'oma;
 - (r) Siaya Institute of Technology;
 - (s) Kisumu National Polytechnic;
 - (t) Agro Chemical and Food Company Limited;
 - (u) Kenya National Shipping Line Limited;
 - (v) Road Maintenance Levy Fund - Kenya National Highways Authority;

- (w) Road Maintenance Levy Fund - Kenya Wildlife Service;
- (x) Lake Victoria South Water Works Development Agency;
- (y) Water Services Regulatory Board; and,
- (z) Kenya School of Government.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Leader of the Majority Party. Chairperson of Select Committee on Regional Integration, Hon. Wanjiku.

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on Regional Integration on its Inspection of various One-Stop Border Posts in the Northern Corridor in the East African Community Region.

Thank you, Hon. Speaker

Hon. Speaker: Next is the Chairperson of the Committee on Delegated Legislation. Where is Hon. Chepkong'a? Any Member of that Committee who has any brief? Is there a Member? Do you have a brief? Are you soliciting for the brief?

(Hon. Julius Sunkuli spoke off-record)

Do you have the Paper to be laid? Hon. Sunkuli, go ahead.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Electronic, Internet and Digital Market Place Supply) Regulations, 202, Legal Notice No. 29 of 2023.

Thank you very much.

Hon. Speaker: Thank you, Hon. Julius Sunkuli. Next Order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON INSPECTION OF VARIOUS ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Regional Integration on its inspection of various one-stop border posts in the Northern Corridor in the East African Region, laid on the Table of the House on Wednesday, 5th July 2023.

Hon. Speaker: Thank you Wanjiku.
Hon. Sunkuli.

ADOPTION OF REPORT ON VALUE ADDED TAX (ELECTRONIC INTERNET AND DIGITAL MARKET PLACE SUPPLY) REGULATIONS 2023

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Electronic Internet and Digital Market Place Supply) Regulations 2023, published as Legal Notice No.

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29 of 2023, laid on the Table of this House on Wednesday, 5th July 2023 and, pursuant to the provisions of Section 24(1) of the Universities Act, 2012, approves the Value Added Tax (Electronic, Internet and Digital Market Place Supply) Regulations, 2023 published as Legal Notice No. 29 of 2023.

Hon. Speaker: Hon. Members before we go to Order No. 7, allow me to call out Orders No. 8 and 9 so that we can dispose of them. They are just putting questions.

MOTIONS

RATIFICATION OF BAMAKO CONVENTION

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the Bamako Convention on the Ban of the Importation into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa, laid on the Table of the House on Thursday, 4th May 2023, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the Bamako Convention on the Ban of the Importation into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa.

(Moved by Hon. David Gikaria on 4.7.2023)

(Debate concluded on 4.7.2023 – Afternoon Sitting)

(Question put and agreed to)

Hon. Speaker: Next Order.

RATIFICATION OF THE MINAMATA CONVENTION ON MERCURY

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the Ratification of the Minamata Convention on Mercury, laid on the Table of the House on Wednesday, 21st June 2023 and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the Minamata Convention on Mercury.

(Moved by Hon. David Gikaria on 4.7.2023)

(Debate concluded on 4.7.2023 – Afternoon Sitting)

(Question put and agreed to)

Hon. Speaker: We will now go back to Order No. 7. Leader of the Majority Party, today we are supposed to have Questions directed to the Ministries of Lands, Public Works and Housing, Labour and Social Protection and the Ministry of Water, Sanitation and Irrigation.

Before we start, Leader of the Majority Party, I see a letter here from the Ministry of Labour and Social Protection very casually stating that the Cabinet Secretary is on official

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engagement outside Nairobi County (whatever that means). You are the one who coordinates that. Can I hear from you?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. It is true that we had scheduled those Cabinet Secretaries as I communicated in the usual Thursday Statement last week. The Cabinet Secretary for Labour is among the Cabinet Secretaries who were to appear this afternoon. We also resolved the same in the House Business Committee yesterday and we expected her. It is important for the House to note that we have rescheduled the appearance of Cabinet Secretaries through the House Business Committee twice in the last two weeks because of the urgency of the finance-related Bills – the Finance Bill, the Appropriation Act, the Supplementary Appropriation Act and all the other business that we had in the last two weeks.

Therefore, the Cabinet Secretary for Labour, the Cabinet Secretary for Lands and Housing were scheduled to appear three weeks ago. Twice, we rescheduled them and communicated the same to the Ministries and the Cabinet Secretaries. I have also been copied the letter that is in your hands and I agree with you that it is not only discourteous, but it is full of contempt for the House.

The letter says: “Reference is made to the letter from the Clerk referenced above, dated 27th June inviting me to respond to the above questions. I wish to notify you that I will not be able to appear for the plenary session as scheduled because of an official engagement outside Nairobi County. The purpose of this letter is, therefore, to request for rescheduling of the session to next Wednesday 12th July 2023 at a time that is convenient to the Members and forward written responses to be presented during the plenary session.”

Hon. Speaker, as you have said, this letter is not only casual, but very contemptuous to the House. It must be made clear to all our Cabinet Secretaries that they do not appear before the National Assembly or Parliament as a favour to anybody. They appear before these elected representatives of the people to be accountable to the people of Kenya.

(Applause)

Allow me to begin by apologising to the Member for Konoin Constituency, Hon. Brighton Yegon; the Member for Yatta, Hon. Basil; the Member for Kiambu, Hon. Machua Waithaka; the Member for Kirinyaga who came very early and sat behind me, Hon. Jane Maina and Hon. Joyce Kamene, Member for Machakos County, all of whom have Questions lined up for the Cabinet Secretary for Labour and Social Protection, Hon. Florence Bore.

It is just discourteous for a Cabinet Secretary to write such a casual letter and note on Friday. She must be following these proceedings. Being a former Member of this House, she must know that on Thursday there is the Statement from the House Business Committee that schedules business for the following week. She did not write this letter on Friday but today. That is why I say it is not just discourteous, but contempt for the House. We must make it clear, as a House, that we shall not allow any Cabinet Secretary to take us for a ride.

Hon. Members: Yes!

Hon. Kimani Ichung'wah (Kikuyu, UDA): However powerful or mighty you may perceive yourself to be, you must not deal with the people's representatives and the institution of Parliament with contempt. We will do whatever it takes.

Hon. Speaker, all Members of the Cabinet know what it can take to protect the constitutional mandate of this House.

(Applause)

Looking at the Questions that the Members have raised, they are about issues of grave concern to the people of Kenya for the Cabinet Secretary to write a letter to say that she is engaged in official business, which she does not even define. Let me disclose that I have just spoken to her on phone.

Hon. Speaker: Yes.

Hon. Kimani Ichung'wah (Kikuyu, UDA): She was telling me that she was going to inaugurate the Board of the National Industrial Training Authority (NITA), something that she can reschedule within her own Ministry. The House sittings cannot be rescheduled to suite the whims of Cabinet Secretaries. We will not allow that.

Hon. Speaker: Yes.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, none other than President William Ruto has made it clear in public – and I am certain even in Cabinet meetings – that the business of the House takes precedence over any other business. That is the tradition of Parliament. When you are a Cabinet Secretary and you are invited to Parliament, you should know that the business of Parliament takes precedence over any other official engagement, including the inauguration of the Board of NITA or attending funerals or weddings. Whether you are in Mombasa, we do not care. Come and attend to the concerns of the people.

Hon. Speaker, we must make it clear to those Cabinet Secretaries. As the Leader of Majority Party, I will never stand here to defend a Cabinet Secretary or, indeed, any member of Government who is contemptuous to the House and to the people of Kenya. The President himself has even committed that he shall never hold a Cabinet meeting on a Wednesday afternoon because he wants Cabinet Secretaries to appear before the House. Not for us to come and admire them, but for them to come and be accountable to the people. The President has every intent on ensuring that his Cabinet and his administration is accountable to the people.

Hon. Speaker, the Minister told me - when I called her - that she can appear here at 7.00 p.m. I told her that it is not her business to reschedule our programme and decide when to appear. I was categorical that it is the business of the House to summon her when the people of Kenya want to summon you.

Hon. Speaker, I said I must say this because Hon. Florence Bore goes to the record of this House as the first Cabinet Secretary to fail to appear before the House. It is not a good record, but it must go on record. She is the first Cabinet Secretary in the history of the 13th Parliament to contemptuously fail to appear before the House. This is a behaviour that we must not tolerate so that it serves as a warning to others. As they used to say in *Vioja Mahakamani*: '*Kwa wengine waliyo na nia kama yake*'... So, for the others who may have such intents, notice is served. I say notice is served from none other than the Leader of the Majority Party, who has that responsibility of ensuring that we schedule them and they appear. They must appear.

Hon. Speaker: Thank you.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, allow me to just note that she had requested that if the House will still be sitting by 7,00 p.m., we can wait for her to catch a flight from the NITA meeting, but I told her that, that is not for me to decide. It is for the House.

Thank you.

Hon. Speaker: Thank you, Leader of the Majority Party. Question Time is limited to the first three hours of our Sitting from 3.00 p.m. to 6.00 p.m.

Secondly, you are right. In her letter, she says she wants to appear on Wednesday, 12th July. No Cabinet Secretary appears in this House on their choosing. They come on the scheduled time of the House.

(Applause)

Please, communicate with the Cabinet Secretaries because you are the one who is the link between them and the National Assembly. Tell them that the House takes a very dimmed view of any Cabinet Secretary who does not come to the House. Under the Constitution, they are accountable to this House, on behalf of the people of Kenya.

Thank you. I will only allow the Leader of the Minority Party, if he has anything to say.

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Wanjala. What is your point of order?

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, first of all, I want to thank the Leader of Majority Party for the issues he has raised against that very Cabinet Secretary. That is the same one who sent police officers to frog-march a Member of Parliament when she had grabbed a house belonging to him even before she paid for the House. She has no respect for elected leaders.

Hon. Speaker: That is extraneous, Wanjala.

(Laughter)

Hon. Raphael Wanjala (Budalangi, ODM): She is very arrogant. She has no respect for elected leaders. It is this House that vetted her. We are senior than her. It must be on record that we, as Members of Parliament, will be moving a Motion to impeach her.

Thank you, Hon. Speaker.

Hon. Speaker: I will only give a chance to the Leader of the Minority Party and then we move to the next Order.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I came in when the Leader of Majority Party was on his feet regarding this matter. Ordinarily, I would not delve into matters of Cabinet Secretaries and their engagement with this House but, on this one, I want to adopt in totality the sentiments that have been expressed by Hon. Ichung'wah.

Additionally, there is something that seems to happen to people once they go to the Executive. There are people in the Executive who were previously in this House, like this particular Hon. lady. Once they cross to the Executive, they acquire some bigger than life status and they think that they can load it over everyone.

Hon. Speaker, as a matter of principle, this is the organ of Government that oversees the other organs of Government. We oversee the Executive and the Judiciary in terms of their budgets. We also oversee the independent commissions. So, this message must go out very clearly and loudly so that regardless of who you are – especially if you happen to sit in the Cabinet – you understand that apart from being answerable to the appointing authority, you are squarely answerable to this House. If this House invites you, everything else can wait. In fact, everything else must wait and you run here to address the issues over which you have been invited.

Hon. Speaker, I have heard a lot of complaints from Members regarding that particular Cabinet Secretary about how contemptuous she continues to treat not only Members of Parliament, but also the institution of Parliament as a whole. This is something that cannot be continued, especially in the face of the Constitution of Kenya, 2010, which bestows on this House enormous responsibility.

Hon. Speaker, if this House wants to protect its integrity and credibility, and safeguard its independence and authority, it must use one such case as an example.

(Applause)

If we need to take the boldest step and indict this Cabinet Secretary once and for all, I will be more than happy, Hon. Ichung'wah, to second you. Those kinds of persons and

characters are many. Fortunately, I do not engage with them but my Members do. The reports that I am getting is that there is a number of them who are behaving in a similar manner.

We want to remind them wherever they are, that you cannot wield more power than the people elected by Kenyans, sent to this House to represent them and address the issues of concern to the whole country. You could be sitting in State House or in your Cabinet Secretary's offices, but you must understand that this House has got authority over you.

I want to really plead with them. On the face of it, this letter is really insulting. It is dated 5th July 2023, which is today. I am told that this is the day she was required to be here because I do not take much interest. If you got a letter inviting you to Parliament for whatever reason, be it to the Committee, Committee of the whole House or the House for whatever reason three weeks in advance, you cannot wait until the last minute and then write to Parliament that you are engaged in some nebulous activity in some dingy places and hence you will not make it. You cannot do that.

As I conclude, I will be inviting my colleagues, especially the ones on this side of the House, to move a Motion of impeachment against the said Cabinet Secretary. They should not only wait for Hon. Kimani Ichung'wah, the Leader of the Majority Party, to initiate the process of sending this Cabinet Secretary home. You will get my fullest support.

Thank you.

Hon. Speaker: Thank you. I will not escalate that debate. Wherever the Cabinet Secretary is, she has heard your sentiments

Order, Members. The Cabinet Secretary has heard very strong sentiments from the leadership of the House.

(Loud consultations)

Order, Hon. Members. Order. Hon. Kimani Ichung'wah, just remind the Cabinet Secretary of her responsibility under Article 153 of the Constitution. Order!

We will now have the Cabinet Secretary for Water, Sanitation and Irrigation, Ms. Alice Wahome, who is in the House.

(Applause)

Hon. Members, I want to thank the Leaders of the Majority Party and the Minority Party. This House is the centre of the people's will. Under Article 153 of the Constitution, Cabinet Secretaries are accountable to the House and the words of the Constitution say: "Whenever required, shall attend to the House." The Constitution does not say "may attend" or "will attend."

Hon. Kimani Ichung'wah, you are showing a good example as the Leader of the Majority Party, together with Hon. Wandayi, the Leader of the Minority Party. Kindly, inform the Cabinet Secretary and all the others that none of them comes to the House at their choosing. They come to the House when there is material for them to come and attend to. It is contemptable for a Cabinet Secretary to write a letter to say that he or she is not coming today but next week. She does not know what is there next Wednesday.

Let us now have the Cabinet Secretary for Water, Sanitation and Irrigation, Ms. Alice Wahome. We have about four Questions for you. I want you to compose your answers. I should be done with you in an hour.

The Questions must be asked first. The Member for Alego Usonga, Hon. Samuel Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker.

Hon. Speaker: Hon. Atandi, hold your horses. We have evolved. We will now allow the Hon. Member to ask the Question. He will also have the second bite on a supplementary question. Thereafter, I will allow one joy-rider Member to ask a supplementary question and, if there is sufficient reason, I can give a second Member to also ask another supplementary question.

Hon. Samuel Atandi, you may ask your Question.

QUESTIONS AND STATEMENTS

QPN 7/2023

STEPS TO RESOLVE THE ISSUE OF COLLAPSING DYKES AROUND LAKE KANYABOLI

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question. Could the Cabinet Secretary:

- (a) explain the steps in place to resolve the issue of collapsing dykes around Lake Kanyaboli, which caused floods in the area that displaced people and destroyed property in Alego Usonga and Budalang'i constituencies in May 2023?
- (b) state the measures being pursued by the Government to conserve the lake in view of the fact that it is on the verge of extinction despite being a source of tourism revenue for both the national and county governments of Siaya on account of its unique species of fish, and its support to aquaculture and other associated human economic activities?
- (c) indicate the timelines within which the affected victims, whose properties were destroyed and who have been rendered homeless by the calamity will receive their compensation?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Atandi. The Cabinet Secretary, Ms. Alice Wahome, you may proceed to answer.

The Cabinet Secretary for Water, Sanitation and Irrigation (Ms. Alice Wahome): Thank you, Hon. Speaker. I hope the mood is good. May I take this opportunity to thank the Hon. Members who have forwarded these Questions. I will make my response to the Hon. Member who has raised this Question, the Member for Alego Usonga, Hon. Samuel Atandi.

The first part of the Question was to explain the steps in place to resolve the issue of collapsing dykes around Lake Kanyaboli. I wish to state that floods control across the country is being implemented by the National Water Harvesting and Storage Authority. The purpose is to bring the effects of flooding to manageable levels by implementing projects that will reduce the perennial flooding problem.

Going to the Question that he raised, Lake Kanyaboli is an oxbow lake that is found along River Yala. The River disconnected its course during the meandering stage thus forming the lake.

In 1968, the Government of Kenya, in collaboration with the Netherlands, constructed the retention dyke to reclaim Yala Swamp for agricultural purposes. The dyke prevents water from the lake entering into the reclaimed land.

Over the years, the stability of the dyke has deteriorated. When the course to the lake get blocked, water gets its alternative route hence the breaking of the dykes and submerging of the farms, hence destroying properties along the way and displacing people.

The Ministry, through the National Water Harvesting and Storage Authority has put in place the following measures:

The Authority has resurveyed the old dyke to ensure that the narrow areas are expanded so that a large volume of water is contained within its course. The collapsed and/or bridged or broken section of the dyke will be re-designed and constructed afresh to meet the functional integrity of the dyke. We are also going to do dredging of the river channel. Due to continuous silting, the river channel has also been affected. We will work on that to allow better flow and better depth of the river.

In areas where water escapes through submerged farms, the Authority will survey, design and construct new dykes. Those measures will regulate the flow of water downstream and protect the people from the effects of floods. The budget we have come up with is Ksh200 million, which will enable us to complete the restoration of the dyke to meet its full functional requirement. However, due to budgetary constraints, the work can only be done in phases. In the 2023/2024 Financial Year, the Government, through my Ministry, has allocated Ksh30 million for the restoration of the dyke. We will be seeking the support of the Member and other Members of this Parliament to support the entire budget along the year.

Hon. Speaker, I proceed to the second part of the Question on the measures being pursued by the Government to conserve the lake in view of the fact that it is on the verge of extinction, despite being a source of tourism revenue for both the national Government and the county government. We have undertaken the following measures:

1. Conducted a study on the lake catchment area to determine the intensity of human activities which generate negative effects to the lake and to River Yala.
2. We will sensitise the communities upstream to ensure human activities are friendly to the environment hence reducing the sediment loading into the lake.
3. We will institute a programme of dealing with desilting the lake and rehabilitation of the deteriorated catchment area, which includes the community around the lake.

I have also been asked to indicate the timelines. I would say that it is immediate.

On the question of compensation, those are hazards with natural causes. The Ministry has no funds for compensation and will not be in a position to compensate for property and lives lost. It is unfortunate, but this is a natural disaster that cannot be placed on the Government. When flooding occurs, the Government is found in that situation. Therefore, it is not a matter that the Government would be able to deal with.

Thank you very much.

Hon. Speaker: Does the Ryland versus Fletcher case apply?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Hon. Speaker, I beg your pardon.

Hon. Speaker: The famous case of Ryland versus Fletcher.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Yes, Hon. Speaker, I agree. The movement of the river is just like when an animal is found on the road. The animal is supposed to compensate the person who is driving the car, especially if the cow is yours, and not the other way around.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Atandi, ask your supplementary question.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I thank the Cabinet Secretary for the comprehensive and well-researched response she has given to this House on the Question I raised. I want to plead with her on several issues.

One, whether it will be possible for the Authority to begin working on the lake as she has promised before the long rains begin. If any work is to be done, it should be done now. That is my first prayer.

Two, she has indicated that there is an allocation of Ksh30 million which can be used to begin the work. I am aware that this House allocated about Ksh350 million to address flooding cases across the country. Given that the flooding of Lake Kanyaboli affects the livelihoods of about 20,000 people - about 10,000 people in Central Alego and Usonga wards and others people in Budalang'i Constituency - I plead with her to consider increasing the budgetary allocation so that we settle this issue once and for all.

Lastly, as the area Member of Parliament, I will co-operate with the Authority to ensure that some of the recommendations she has made that require the intervention of the community to address the perennial flooding are handled well. I am going to co-operate with the community and work together on that.

Thank you, Hon. Speaker.

Hon. Speaker: Alice, note that question. I can take one joyrider. Hon. Okello.

Hon. Jared Okello (Nyando, ODM): I thank you very much, Hon. Speaker. I also thank the capable Cabinet Secretary, who is an immediate former colleague. Her response to the call of the House is very important and I applaud her for that.

Nyando Constituency is known for nothing but flooding. In fact, across the country, whereas we struggle to speak Kiswahili, we have one lady with a begging emblem saying 'serikali saidia' every year. This is orchestrated by the perennial bursting of the banks of River Nyando that causes great havoc to the people of that area. Every year, we have to move to higher grounds. Three schools have since permanently relocated to higher grounds. We had to abandon former schools by putting aside money, especially through the NG-NG-CDF, to build new schools. It is a disaster that is not in waiting but in place.

Hon. Speaker: You are making a speech. Ask a question.

Hon. Jared Okello (Nyando, ODM): Hon. Speaker, whereas this is not a new phenomenon, what does the Ministry have in place to address the perennial flooding in Nyando Constituency? There is also a small island at the mouth of River Nyando, getting into Lake Victoria. It should be dredged to help address this menace. I would want to hear from *Madam Waziri* whether I need to go back home and tell the people to brace themselves for the longest haul or there are plans in place to help us address this matter once and for all.

I thank you for the opportunity.

Hon. Speaker: Hon. Cabinet Secretary, we will take Hon. Wanjala as an additional joyrider.

Hon. Raphael Wanjala (Budalang'i, ODM): Thank you, Hon Speaker. It is unfair that you call us joyriders. The Question now belongs to the House and any Member is allowed to contribute.

Hon. Speaker: Enjoy the joy, Hon. Wanjala. Ask your question.

Hon. Raphael Wanjala (Budalang'i, ODM): Thank you *Waziri*, our former colleague. I remember I predicted to her that she would be a Cabinet Secretary in the next government, and she will confirm that. Indeed, she is a Cabinet Secretary today.

As she is aware, Budalang'i is known for flooding from two rivers, namely; River Yala and River Nzoia. Those rivers require dredging. In fact, you cannot build dykes on River Yala because it is already in a swamp. The best thing to be done is to dredge it to allow water to move into the lake. What plans does the Ministry have? The Ksh30 million allocated for the job is meagre and yet you allocate big sums of money to places with dams, which are later squandered. This is about the lives of people who have cried year in, year out.

Would she consider increasing the allocation? This affects the lives of people whose houses collapse every year and everything that belongs to them is washed away. We saw in

Nakuru when the dam broke and water caused people's houses to collapse, this Government built new permanent houses for them. Why is it so difficult to also build houses for the people of Budalang'i Constituency when they are affected by floods?

Hon. Speaker: Thank you. Lastly, Hon. Oundo, then the Cabinet Secretary.

Hon. (Dr.) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. As you are aware, when Hon. Wanjala suffers, I suffer more because when they are displaced, they stay at my place waiting for the water to recede.

Allow me to also ask the Cabinet Secretary that, while they are trying to solve the issue of Kanyaboli in Alego Usonga Constituency as well as Budalang'i Constituency, to please ask the technical people to also include the riverbed around Makhaba in Namuduru Sub-location. Because of the flooding from Budalang'i Constituency, the Sidokho Dam has now combined and we now have a river connecting Sidokho Dam to Nzoia River, essentially displacing close to about 100 households in Makhaba area.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Alice, you have Hon. Atandi's, Hon. Jared Okello's, Hon. Wanjala's and Hon. Oundo's supplementary questions. Can you answer them in that order?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you. Hon. Atandi's supplementary question is whether we can increase the amount of Ksh30 million so that we can possibly do more work, and when we are starting. We will start immediately because we now have the budget. However, in terms of increasing the amount, I may not commit now because the amount of Ksh300 million that he has pointed out – and it is actually Ksh450 million – is going to various rivers to deal with similar problems like the one facing his constituency. For now, I am not able to commit beyond Ksh30 million. As we go along, possibly you could visit our office for us to have a candid conversation about the funding and how constrained the funding is.

The second supplementary question is from Hon. Okello on River Nyando. The amount of Ksh450 million that I have talked about, from which we have taken Ksh30 million for the first dyke, we also have Ksh30 million for River Nyando. Therefore, all this work will start simultaneously. We are aware of the challenges of River Nyando and the perpetual flooding. I am also aware that the long-term solution is the construction of Soin-Koru Dam, which is a Ksh20 billion project that was meant to regulate the floods in River Nyando. We have challenges in funding that particular dam but we are reconsidering putting it out for private investment. This is because initially, it was hoped and designed that the entire Ksh20 billion would be funded under Engineering Procurement and Construction (EPC) under the Government of Kenya (GoK). For now, our fiscal space is unable to meet that budget. So, we are re-evaluating the project to commit it to public private partnerships (PPP).

On the last question, Hon. Wanjala, thank you very much for your support. I can confirm to the Hon. Member, and I believe he is aware that we have recently taken up a project of 34 kilometres of dyke construction along River Nzoia, which has cost the Government approximately Ksh2 billion. Your constituency and River Nzoia are also in our plan and more work will be done. Indeed, you have taken the largest share.

Finally, is it Makhaba? Hon. Oundo, I will look at your request. I believe we have factored in this particular one under the current budget. If it has not been done, we will reorganise that particular budget because we can do that internally for this specific flooding component.

Thank you very much Hon....

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Let her finish answering Hon. Oundo's question. Has she?

Hon. Raphael Wanjala (Budalangi, ODM): No. She is finished.

Hon. Speaker: She is finished?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Yes, I have finished, Hon. Speaker.

Hon. Speaker: Hon. Wanjala, the rules require that when you call out a point of order, you do not have to stand up until you have been given an opportunity to do so.

What is your point of order, Hon. Wanjala?

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker. You know sometimes you wear glasses. So, I thought you are short-sighted and may not see far. That is why I am standing.

(Laughter)

I was very clear that in Nakuru, the Solai Dam broke and we saw the whole Government — this very Government — going there and reconstructing the houses for the people. Permanent houses were constructed. In Budalang'i and Nyando constituencies, we have had floods. Our houses collapsed, our properties and crops were washed away and when we asked for compensation, they skip those kinds of questions. Would she be clear to answer what criteria they used to construct houses for the people in Nakuru, and why they are not able to use the same style to construct houses for the people of Budalang'i?

Hon. (Dr.) Robert Pukose (Endebess, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Pukose. There is another point of order here.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Hon. Speaker, the Solai Dam tragedy occurred in December 2018. The Government that is in place was elected in 2022. I am rising on a point of order on facts. The Member for Budalang'i Constituency, Hon. Wanjala, is not being factual. I think a serious matter like that of the people of Solai having been involved in a dam tragedy should not be trivialised by the Member in such a way.

Thank you, Hon. Speaker.

(Loud consultations)

(Hon. Raphael Wanjala spoke off the record)

Hon. Speaker: Order, Hon. Wanjala! There is no altercation between you Members. Hon. Alice is responding to your point of order. Order, Hon. Raphael Wanjala.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): The Hon. Member is pursuing the question on compensation of the people who have been affected. I had earlier said that it is not possible for the Government of the Republic of Kenya, which you are part of, to meet compensation claims for all people who may be affected by natural disasters, be they earthquakes, lightning, floods or even sometimes the movement of the Earth. However, during such crises or disasters, sometimes the Government is able to recollect itself and respond like any other Kenyans whenever we call for support from both the public and private sectors. Under the Rapid Disaster Response Unit, the Government would sometimes manage to make some interventions. However, on individual compensation like day-to-day flooding that the Hon. Member is expecting the Government to do things, it is not able. In any case, the Government cannot be said to be liable over those kinds of disasters.

Thank you.

Hon. Speaker: Member for Ikolomani, Hon. Bernard Shinali.

Question 158/2023

IMPLEMENTATION OF MOI'S BRIDGE-MATUNDA
WATER SUPPLY AND SANITATION PROJECT

Hon. Benard Shinali (Ikolomani,ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

Could the Cabinet Secretary:

- (a) explain why the implementation of the Moi's Bridge-Matunda Water Supply and Sanitation Project was transferred to the North Rift Valley Water Works Development Agency despite the fact that 60 per cent of the project catchment area falls under Kakamega County, and critical stages of procurement, namely, advertisement, award of tender, and project evaluation had been completed under the Lake Victoria North Water Works Development Agency?
- (b) clarify whether the North Rift Valley Water Works Development Agency has the capacity to successfully implement the project considering that it was allocated only Ksh10,000,000 in the Financial Year 2022/2023 Supplementary Budget for recruitment of staff and if so, provide details of the action plan taken by the Agency for implementation of the project and timelines of completion?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Cabinet Secretary, Hon. Alice.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome):

Thank you, Hon. Speaker. In response to the Question by Hon. Benard Shinyali...

Hon. Speaker: Shinali.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome):

Bernard Shinali, Member for Ikolomani. I want to go straight to the response in the interest of time, if I am allowed.

Hon. Speaker: Go ahead.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome):

Hon. Speaker, the first response is to explain why the implementation was moved from one agency to another. The agency that is now handling the matter is the North Rift Valley Water Works Development Agency. That agency is one of nine water works development agencies under my ministry. It was established by a Gazette notice in 2020. You were right when you said that it was allocated Ksh10 million in the last financial year. We are now in another financial year and it is still supported by the Government.

The project will be carried out by the agency. Procurement was done by the Lake Victoria North Water Works Development Agency, but it has been agreed that the implementation of this project will be carried out by the North Rift Valley Water Works Development Agency. We will implement the project using the original design. The data available does not reflect the position of the Member because we are covering a population of about 103,186. You have said that 60 per cent of the project catchment area falls under Kakamega County. I do not think that we should profile these issues. Out of the 103,186 people, 55,000 are from Moi's Bridge Town, which is entirely in Uasin Gishu County. That leaves a balance of around 48,000 people. In total, the number of people in Uasin Gishu County who will benefit from this project is 74,552, which translates to 72 per cent. I have included an annexure to support that data.

The intake and treatment plant are located in Trans Nzoia County under the jurisdiction of the Lake Victoria North Water Works Development Agency. However, water moves due to the force of gravity. Going further, the main storage tank of 1,200 litres is located in Maji Mazuri, which is in Uasin Gishu County. Treated water tanks are also in the same county. Five

storage tanks that will be constructed for this project will be located in Uasin Gishu County; one will be located in Kakamega County, and the rest will be located in the Milimani area of Uasin Gishu County. I will leave out the last one.

Finally, Lake Victoria North Water Works Development Agency awarded the tender and transferred the final contract to the North Rift Valley Water Works Development Agency. We have assessed the agency and its capacity has been properly evaluated. It has 29 staff, most of whom are deployed from the Ministry and sister agencies. Technical competencies include six engineers, one hydrologist, one geologist and one sociologist. Most of the staff deployed are senior and competent officers in water and sanitation.

Therefore, with great respect to the Member, it is not quite factual or true to say that North Rift Valley Water Works Development Agency does not have sufficient capacity because of the sum of Ksh10 million. I confirm that the sum of Ksh10 million was for purposes of additional capacity by way of staff employment and other technical support. Therefore, it is one of the agencies that we put out for purposes of support.

Finally, the agency has also been allocated Ksh200 million in the last supplementary budget to start the project. In the current financial year, we are looking for a further allocation of Ksh400 million. We are ready to start the project. The project will be completed in 24 months and my annexure speaks to that. It also includes the data of persons who will benefit.

Thank you.

Hon. Speaker: Hon. Shinali, are you satisfied? Can I give a chance to somebody else?

Hon. Benard Shinali (Ikolomani, ODM): Thank you, Hon. Speaker. I am not satisfied with the answer. Maybe, the Cabinet Secretary requires more information because the staff she is talking about were transferred from Lake Victoria North Water Works Development Agency. The Ksh10 million that she has mentioned was transferred from the Lake Victoria North Water Works Development Agency as part of administration funds.

I believe that we want the Lake Victoria North Water Works Development Agency to continue serving the people of the Western region. This was the only major project in place since the Kakamega-Bungoma Bulk Water Supply and Sanitation Project, which has also stalled. Maybe the Cabinet Secretary will enlighten us on the same.

Madam Cabinet Secretary, we are wondering how the Lake Victoria North Water Works Development Agency will survive since its budgets have been moved to the North Rift Valley Water Works Development Agency.

Hon. Speaker: Innocent Mugabe.

Hon. Innocent Mugabe (Likuyani, ODM): Thank you very much, Hon. Speaker. I want to ask a follow-up question. Moi's Bridge and Matunda are in my constituency. The Cabinet Secretary is not well informed, or whoever gave her the data gave her the wrong one. I live in Moi's Bridge Town. When she says it is entirely in Uasin Gishu County, the people of Likuyani may think that somebody from Uasin Gishu came to be their Member of Parliament. That is inaccurate because a huge chunk of Moi's Bridge is in Likuyani, Kakamega County.

Secondly, this is a very emotive issue in Moi's Bridge and Matunda because we have serious boundary issues between Kakamega and Uasin Gishu counties. Over time, Uasin Gishu County has been encroaching on the Kakamega side. As we speak, we have Moi Township Primary School in Moi's Bridge Town, where I schooled. Administratively, it is in Kakamega County, but geographically, it is claimed...

Hon. Speaker: Ask the question related to this.

Hon. Innocent Mugabe (Likuyani, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation, and Irrigation the following Question:

(a) What was the motive for transferring this project from Lake Victoria North Water Works Development Agency to a new agency struggling with capacity called the North Rift Water Works Development Agency?

Secondly...

Hon. Speaker: One question at a time, Hon. Innocent.

Hon. Innocent Mugabe (Likuyani, ODM): When we were designing that project, North Rift Water Works Development Agency was part of the Rift Valley Water Works Development Agency. The project was designed, and Lake Victoria North Water Works Development Agency did the procurement. The wisdom was that they had a better capacity and implementation system because of the location and beneficiaries of the project, whose majority are in Kakamega County. What was the reason for creating the North Rift Water Works Development Agency?

Hon. Speaker: Order, Hon. Mugabe. You are debating but not asking a question. What is your question?

Hon. Innocent Mugabe (Likuyani, ODM): (b) What was the motive for transferring the project from Lake Victoria North Water Works Development Agency to North Rift Water Works Development Agency?

Hon. Speaker: Excellent. Hon. DK, Member for Soy.

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Speaker. It is quite unfortunate that the Member for Likuyani was discussing and has decided to hive part of Moi's Bridge area into Likuyani. I want to state categorically that Moi's Bridge Ward falls squarely in Soy Constituency, Uasin Gishu County. The Cabinet Secretary has said that the North Rift Water Works Development Agency is a new water service that handles that region. Seventy-five per cent of the project serves the people of Soy who are in Moi's Bridge, which falls...

Hon. Speaker: Order, Hon. DK. Hon. Members, this is Question Time. We are asking the Cabinet Secretary questions. I have allowed you to joyride on Hon. Shinali's Question. Both you and Hon. Innocent Mugabe are making speeches instead of asking questions. Can you ask your question?

Hon. David Kiplagat (Soy, UDA): Hon. Speaker, look at the project portfolio, which is about Ksh2 billion against what has been awarded. The last time I checked, it was Ksh40 million. I heard that it was given another Ksh200 million. When are we going to complete the project so that the people of Moi's Bridge and Matunda, which falls squarely in Soy Constituency, can benefit?

Thank you.

Hon. Speaker: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

What informed or misinformed the decision to change the work from North Rift Valley Water Works Development Agency to Rift Valley Water Works Development Agency, which is a new entity?

Hon. Speaker: Is it from Lake Victoria North Water Works Development Agency to North Rift Valley Water Works Development Agency?

Hon. Junet Mohamed (Suna East, ODM): It is from Lake Victoria North Water Works Development Agency to the new entity. What informed that decision? Is it vendor-driven? What is the intention?

Hon. Speaker: Member for Kesses. Hon. Alice, take all those questions and answer them very quickly. We are running out of time.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Speaker, for giving me this opportunity to raise this question, especially pertaining to North Rift Water Works Development Agency. Since it has come to the Floor for discussion, I want to ask a question to the Cabinet Secretary.

I want to tell the country, specifically the people from North Rift that the spirit behind the formation of the North Rift Water Works Development Agency was to address the water

challenges of the entire eight counties within North Rift. What plans are there to ensure that a particular water agency is capacitated enough regarding staffing and resources? We are endowed with several water bodies within that region. We have Kerita Dam and Kesses Dam in Kesses Constituency. Lake Victoria North Water Works Development Agency developed some little works, but they are incomplete. What plans are in place to facilitate North Rift Water Works Development Agency to its full capacity in terms of staff employment and giving adequate resources so that water challenges can be addressed in that region?

Thank you.

Hon. Speaker: Thank you. Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. I want to ask the Cabinet Secretary to explain to us the benefits to the people of North Rift, especially those on the upper side of River Nzoia like Sabwani and Kimoson, which are in Endebess. How will the people on the upper part of River Nzoia benefit? We were neglected by Lake Victoria North Water Works Development Agency. How will the people of North Rift benefit from the new body, especially those in Endebess, Kwanza and parts of Kiminini, who live along that river?

Hon. Speaker: Lastly, Hon. Bissau. After that, you will answer those questions, and then we will go to the next one.

Hon. Bisau Kakai (Kiminini, DAP-K): Thank you, Hon. Speaker. I have a supplementary question for the Cabinet Secretary. We are the producers in Trans Nzoia. That is where the water sources are, starting from the Cherangany Hills to Mt. Elgon side. If you look at the situation in Kiminini specifically, hardly a tenth of the households have water. We want the Cabinet Secretary to assure us that she will consider the producers even as she thinks of restructuring. When distributing water to the North Rift, Eldoret side, or Kakamega-Bungoma side, most of the pipes go through Kiminini. We want the Cabinet Secretary to reassure us that since this is the simplest and cheapest installation, the people of Kiminini will have water before it is distributed to the other areas.

Thank you.

Hon. Speaker: Hon. Cabinet Secretary, can you answer those questions?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you, Hon. Speaker. I seek the indulgence of Members to answer those questions jointly as much as possible because they are all related.

Hon. Speaker: They are all related.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I can start with the last one about Kiminini. Once a project is designed and procurement is completed, it is on the journey of implementation. Sometimes, it is impossible to change because the design guides the implementation journey. It is not easy to change. However, the Hon. Member can visit the Ministry so that we can look entirely at the area that he has raised the concern on, and see the plans we have or what we can take on board to deal with the concerns of that particular community.

Hon. Pukose is also following up on the same. The upper part of the jurisdiction of that particular project does not cover the whole North Rift area. Ownership issues and implementation challenges, including negligence because of the huge region it covered justified the need for a new waterworks development agency. The agency is here with us, and we cannot complain about capacity. The Hon. Member should help me build capacity for this agency to enable the implementation of the project. The project has an experienced consultant, and the contractor won the contract based on capacity. Members play the role of oversight and so, let us walk together and ensure the completion of that project.

On the intention, it was not ill-advised or ill-motivated, but was for the larger community's ownership. I agree that the people of Kakamega are beneficiaries, but when you look at the population data, it is well suited to be implemented by the North Rift Water Works

Development Agency. The question is: ‘Will the design area be covered irrespective of which county it is in?’ Yes, we will go by the design, and there should be no fears.

Hon. Speaker, the question that should put this matter to rest is: ‘When will the project be completed and where is the funding?’ In the last Budget, the Ministry provided Ksh200 million, and in the current year, Ksh400 million. That is Ksh600 million in total. Taking into account the entire cost of Ksh2 billion for that project, we have secured a sufficient portion, noting that the basket of the country is completely constrained. I am comfortable with Ksh600 million and will engage Parliament for the balance to complete the project.

On the issue of whether it is Soy, Moi’s bridge, or Kimilili, I plead with Hon. Members that we deal with the implementation of the project in that area. I invite the Member for Kimilili to look at additional water sources, but not immediately. Let us implement the project and then see if there is a possibility of a variation in design to request additional funding from Parliament for an extra intake beyond the current design. Thank you.

Hon. Speaker: Member for Turkana Central, Joseph Emathe.

Question 159/2023

STATUS OF THE NAOROS AND NADOTO IRRIGATION SCHEMES IN TURKANA COUNTY

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Speaker, I rise to ask the following Question:

Could the Cabinet Secretary:

- (a) provide a report on the status of Naoros Irrigation Scheme and Nadoto Irrigation Scheme in Turkana County and explain the steps that have been put in place to rehabilitate, expand and sustainably operationalize the irrigation schemes?
- (b) outline measures that the Ministry has put in place to expand irrigation farming in Turkana Central Constituency so as to enhance food security and alleviate poverty, given that the aridity in Turkana County does not permit rain-fed agriculture?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you, Hon. Speaker. I will go straight to answering the first Question on providing a report on the status of Naoros and Nadoto Irrigation Schemes, both in Turkana County, and explain the steps that have been put in place.

Hon. Speaker, Naoros Irrigation Scheme is located in Kang’atotha Ward, Turkana Central Sub-County. This is a community-owned irrigation project that covers about 500,000 acres. The scope of the works included: Rehabilitation of the intake works, lining of the main canals, sub-main canals, tertiary fallows, basins, berth protection works, and fencing, all at the cost of Ksh62 million. Construction started in June 2013 and so, it is an old project. It was completed in 2014 and handed to the community for food production.

Currently, the scheme is not operational due to the unstable intake of high silt load from River Turkwel. The National Irrigation Authority (NIA) has carried out a needs analysis of the project, and the following rehabilitation works have been proposed: Rehabilitation intake and protection work, construction of the main canal, desilting branch and blocked canals, dike draining, road closing and division boxes and check structures. We have put a budget of Ksh34 million in place and NIA will implement the rehabilitation works. We have provided Ksh50 million for both schemes to commence the works, which the Hon. Member is concerned about.

Nadoto Irrigation Scheme is located in Kerio Ward, Turkana Central Constituency. The community initiated the scheme around 2004 and mutually constructed the intake canal as well as a distribution system to facilitate crop production in the area. Due to inadequate, unreliable water, the community approached the District Irrigation Officer then under the Ministry of Water and Irrigation, who developed design proposals for rehabilitation and expansion of the works during the period 2007 to 2009.

Implementation of the proposal was affected by limited funds, and the project proposal was submitted for implementation under the expanded National Irrigation Programme to be undertaken by NIA. The scope includes rehabilitation of intake works, lining of the main canals, sub-main canals and tertiary, as I have indicated in my response. This scope was expanded from 25 to 500 acres to benefit 1,200 households at an extra cost of Ksh79.8 million. The project implementation started in 2013 and was completed in 2015. It was handed over to the community in August 2015. This is still a community project.

Since its completion, the project has been affected by high silt load from the Turkwel River, and hence optimal performance of this project is in question. Further, it has been infested by the infamous *mathenge* plant, thus reducing production for the irrigation project.

We have done our studies and given it in my response. The Member will be able to pick up what I have said in the response. The total cost of the intervention works we intend to undertake through the National Irrigation Authority will be Ksh42,350,000. In total, that particular irrigation scheme and the other one will take about Ksh80 million. We have so far secured Ksh50 million. Therefore, we can proceed with the intervention works to see how those two schemes can come back to full production.

Hon. Speaker, the other Question was on the measures that the Ministry has put in place to expand farming in Turkana Central Constituency to enhance food security and reduce poverty. The response is that the Ministry has carried out a needs analysis in Turkana Central and identified an urgent need to ensure that existing schemes are functional and productive. We are also working with the county government to identify new areas of collaboration for purposes of irrigation. As a policy, you are aware of the direction of the Kenya Kwanza Government. We want to put under irrigation close to 1.8 million acres. Turkana County is on board towards that effort and, therefore, we are looking for collaboration with Parliament because of your crucial role in funding. It is possible then to have additional land for irrigation and revisit all existing schemes for expansion and better-enhanced production.

We are moving those two projects as I said, and each should have 400 acres under irrigation. We also plan to undertake an immediate inventory mapping of the existing schemes and potential areas. The Member will be advised when my team will go to the ground for some of those interventions so that we can have his participation.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Emathe.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Speaker. I want to applaud the Cabinet Secretary's efforts and the assurance that Ksh50 million is already set aside. In line with Article 43(1)(c) of the Constitution of Kenya and the Sustainable Development Goal (SDG) Number Two, I beg the Cabinet Secretary to assure us that even the extra amount or the balance of Ksh28 million or so will still be available in the Financial Year 2023/2024. That is my first concern.

My second concern is this: His Excellency President William Ruto launched the Naoros Irrigation Scheme Project. In my view, there is that assurance that President Ruto will still be felt in that irrigation scheme. As for my second question, I request the Cabinet Secretary to visit those two irrigation schemes. They are not far from each other. They are only separated by a river. When is she going to come so that she can understand the kind of people who live in that area? She needs to take her heart from Nairobi to Turkana to understand...

Hon. Speaker: Hon. Emathe, you have asked two questions. Order! Two are enough.

Hon. Joseph Emathe (Turkana Central, UDA): The third one, Hon. Speaker.

Hon. Speaker: Let him finish. Hon. Members, when I give you a chance to ask a supplementary question, ask one.

Hon. Joseph Emathe (Turkana Central, UDA): Apart from using canals, is there a way in which dry land farming can also be exploited?

Thank you.

Hon. Speaker: Thank you, Hon. Joseph. Hon. Irene Mayaka, one Question each, please.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. Yes, I do have one supplementary question for the Cabinet Secretary.

Mine is a follow-up on an issue. As Nyamira County leaders, we had sought an audience with the Cabinet Secretary regarding the issue of having our own water and sewerage company because we are currently sharing one with Kisii County. I would like to know from the Cabinet Secretary the status of our request to her.

Thank you.

Hon. Speaker: Prof. Phylis.

Hon. (Prof.) Phylis Bartoo (Moiben, UDA): Thank you, Hon. Speaker. My question to the Cabinet Secretary is about an irrigation scheme in Moiben Constituency called Meibeki Valley Irrigation. That project had been designed and tendered last year but it was, all of a sudden, stopped. I do not know for what reason. So, I am seeking clarification from the Cabinet Secretary.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I want to ask a supplementary question in the form that: Many irrigation schemes have been started in different parts of the country, and even where I come from there is Lower Kuja Irrigation Scheme.

Hon. Speaker, since all those irrigation schemes were started all over the country and a lot of money appropriated by this House in the form of budgeting, no single crop has come out of those irrigation schemes. There is nowhere they feed anyone in this country. Those irrigation schemes are almost becoming a scam - the biggest scandal in the country. What will the Cabinet Secretary do this time differently so that we can, at least, have a single bag of maize from those irrigation schemes?

Hon. Speaker: Hon. Ruweida. Hon. Alice, those are very short questions. I want you to take the shortest time possible to answer them.

Hon. Ruweida Mohamed (Lamu East, ODM): Bw. Spika, swali langu kwa Waziri ni hili: Ana mipango gani kwa watu wa Lamu Mashariki kwa upande wa unyunyiziaji? Tunasikia kuwa kila maeneo bunge yana mipango ya unyunyiziaji. Kama watu wa Kiunga, pia sisi tunaomba mipango ya unyunyiziaji. Tuna bwawa kule ambalo tunaweza kulitumia. Wananchi kule wanapanda tikiti maji.

Pili, ningependa kujua pia mipango ya maji kutoka Tana Delta kwenda Lamu Mashariki imefikia wapi? Hii ni kwa sababu tumezungukwa na maji lakini maji ni ya chumvi na watu wa Lamu Mashariki hawana maji.

Hon. Speaker: Hon. Ruweida, who is the Member in front of you? I cannot see him. Is that Hon. Protus Akujah?

Hon. Protus Akujah (Loima, UDA): Yes.

Hon. Speaker: Yes, Hon. Protus.

Hon. Protus Akujah (Loima, UDA): Thank you, Hon. Speaker. I want to ask the Cabinet Secretary a very short question: When will the contractor for Naku'etum Dam, situated along the Kenya-Uganda Border in Urum Location, hand over the project and repair that dam?

The dam cost was around Ksh250 million, and it has started leaking and is about to break its banks, which can be a disaster for the community living downstream.

Thank you, Hon. Speaker

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you, Hon. Speaker. Can I get the name of the Member who has asked the last question?

Hon. Speaker: Hon. Akujah from Loima Constituency.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Hon. Protus Akujah, my good friend, wrote to me. If it was not part of the issues he raised, may I confirm that I am available. Let us visit that dam in August. We will give him the proposed dates when we can visit. May I give the rest of the answers after the visit or after solving the issues? We will want to be accompanied by you, Hon. Speaker, and other leaders from that region.

Hon. Speaker: Hon. Cabinet Secretary, if Hon. Protus said that the dam is leaking and almost breaking its banks, will August wait for you? As you plan to visit, assure the House that you will dispatch your senior engineers to go and check the dam immediately.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I will do that, Hon. Speaker.

Hon. Speaker: Hon. Protus, is that alright? Cabinet Secretary, dispatch your engineers immediately to go and check the state of the dam so that we do not have another disaster like the Solai Dam.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): We will organize and do that immediately.

The question by Hon. Junet is very general and possibly an accusation or a generalized condemnation of all the irrigation projects in Kenya. That is an unfortunate position. The Hon. Member must have been a big supporter of some of those projects. Considering...

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Order, Cabinet Secretary, there is a point of order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, the Cabinet Secretary has said that my question is unfortunate. My question is very simple. I asked the Cabinet Secretary, now that the previous irrigation schemes did not work, what will she do differently? That is a very fair question, Hon. Speaker. Because she is a new person in the Ministry, what will she do differently so that we do not have one bag of maize from one irrigation scheme in Kenya?

Hon. Speaker: Cabinet Secretary, no question is fortunate or unfortunate.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you, Hon. Speaker. In his constituency, we have 19,000 acres of irrigated land. A total of 3,500 acres have been irrigated under rice.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Junet, what is out of order?

Hon. Junet Mohammed (Suna East, ODM): I wish to inform the Cabinet Secretary that there is no irrigation scheme in my constituency. We only do sugar-cane farming, and it is not done through irrigation. Maybe, she is confusing my constituency with Bungoma South or North.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I was not talking about the small constituency. Nyatike is part of your area of jurisdiction and it is where we have 3,500 acres of rice crop growing. I do not want to discuss Bura, which is continuing, and we plan to expand.

Your question is: What plans do I have to make the irrigation schemes work better? We have plans to raise funding for expanding the existing irrigation schemes by increasing acreage, and better production would be expected.

We have rice in Mwea and smallholder farmers under irrigation. I plead that we get your support to increase acreage under irrigation. We should allocate funds for inputs, implements and fertilizers to improve and increase production. The Ministry hopes to reach, in the five-year term that we have, 1,800 acres of irrigated land.

Hon. Mayaka raised an issue to do with Kisii County.

Hon. Speaker: She asked why you are separating Nyamira from Kisii.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I do not know whether the Hon. Member is referring to the Water Development Works Agency, which is under my Ministry, or referring to a separate water company, for example, the Murang'a Water and Sewerage Company. If it is a water service provider company, that is determined by the governors. They are the ones who provide water.

In terms of a new development waterworks agency, we will not be able to come up with a new one, but we can improve our reach if that particular area is not satisfied with the agency's coverage. You are under Lake Victoria South Water Works Development Agency. We can have a conversation about that. But on the water company, kindly liaise with the governor.

The Government's policy and recommendation is that we merge the water companies for better service provision. Most of them are running at a deficit. We have about Ksh100 billion incurred and unpaid to the national Government under our partners through the water service providers. We are not recommending the creation of other water service providers. We want to improve the governance system for better service delivery.

The question is on whether we can raise an extra Ksh80 million. We have Ksh50 million for this year. But because the balance is a small amount, we can include that, if Parliament allows it. You are the ones who budget and appropriate. Has it been included in one of the supplementary estimates? It is possible and doable.

Hon. Speaker: You have missed one from Lamu. When are you going to have an irrigation programme in Lamu?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Hon. Ruweida, I believe we have irrigation schemes in Lamu. If not, challenge me, and I will come to Lamu we have a conversation.

We have water supply, sanitation projects, and irrigation schemes in Lamu. Lamu is also under focus with Mzima Springs and Mwache Dams in mind. Those two dams will sort out most of the water challenges in all our Coast counties in the Coast Region. The projects have advanced very well. Mwache has been launched and has funding from EFT and the World Bank. We are now looking for the balance of the money for the two remaining pipelines for Mwache from the European Investment Bank. On Mzima Springs, we will do this through a private public partnership.

Hon. Speaker: Alice, are you sure you are going to supply water to Lamu from Mzima Springs?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): We will release some of the water.

Hon. Ruweida Mohamed (Lamu East, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Itabidi Bi Waziri aangalie *map* vizuri.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I know where Lamu is.

Hon. Speaker: Let her finish.

Hon. Ruweida Mohamed (Lamu East, JP): Nina hakika hakuna irrigation scheme yoyote Lamu Mashariki. Maji ya Mzima Springs hayawezi kupita Lamu. Hata ikibidi waipitishwa kwa lazima, itakuwa gharama kubwa zaidi kuliko kuchukuwa maji kutoka Tana River. Kuna ya kupitisha kwenye bahari. Maji ya Mzima hayawezi kutusaidia kabisa. Weka

mipango tupate maji kutoka Tana River. Mnaweza ambia *Kenya Defence Forces* (KDF) wachimbe canal watuletee maji. Hilo ndilo litakuwa suluhisho la kudumu. Tangu tupate Uhuru, watu wa Lamu Mashariki hatuna maji. Tumesahaulika.

Hon. Speaker: Ruweida, si nimekusaidia kulifufua?

(Laughter)

Yes. Hon. Alice. Go to the next Question. Member for Rongo.

Just note, Alice, that it is not practically reasonable to talk about taking Mzima Water Springs to Lamu. Let us have the Hon. Member for Rongo.

ORDINARY QUESTION

Question 247/2023

STALLED RONGO TOWN WATER SUPPLY WORKS

Hon. Paul Abuor (Rongo, ODM): Thank you, Hon. Speaker. I rise to ask Question Number 247/2023.

Hon. Speaker: I will give you the next Question. Yes Abuor?

Hon. Paul Abuor (Rongo, ODM): Thank you, Hon. Speaker. I rise to ask the following Question to the Cabinet Secretary for Water, Sanitation and Irrigation.

Could the Cabinet Secretary:

- (a) explain the reasons behind stalling of the Rongo Town Water Supply Works despite the project being fully funded by the Government in the 2021/2022 Budget with an allocation of Ksh190 million?
- (b) provide details on how the project funds released by the Exchequer were utilized by Lake Victoria Water Works Development Agency?
- (c) state the action the Ministry intends to take against the water agency officials if it is confirmed that the funds were misappropriated?

Thank you, Hon. Speaker.

Hon. Speaker: Alice, we must be done with this within ten minutes. The Question is very simple. Money was allocated. The Member is alleging that the project was not done properly. If the money was misappropriated, what is your action?

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I think Hon. Speaker, for Ruweida, we have Garsen-Lamu Water Project. I was saying that in the Coast region generally, Garsen will give water to Lamu. Of course, we are also looking at new technologies of desalination.

Hon. Speaker: We are done with that.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Finally, the last Question, Hon. Speaker, is on the misappropriation of funds. The money was actually not misappropriated. About Ksh170 million was released. The project is at about 25 per cent complete. The money was used to pay pending bills. I do not think it is a very good practice but there were pending bills and we have documentation that the money was utilized that way. There were also issues of the slow intake by the contractor, but now he is moving better. We have provided for that money and the project will be done as scheduled. In fact, we expect that, that project will be completed by December. It is scheduled to be completed by December. We are putting in a higher gear than it was and money is available.

Hon. Speaker: Let us have the Hon. Member for Rongo. Hon. Abuor.

Hon. Paul Abuor (Rongo, ODM): Thank you, Hon. Speaker. Let me, from the fore, thank the Cabinet Secretary for confirming that the project was actually fully funded to the tune of Ksh170 million. I have seen a written response from the Cabinet Secretary. The only thing I do not agree with is why a project that is fully funded by the Exchequer and money has gone to the agency, that money should be used to pay pending bills. The Cabinet Secretary is a distinguished advocate and she has been a Member of this House. She knows that whatever has been budgeted by this House should be used specifically for the intended purpose.

My supplementary question is this: Could the Cabinet Secretary confirm to this House, now that she has said that the money has been released back to the project that those funds are not going to be misapplied again? I would also like her to confirm that, in future, she will demand accountability from Government officials who are misapplying funds from a specific project.

Thank you, Hon. Speaker.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, in relation to Rongo where I am the neighbour, I want to inform the Cabinet Secretary that Rongo Constituency and the whole of Migori County does not have any sewer line since Independence. In the last census, there is a county that has a population of over one million people. Even in the former municipality area where the town is, there are over 300,000 inhabitants. Can you imagine people of that magnitude using pit latrines since Independence? The kinds of diseases that can occur in that place include diarrhoea and others? People are using pit latrines and septic tanks. Does the Cabinet Secretary have any plan whatsoever in the near future of giving the people of Migori a sewer line?

Hon. Speaker: Member for Manyatta.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker. I first want to say that I had also submitted a number of questions to the Minister, around six of them, which have not appeared on the list of Questions to be answered. And I want to get a clear answer from the Table Office and the people involved on why the Questions are not on the Order Paper. That is because those are the Questions that were sent to me by my constituents in Manyatta. But now that we are talking about stuck irrigation projects, I have two projects: one of them called Kithimu Irrigation Water Project that has been stuck and farmers have put in their monies to get a way leave from 2019. Also Hon. Speaker...

Hon. Speaker: One question at a time Hon. Member.

Hon. Gitonga Mukunji (Manyatta, UDA): It is just an additional irrigation scheme called Muthatari, Hon. Speaker. The farmers have also put in money and they were supposed to be partially funded by the Government. However, those two irrigation projects were stuck and farmers are asking what the Ministry is doing about that.

Hon. Speaker: Cabinet Secretary, please note that. Let us have the Member for Chepalungu.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Speaker. I would like to ask the Cabinet Secretary whether she is aware that there is an ongoing water project within my constituency named Bomet-Longisa-Mulot. That particular project is going to serve water along the way to Sigor from Kiongong'. This is a very dark area called Olisoi Nyambu. My question is: What plans do you have to erect that tank within Olisoi Nyambu so that it can serve the people around there with water? Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I also just want to ask the Cabinet Secretary that, if it is possible, that the sewer lines that were done and some left hanging within Nairobi and especially in Dagoretti North, Kawangware and Gatina area, be completed because many of the manholes have been taken and grabbed.

Hon. Speaker: Let us have Hon. Haika

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Speaker. Now that Mzima Spring has been mentioned, I wanted to ask the Cabinet Secretary about the progress of Mzima II. I also want to ask her that there is an old pipeline that is being repaired and it is said that the pipeline is going to replace Mzima II. How true is that *Waziri*?

Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mheshimiwa Spika, mimi ningependa kumuuliza Waziri atueleze Mradi wa Galana-Kulalu umefikia wapi kwa sababu tumeona wale ambao walitoa msaada kuusajili wakilalamika kuwa wamekua wakiekeza pesa zikipotea. Na kule watu wengi wanahangaika kwa kukosa chakula. Kwa hivyo, ningependa kuuliza mradi huu mpaka sasa umefikia wapi sasa Mheshimiwa Waziri. Ahsante

Hon. Speaker: Let us have Hon. Farah Maalim. Hon. Alice, those are very short questions. I want you to take the shortest time possible.

Hon. Farah Maalim (Dadaab, WDM): Hon. Speaker, I also wish to add my voice in asking the Cabinet Secretary a question. Way back, there was a water master plan for the North Eastern Province in general. The underlying principle was to see how the surface water can be harvested because it is one of the areas in this country that always experiences short rains and drought cycles one after the other.

The idea was that when that water is harvested, it will eliminate the possibility of the topsoil being eroded and leaving the place barren, avoiding desertification and enabling mixed agriculture. People would be exposed to some form of irrigation or crop farming. Can the Cabinet Secretary shed some light on this, even if she does not have all the information, and tell us when it will be actualized? I could see her so that we would know how that would be formulated within the Ministry and the plans to put into effect.

Thank you.

Hon. Speaker: Cabinet Secretary, please answer that in less than 10 minutes.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you, Hon. Speaker. Let me start with the Galana-Kulalu Irrigation Scheme. It was indeed funded, and we did the first trial phase of maize farming on a 10,000 acres piece of land. There were many challenges, including compression by the specific contractor. However, we have taken up the issue. We have about three interested private partners or investors. This means that we will not go back to the Government of Kenya for funding because we have repeatedly said that there is no funding.

One of the interested partners is already on site, and we have already entered into some arrangements. We have signed a memorandum of understanding for the trial stage, and maize is already growing there. They are taking up 10,000 acres.

We have also received proposals for developing a dam to irrigate the remaining acres of the Galana-Kulalu land. As for the concerned Member, I can avail more details, but most importantly, we have not abandoned the Galana-Kulalu Irrigation Scheme because it is basically an irrigation land area. Over 350,000 acres are available for irrigation once we deal with the issue of water, which would be addressed by the development of a big dam that we already have and is already in the design phase.

The issue of the irrigation master plan by Hon. Farah Maalim is a huge question that I may not be able to answer now. However, we are doing a lot of work in the northern counties like Marsabit, Mandera, Garissa, Wajir and Turkana. The five counties are under special or specific planning for mapping, groundwater mapping and surface water. And because you have also referred to irrigation, it may be important that you visit my office so that I can specifically understand what you need for me or the Ministry to address your question adequately. We have secured funding for ground water mapping to find out why the aquifers are worth Ksh20 billion under the Horn of Africa Programme.

On the Question raised about Migori, it is the unavailability of land for projects. We have plans, but we have challenges in implementing them because they do not allow nor give out their land. However, we have plans for Migori Town on the issue of water and sanitation. But if you like, you are welcome to the office. I will avail the technical people to give you more information on where we are at the moment.

On the Question by Hon. Haika, the Women Representative for Taita Taveta, I can confirm that Mzima II is an independent project. It has no connection with the current pipeline. The good thing is that we shall use the existing wayleave for purposes of Mzima II. Therefore, we have no challenges to land claims or raps and, once we agree with the private investors who are interested, we shall be able to commence the project. It is a highly prioritised project. The old petroleum pipeline is not ours. We are working on the Mzima II.

The Member for Chepalungu is asking when we shall do a tank. I do not have an answer as of now. However, we can give the Member an answer later. The construction of a tank is something the National Water Harvesting and Storage tenders can factor in depending on the volume needed. And within a year, we can accommodate that, even if it is planning and budgeting, and then we wait to secure funding.

A Member wanted to know why the Kithimu and Muthatari Water Irrigation projects are stuck. This is something that I also need to be informed of by my team. I think it is just poor work by the contractor, but I would rather give the Hon. Member more information when I get it. I would forward the answer once I am furnished with it. We can avail that answer to the Hon. Member, including all the other interventions that we have been given. I, as a Cabinet Secretary, will ensure that those projects are completed.

Is there any Member whose question I have left out? I think I have covered all.

Hon. Speaker: There was a question raised by Hon. Elachi.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): The one of the sewer lines lying around or abandoned in Nairobi?

Hon. Speaker: Yes, the sewer lines that are incomplete.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): I would rather give the Hon. Member a more comprehensive answer when I get one because that question has been floated. But as of now, we are working on some of the destroyed pipes that were affected during the construction of the expressway and other areas. Maybe, I could cover all that during the response to the Hon. Member. She is my friend, and she can come to the office like any other Member, and we will address that.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I want to end the questions with the Cabinet Secretary's response to Hon. Elachi.

(Hon. Umul Kheir Kassim stood in her place)

Hon. Speaker: Hon. Alice, Hon. Umul Kheir now standing, claims that her Question does not appear in the Order Paper. I do not know if you have it.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Was it the Question by the Member for Mandera Constituency?

Hon. Umul Kheir Kassim (Mandera County, UDM): Yes.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Hon. Speaker, you had said you would allow a supplementary question.

Hon. Speaker: Hers was a substantive Question and not supplementary.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Hon. Umul Kheir Kassim came to us yesterday. I have some responses that I could give her.

Hon. Speaker: Did it come yesterday? She has not even asked the Question.

Hon. Umul Kheir Kassim (Mandera County, UDM): Hon. Speaker, I can clarify. She already has the Question.

Hon. Speaker: She may have the Question, but what I will do is that, because we have...

(Hon. Umul Kheir Kassim rose on her seat)

Order, Hon. Umul Kheir. I am not giving you the Floor yet. So that we do justice to your Question, and because I can see that Members have questions that are burning, we have the Minister for Lands coming. I direct the Clerk to invite the Cabinet Secretary for Water, Sanitation and Irrigation immediately after the short recess so that we give her one hour to deal with the burning questions that Members have. So, please, hold your horses. We will have Ms Alice Wahome on the first Wednesday after the two-week short recess. We will give you an hour to answer questions by Hon. Umul Kher, Member for Manyatta, Hon. Makali Mulu and all the other Members who have questions.

(Hon. Makali Mulu spoke off the record)

I will not allow you to ask the Question now. What is it, Hon. Makali Mulu?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Speaker, I want to alert the Cabinet Secretary that the sewer line in Kitui town is not operational and so, she can come with a report on what is happening there.

Hon. Speaker: Excellent.

(Hon. Suzanne Kiamba rose in her place)

Who is that Member over there?

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Speaker, I am the Member for Makueni Constituency. My Question is on Thwake Dam. I thank the Cabinet Secretary for visiting the dam in her first days in office. We had a very fruitful consultative meeting where she assured us that two major activities would be done at the dam. One was making sure that the dam water was clean. Two was having the design done so that the dam could be operational by June 2024. In the last two months, the dam has been closed down. I am wondering whether the dream still exists.

Thank you.

Hon. Speaker: Ms Alice, just note that. You will answer it when you appear after the recess. Hon. Josses.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Speaker, for giving me the opportunity. I want to add another question to the Cabinet Secretary. Kapsabet Town has a raw sewer running along the road. I have done investigations and realized that the septic tank that was erected some years back is small and can no longer handle the entire sewer system. I would like the Cabinet Secretary to do her investigations so that when she appears next time, she will be able to respond.

Thank you.

Hon. Speaker: Hon. Alice, note that question for next time. Member for Ganze.

Hon. Kenneth Tungule (Ganze, PAA): Thank you so much, Hon. Speaker, for giving me this opportunity. This is a follow-up question to an earlier one by the Member for Taita Taveta, Hon. Lydia Haika, on the Mzima II Project. I am glad that the Cabinet Secretary has confirmed that this is a priority project for the Government. There has been a grapevine that,

that project is not going to serve Mombasa alone but also Ganze. I am glad that the Cabinet Secretary made a visit to Ganze in April, and she knows the water situation in that constituency. There is a rumour that the pipeline for the project will pass through Ganze. I want a confirmation from the Cabinet Secretary whether it is true or just grapevine.

Thank you.

Hon. Speaker: Ms. Alice, you have heard that rumour. You will come with a response next time.

(Laughter)

Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. I have only two issues

Hon. Speaker: One only.

Hon. David Gikaria (Nakuru Town East, UDA): There is a water pan that was constructed in Mzee wa Nyama in Nakuru East Ward. It was never completed, and we have never known its status. Secondly, five boreholes were to be constructed in Nakuru Town East through the second Supplementary Budget in the 2021/2022 Financial Year. I do not know what happened to them and yet, money was allocated.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Gikaria. Ms Alice, I hope you are noting the questions. Hon. Oyula will be the very last.

Hon. Maero Oyula (Butula, ODM): Thank you, Hon. Speaker. I want to ask the Cabinet Secretary about the irrigation project that was started in Butula several years back, but it was abandoned because of technicalities. Could the Cabinet Secretary look through the Ministry's records and let us know when they will resume implementing the irrigation project in Butula?

Secondly, just to...

Hon. Speaker: Hon. Oyula, I allowed you to ask only one question. Member for Kinango, you will be the very last.

Hon. Gonzi Rai (Kinango, PAA): Thank you, Hon. Speaker. I have a quick question. There is tension in Makamini Dam because there was a disclosure that the National Land Commission (NLC) was supposed to send valuers by 30th June. Today is 5th July. The situation on the ground is very tense. Can we get an indication as to when the valuers will be on the ground with respect to the people who were displaced? We have already lost one person as a result of the tension.

Hon. Speaker: Cabinet Secretary, Hon. Alice Ng'ang'a, you have noted all those quick questions.

(Loud consultations)

I am not allowing anyone.

(A Member spoke off the record)

Even you!

(Laughter)

I am not allowing anybody else. We are now releasing the Cabinet Secretary on the rider that she has picked your questions. For those who have more questions, the Cabinet Secretary will be here in the next three weeks.

(Hon. Gideon Mulyungi spoke off the record)

Hon. Mulyungi, hold your horses. I will give you the first bite when she appears after recess.

(Hon. Ferdinand Wanyonyi spoke off the record)

Hon. Ferdinand Wanyonyi, I will give you an opportunity. Let us close the questions for Ms Alice. You can see that water is life. Order, Hon. Ferdinand! Water is life. You hold a very important Ministry, as you can see from the enthusiasm from Members. Every Member has an issue about water in their constituencies. As soon as we resume after two weeks, I will allow you the first appearance. Get ready with responses to the questions you have picked. There will be other questions, including by the Nominated Member from Garissa, the Member for Manyatta and all the Members who have asked questions, and any others that will arise in between.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Save to correct that I am Alice Wahome, for the sake of *the Hansard*. You have referred to me as Alice Ng'ang'a.

Hon. Speaker: I am so sorry. Hon. Alice Ng'ang'a is the Member for Thika Town. You are Alice Wahome, a distinguished learned friend who was one year behind me in the university. I know you pretty well. You are hereby released to give way to the Cabinet Secretary for Lands and Physical Planning.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. Alice Wahome): Thank you, Hon. Speaker and Members.

(Hon. Kangogo Bowen rose in his place)

Hon. Speaker: Order, Ms Alice. The Chairman of the Departmental Committee on Blue Economy and Irrigation, which oversees your Ministry, is agitated.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker. I do not have a supplementary question. As the Chairman of the Committee that oversees water issues, I appreciate the Cabinet Secretary and the entire team from the Ministry for the elaborate answers to many of the questions which have been asked by Members.

Secondly, I want to tell my colleagues that for the few months I have been overseeing the Ministry, I have noted that it has serious challenges in terms of funding. The right to water is provided for under the Bill of Rights in the Constitution. The right to roads and electricity is not provided for under the same Constitution. I beseech my colleagues that we increase funding for the Ministry. There is a proposal by the Ministry, which I presented before this House; that we should provide funding for water to every constituency. That way, the questions being asked by Members will not arise.

Hon. Speaker: You have made your point. Thank you.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker.

Hon. Speaker: You will prosecute that request before the Budget and Appropriations Committee. Ms Alice, you are released. Thank you. We will see you in three weeks' time.

(Applause)

Bring in the Cabinet Secretary for Lands, Public Works, Housing and Urban Development.

Member for Mwingi Central, get ready to ask your Question.

(Members consulted loudly along the walkway)

Serjeant-at-Arms, the Members loudly conversing in the walkway are interfering with the proceedings of the House. Advise those Members out there to move a little farther and continue talking away from the House.

(The Cabinet Secretary for Lands, Public Works, Housing and Urban Development was ushered into the Chamber)

Cabinet Secretary for Lands, Public Works, Housing and Urban Development, welcome to Parliament. We have five Questions for you this afternoon. We hope we can do better than the Cabinet Secretary for Water, Sanitation and Irrigation; if we can do this in one hour. The first two Questions are from the same Member, Hon. Gideon Mulyungi, Member for Mwingi Central.

Hon. Speaker: Hon. Mulyungi, ask your Questions 084 and 085 together.

ORDINARY QUESTIONS

Question 084/2023

CORRECTION OF ERRORS ON TITLE DEEDS IN MUI COAL BASIN

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development the following Questions:

Could the Cabinet Secretary:

- (a) explain why parcels of land in Mui Coal Basin, Mwingi East Sub-County that have errors in their title deeds have not been resurveyed and the errors corrected and when will they be resurveyed and errors corrected?
- (b) indicate when land in insecurity-prone areas of Mwingi East Sub-County bordering Tana River County will be adjudicated, surveyed and title deeds issued to the residents?

Hon. Speaker, on the Mui Coal Basin title deeds, I raised this matter in the last Parliament in 2019, and the Ministry confirmed it is true there were errors and they promised to correct, but they kept on saying that they do not have facilitation to go to the ground.

Hon. Speaker: Ask the next Question.

Hon. Gideon Mulyungi (Mwingi Central, WDM): I will move to the next Question.

Question 085/2023

COMPLETION OF THE HIGH MAST SECURITY LIGHTING PROJECT IN MWINGI TOWN

Could the Cabinet Secretary:

- (a) provide details of the contract sum and contract period for the high mast security lighting project undertaken in Mwingi Town by the State Department for Housing and Urban Development?
- (b) indicate when the project will be completed and handed over to the County Government of Kitui for maintenance?
- (c) consider adding more high mast security lights in order to cover a wider area and improve security in the town?

Thank you.

Hon. Speaker: The Cabinet Secretary.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Zachariah Mwangi Njeru): Thank you very much, Hon. Speaker, for inviting me here to come and answer Questions from Members of Parliament.

Before I do that, I want to thank the Departmental Committee on Lands and Housing, Urban Planning and Public Works for the support they have been offering to the Ministry's initiative and also offer more collaboration with this House to better serve the citizens of this great nation.

The first Question was by the Member for Mwingi Central, Hon. Gideon Mulyungi, where he requested me to explain why the parcels of land in Mui Coal Basin, Mwingi East Sub-County that have errors on their title deeds have not been resurveyed and errors corrected.

The background information in regard to this Question is that the coal basin in Mwingi covers seven registration sections. These were registered after the process of land adjudication in accordance with the Lands Adjudication Act, Cap. 284 Laws of Kenya. These seven registration sections are Mutyangombe, Thitha, Kitise, Yumbu/Itiko A, Ngiluni, Ngoo and Kivou. We also have the date these registration sections were registered and the number of titles.

I would like to respond as follows: The Member of Parliament raised an earlier Petition No.160/2019 in respect of errors and inconsistencies on the acreage as reflected on the title deeds. A team from the Ministry visited the area from 4th November to 17th November 2019 to assess the situation. The team confirmed that indeed there were errors that occurred during survey of the sections and publication of maps. It was resolved that surveys be carried out and the erroneous titles be recalled for corrections. Due to financial constraints, this has not been done. The Ministry will prioritise to undertake the activities in the Financial Year 2023/24.

In response to the question where we should indicate when land in insecurity-prone areas of Mwingi East Sub-county bordering Tana River County will be adjudicated, surveyed and title deeds issued to the residents, I would like to respond as follows:

The area was declared an adjudication section named Engamba Kandolongwe on 24th November 2016 and due to staff shortage, work commenced on 11th April 2022 and demarcation is ongoing. The adjudication process will be fast-tracked so that it is concluded in the financial years 2023/24 and 2024/25. The Ministry will also liaise with the Ministry of Interior and National Administration to ensure security is provided for successful implementation of adjudication programme.

Hon. Speaker, I do not know whether I should go to the second Question.

Hon. Speaker: Yes.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Zachariah Mwangi Njeru): Thank you.

The second Question is by the same Member, Hon. Gideon Mulyungi, and I am meant to provide details of the contract sum and contract period for the high mast security lighting project undertaken in Mwingi Town by the State Department for Housing and Urban Development and also indicate when the project will be completed and handed over to the

County Government of Kitui and finally, consider adding more high mast security lights in order to cover wider area and improve security in the town

I wish to respond as follows: The project was awarded to M/s Biomax Africa Limited of P.O Box 91131-80100, Mombasa, on 3rd June 2020, with a contract sum of Ksh18,599,150 inclusive of all taxes. The agreement between M/s Biomax Africa Limited and the accounting officer was signed on 29th July 2020 and the high masts were erected in the following locations in Mwingi Sub-County, Kitui County: Musila Gardens, KCB, Country Bus, Kenya Power and Probox Stage. The project installation was of five electric powered high mast flood lighting structures in various informal settlements in Kitui County. The contract number was as indicated there. The contractor was M/s Biomax Africa Limited. The client was the Ministry of Lands, Public Works, Housing and Urban Development, State Department of Housing and Urban Development and it was from the Slum Upgrading Department. The user or beneficiary was the County Government of Kitui and the supervisor was the Public Works Kitui County. The contract sum was Kshs18,599,150. The commencement date was 3rd September, 2020 and the completion date was 18th March, 2021. The work done was 100 per cent.

The contract sum for the proposed installation of five electric powered high mast flood lighting structures in various informal settlements in Kitui County was Kshs18,599,150. The contract period was 28 weeks plus a six-month defect liability period. The project officially commenced on 3rd September, 2020 and was completed on 18th March, 2021. Certificate of practical completion was issued on 15th December, 2021 and a certificate of making good defects was issued on 15th June, 2022.

On Question two, I wish to respond as follows: There were two meetings as well as site inspections to hand over the high mast to Kitui County Government on 14th January 2022 and 21st June 2022. The handing over was postponed due to a pending Kenya Power and Lighting Company bill of Kshs454,720 that was not factored in the contract. The bill has since been settled and the Ministry is making arrangements for the handover to the County Government of Kitui.

In response to question three, the Ministry will consider adding more high mast flood lighting to cover a wider area and also ensure security once the budget is allocated.

I submit.

Hon. Speaker: Supplementary question, Hon. Mulyungi. Do you have a supplementary question or you are satisfied?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes, I have supplementary questions on Question No.084/2023. On Mui Coal Basin, the Cabinet Secretary should be very clear and practical on the timelines because he has said within the year. I need to know what period they will be going back to the site to start surveying.

On title deeds for the land in insecurity-prone areas bordering Tana River, there is only one surveyor on site. He will take ages to complete. Could the Cabinet Secretary add more surveyors to support that exercise?

On Question No.085/2023 on the high mast security lighting project, the Cabinet Secretary has said that he will consider adding more lights when funds become available. The budget has just been read. He should tell us if there is a provision in the budget for additional high mast lighting or not so that what he saying it is not a story.

Thank you.

Hon. Speaker: Hold on, Cabinet Secretary. Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. The Questions had been forwarded correctly. I will just ask them as they were although they are not on the Order Paper. Could the Cabinet Secretary explain why Emuhaya Sub-County has not been having a Lands Control Board since 1919? Could he further state why Emuhaya Sub-County is not appearing in the newly gazetted list of lands control board members for the respective

sub-counties around the country despite the Vihiga County Commissioner having submitted the list of the nominees for all the sub-counties in Vihiga?

Hon. Speaker: Hon. Njeri.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Speaker, could the Cabinet Secretary provide information in regard to the title deed of South Ngariama land including the procedure and the rationale of the adjudication process being undertaken? Could he also state whether the Ministry is relying on the original mapping done by Geo-Acre Surveys Limited and if not, he indicates which one and the rationale for the same?

Hon. Speaker: Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Speaker, could the Cabinet Secretary inform Nairobians, especially Lavington Primary School and Muthangari Primary School, why for Muthangari Primary School, the title deed to date is not in the Lands Ministry? After digitisation was done, many things were affected. Lavington Primary school sits on 21 acres and right now it is encroached. If it is possible, we can meet the Cabinet Secretary with all the stakeholders to ensure we deal with this matter once and for all.

Hon. Speaker: Minister. Sorry, Hon. Edith Nyenze.

Hon. Edith Nyenze (Kitui West, WDM): Hon. Speaker, could the Cabinet Secretary inform us when compensation will be done to the people who gave out land when the Kibwezi-Kitui-Mwingi Road was being done? There are people who gave out land and signed some forms with the National Land Commission and have not been compensated for a very long time. My people in the constituency are affected. When will they be compensated?

Hon. Speaker: Hon. Zamzam. Minister, I hope you are noting all those questions.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mhe. Spika, ningependa kumwambia Waziri kuwa kule Dongo Kundu ambako wameanza Special Economic Zone (SEZ), kuna wakaazi ambao walikuwa hapo kwa miaka mingi sana. Walikuwa na mashamba ekari kumi, ishirini na kadhalika. Hata hivyo, wanalia kuwa wanapewa ploti za 50/100 na wengine wanapelekwa sehemu ambazo hawawezi kukaa vizuri kwa kuwa ni sehemu ambazo ni tata kwa swala la ardhi. Kwa hivyo, ningependa kujua umewapangia vipi wakaazi wa Dongo Kundu na watafidiwa vipi mashamba yao.

Ahsante sana.

Hon. Speaker: Minister, can you answer those supplementary questions.

(A Member spoke off record.)

I will come back to you.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Thank you very much, Hon. Speaker. In regard to the first Question 084/2023, I want to assure the Member that there is a budget allocation of Kshs100 million towards the high mast security lighting project. It is good to note that there are areas that never got these facilities. We will look at the budget and see whether we can have additional high mast security lights across all the counties. Kindly appreciate what you got first, but I can assure you that when funds allow, we will have additional high mast security lights.

The other question is on Emuhaya Sub-County Lands Control Board. We have areas that were left behind. What we do as a Ministry is to write to the county commissioners who, through their DCCs, are supposed to come up with names and then forward them to the Ministry for gazettment. I want to assure the Member that I will take up that issue. He can also visit the Ministry so that we can follow it up with him. It is unfortunate that the constituency has stayed for that long without a lands control board.

The other question is in regard to Lavington and Muthangari primary schools. A team is working on issues of public land across the country. We know that there has been rampant

grabbing of public land and so, a team is working on a report that will help the Ministry deal with issues of grabbed public land. The issue of Lavington and Muthangari primary schools will be part of that report.

The issue of compensation for public land is entirely with the National Land Commission. We will pick up the issue with the NLC to see how they can fast-track it. The Dongo Kundu compensation will be based on the size of land that is being processed. *Kwa hivyo, wizara itaangalia jinsi ambavyo itawasaidia wale ambao wamepewa sehemu ndogo za ardhi.* We are trying to make sure that everyone is compensated. If there will be any issues that will need to be looked into, the Ministry is ready to do that.

On the issue of titling, I want to assure this honourable House that where we have few staff, we have advertised for more recruitment. Although we will not have an adequate number of staff in this financial year, we will spread out those we have and ensure that we fast-track areas that need our attention.

I think I have covered all the questions.

Hon. Speaker: There is one more question from the distinguished Member for Kirinyaga, the Woman Representative. Hon. Njeri, can you repeat your question? Did you get it, Cabinet Secretary?

The Cabinet Secretary for Lands, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Can she repeat it, please?

Hon. Njeri Maina (Kirinyaga County, UDA): That is in order. I almost complained, Hon. Speaker. My question to the Cabinet Secretary is whether he could provide information in regard to the titling of South Ngariama land, the procedure and rationale of the adjudication currently being undertaken, and whether the Ministry is relying on the original mapping done by Geo-Acre Surveys Limited. If not, indicate which one and the rationale behind it.

The Cabinet Secretary for Lands, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Thank you very much, Hon. Speaker. With regard to South Ngariama land, a team is working to make sure that that process is done, but I request the Member to visit us at the Ministry so that we can look into the whole issue and do that process seamlessly. I request that you visit the Ministry, so that we can handle that issue with you and other leaders.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker

Hon. Speaker: Yes, Hon. Junet. Give him the microphone.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I seek your indulgence on a matter. When Cabinet Secretaries come here, most of their answers to Questions are, “you can visit us in the office.” We do not want to visit their offices. We want answers here in Parliament. This is our place of operation. We do not want to go and take tea in their offices.

Hon. Speaker: Indeed, Cabinet Secretary. Once a Question comes to the Floor, it is a property of this House. It is no longer a private engagement between any Member and a Cabinet Secretary. Try as much as you can to answer Questions. Where you do not have ready answers, we can indulge you to write to the House, and the Member will be notified, or we will call you within the shortest time possible to answer Questions whose facts may currently not be readily available to you. But we discourage this camaraderie of moving Questions from being the property of the House to a private engagement between a Member and a Cabinet Secretary. The moment I approve a Question, it ceases to be an engagement between a Member and a Cabinet Secretary; it is a property of the House.

Yes, Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, there are some supplementary questions that the Cabinet Secretary has not answered. One of them is regarding Mui Coal Basin. I asked him about the timelines and he told me that he would look at the whole year and see what he can do.

Hon. Speaker: Okay, you have made your point.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Just one more point. I want timelines on that. Secondly, I cannot agree with the Cabinet Secretary that the Government of Kenya does not have surveyors. He says he is recruiting surveyors. How do you recruit surveyors?

Hon. Speaker: Ask him a question.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Can the Cabinet Secretary assure me that he will increase the number surveyors at the Tana River border to survey the land?

Hon. Speaker: Thank you.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Oundo, what is the problem?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): It is probably just a policy matter. I would like to pick up from where Hon. Beatrice Elachi left about Kileleshwa Primary School land. I am sure the Cabinet Secretary is aware that many public primary schools in this country have no titles or ownership documents. It is even more alarming for schools built on community land. We have cases where a patriarch or matriarch who gave out land for a school never completed the transfer process. Because of delays in transfer of funds from the national Government, many primary schools are unable to acquire titles because they require a Government surveyor who will want to be facilitated with transport and lunch. Certain payments have to be made. In due course, can the Cabinet Secretary and his team come up with a clear policy framework that will reduce the burden and cost on impoverished schools, so that they can be given some kind of remission to prepare and acquire titles to avoid encroachment and the so-called land grabbing, which does not even exist in practice?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Lands, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Hon. Speaker, I said that the Mui Coal Basin issue would be completed in the Financial Year 2023/2024. I assure the Member that once funds are released within 60 days, that work will be done. We will mobilise our staff and surveyors. I can also assure you that the number of surveyors will be increased, and more of them will work on that issue.

As a Ministry, we have a titling programme for all public learning institutions. We have a committee that is working towards that. Through our national titling programme, we will issue titles to all learning institutions without charging them anything. We know that land belonging to most learning institutions has been grabbed. Once that committee comes up with that report, we will make sure that the land reverts to its rightful owners. A national titling programme is working towards issuing titles to all public learning institutions. We are working closely with the Ministry of Education to achieve that.

Hon. Speaker: Yes, Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, unfortunately, from our training, when you make a pronouncement, there must be deliverables. One of the deliverables is timelines. When a lady conceives, it is expected that after nine months, and not more, she will deliver.

Hon. Speaker: What is your question?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Can the Cabinet Secretary give us exact timelines for when that programme will be actualised, and come to an end? What are the deliberations?

Hon. Speaker: Yes, Cabinet Secretary.

The Cabinet Secretary for Lands, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Thank you very much, Hon. Speaker. This is an ongoing programme for the last two years. We are facing challenges, but I can assure that there are institutions that are already titled today. They have their tenure of ownership. We may not have reached the

Member's residence. This is an ongoing programme. It has been there for the last two years. We are happy because we are achieving a lot with it.

Hon. Speaker: Member for Chepalungu. Let us take three questions and then we ask the Cabinet Secretary to respond.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Speaker. I have a question, but I know the answer will come when the Cabinet Secretary comes to the House next time. My name is Hon. Victor Koech Mandazi, Member for Chepalungu.

There is a small village in my constituency, popularly known as Legetiet, which is next to Siongiroi, a very popular town, where families were asked to surrender land to the Government for construction in the 1990s. It houses the current Deputy County Commissioner's office, chief's office, hospital, Siongiroi Secondary School and the Kenya Medical Training College (KMTC) that is within my constituency. These are three families. They surrendered their land and they were promised land next to Siongiroi Girls High School. They live in Legetiet Village. Up to now, there are 300 families that do not have proper land documentation. What amount of time does your office require to make sure that these persons living next to Siongiroi Girls High School have proper documentation for their land?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker.

(Hon. Moses Kirima raised his hand)

Hon. Speaker: Hon. Member, you are masked. I cannot tell who you are.

Hon. Peter Kaluma (Homa Bay Town, ODM): It is Hon. Kirima.

Hon. Speaker: Go on.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I have two supplementary questions to the Cabinet Secretary. One matter hindering issuance of title deeds to lands across the country is disappearance of records at the Ministry of Lands, Housing and Urban Development. What measures is the Ministry taking to ensure that land records that disappear are replaced and restored to the owners to enable not only titling, but also the rightful owners to engage in transactions? We have several parcels of land across the country. Some people, including us, take mortgages to buy land which cannot be traced at the Ministry. What measures have you instituted?

Lastly, when we hear about titling, more so those who come from Homa Bay County, it seems like stories. Places in my village area in Homa Bay Town Constituency, including my ancestral land which I have built my home, do not have title deeds. What measures have you instituted as a Ministry to ensure that the parts of the country which are not yet titled like the ones I have talked about are also titled, and the people who rightfully own the land can deal in land and transact business?

Hon. Speaker: Hon Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Speaker. I have a humble question for the Cabinet Secretary for Lands, Housing and Urban Development.

We have Kiagu Ward in Central Imenti Constituency. We have an adjudication section called Kiamuri B which was adjudicated way back in 2003. The title deeds were not issued. I have asked a number of Questions before this honourable House. Before the Cabinet Secretaries started coming to Parliament, there was a question that was asked, but it was not responded to. Meru County has issues of title deeds. Meru North, Tigania, Igembe and parts of Buuri have been issued with title deeds. Why has Central Imenti not been issued with title deeds in that remaining section which borders Tharaka Sub-County in Tharaka-Nithi County?

Who prevented the title deeds from being issued and why has that gathering not been honoured?

Hon. Speaker: Cabinet Secretary, can you answer those questions?

The Cabinet Secretary for Lands, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Thank you very much, Hon. Speaker.

There is the issue in Chepalungu Constituency where families were displaced. They surrendered their land where Government institutions were built. Compensation of Government land lies with the NLC. I will liaise with them on this issue. When I come to the House next time, I will shed light on that question.

There is also the disappearance of land records. As a Ministry, we are aware that this has been a big problem. That is why we took the bold step of digitising all our land records. We started with Nairobi City County where we are scanning all the land documents, ready for digitisation. From there, we will move to all other registries in the country. Currently, the other registries are arranging documents ready for scanning, so that we can have all of them in the Ardhi Sasa Platform. Once we do that, we will do away with human touch of the manual records. There will be no interference of our records. That is why all of us should support this digitisation programme. I can assure you that 95 per cent of the problems we have within the Ministry of Lands, Housing and Urban Development will be taken care of.

There is the issue in Central Imenti which is true. I remember I tackled a Question regarding the same in the Senate. We have dispute problems between Tharaka-Nithi and Meru boundaries which we are handling. Once the problem is solved, we will start issuing title deeds within that area.

Hon. Speaker: Member for Ganze.

Hon. Kenneth Tungule (Ganze, PAA): Thank you, Hon. Speaker. I have two supplementary questions.

Hon. Speaker: Ask only one question.

Hon. Kenneth Tungule (Ganze, PAA): Okay, Hon. Speaker. I want to inquire from the Cabinet Secretary about Giriama Ranch in Ganze which was started by the community for livestock farming. At some point, the project collapsed and it is not clear how the title deed, which was freehold, turned to leasehold. Now, only a few people own that property. I want to know from the Cabinet Secretary under what circumstances that land changed from freehold to leasehold.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Zachariah Mwangi Njeru): Thank you very much, Hon. Speaker. I wish to respond to that question in the next meeting because it is not part of the questions I was handling today. I ask for your indulgence that the supplementary questions be based on the questions...

Hon. Speaker: Not necessarily, but that is a fair request.

Next is Hon. Caleb Amisi.

Question 086/2023

OWNERSHIP STATUS OF LAND OCCUPIED BY KWALE INTERNATIONAL SUGAR COMPANY

(Hon. Wanami Wamboka spoke off-record)

Hon. Speaker: Hon. Wamboka, the requirement is that any Member who is unable to prosecute his Question must write to the Speaker informing him of his or her inability to be in the House and to nominate or designate a particular Member to prosecute the question. On this

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particular issue, I have no letter from Hon. Amisi at all, I do not want to cast aspersions on you, but these are your own rules and we do not have a letter from him. So, I will not allow you.

Hon. Wanami Wamboka (Bumula, DAP-K): Well guided, Hon. Speaker.

Hon. Speaker: Ordinarily, I would have dropped the Question, but in this mix, I will let it stay for the next time the Cabinet Secretary comes.

(Question deferred)

Next is Hon. David Gikaria. Hon. Members, if you have a Question and are unable to be in the House for reasons well understood, designate a colleague in writing to the Speaker, that so and so will be the one to prosecute my Question. We have done so before. Yes, Hon. Gikaria.

Question 109/2023

STATUS OF PAYMENT OF DUES TO PERSONS ENGAGED IN KAZI
MTAANI PROJECT IN NAKURU TOWN EAST CONSTITUENCY

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary the following Question:

Could the Cabinet Secretary:

- (a) provide a detailed report on the names and period of engagement of persons, particularly youths and elders, who were engaged in the *Kazi Mtaani* Project Phase 3 in 2022 in Nakuru Town East Constituency?
- (b) provide the status of payment of dues to the people who were engaged in the said Phase 3 *Kazi Mtaani* Project in Nakuru Town East Constituency?
- (c) outline the plans that have been put in place to ensure that youths who are yet to be paid are duly paid and when will they be paid following termination of the *Kazi Mtaani* Project?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Thank you, Hon. Speaker.

I am required to provide a detailed report of the names and period of engagement of persons particularly youths and elders, who were engaged in the *Kazi Mtaani* Project, Phase 3 in 2022 in Nakuru Town East Constituency.

My response to the above Question is as follows: The outbreak of COVID-19 in Kenya in 2020 prompted the Government to adopt containment policies and measures to limit the spread of the virus across the country. These measures limited movement of the population and as a result caused a contraction of the economy. In response to the challenge above the National Hygiene Programme well known as (NHP)...

Hon. Speaker: Cabinet Secretary, which question are you answering? The Question is so simple: Provide a detailed report of the names and period of engagement of persons particularly youths and elders.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): I was just giving background information.

Hon. Speaker: Try and save time. You can see many Members want to ask questions, so do not skirt around questions just answer them.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Well guided, Hon. Speaker.

Hon. Speaker: Have you seen the Question?

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Yes.

Hon. Speaker: Provide a detailed report of names and period of engagement of persons and provide status of payment dues to these people, so on and so forth. These are very simple questions.

Hon. Members: Which question is he answering?

Hon. Speaker: We are on Question 109/2023 asked by Hon. David Gikaria, the man from your own county.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr. Zachariah Mwangi Njeru): Hon. Speaker, attached is a summary of persons engaged in *Kazi Mtaani* Project in Nakuru Town East Constituency across the two cohorts. There is a table showing the cohorts and Cohort 1 had 3,240 workers, Cohort 2 had 3,134 workers and Cohort 2R1 had 3,415 workers. On plans to clear this, the State Department for Housing and Urban Development has a cash requirement of Ksh1.206 billion to pay all workers who worked in the counties where *Kazi Mtaani* Phase 3 was implemented.

In the Financial Year 2022/2023, the approved budget was Ksh2 billion for that programme, but the amount was reduced in the supplementary budget by Ksh884 million leaving the available budget at Ksh384 million which we are awaiting the Exchequer. Therefore, there is a budget shortfall of Ksh882 million and upon availability of these funds the State Department will be keen to clear its unpaid bills.

Hon. Speaker, the following is also a summary of the dues paid and unpaid for the *Kazi Mtaani* workers in Nakuru Town East Constituency. Cohort 1R1 had 3,240 workers, the payment due was Ksh4,959,951 and the status as at today, it is paid. Cohort 2 had 3,134 workers and the payment due was Ksh12,480,280 which was also paid. Cohort 2R1 had 3,415 workers, payment due was Ksh10,667,300 and payment was also made. The last cohort had 3,415 workers, payment due was Ksh13,748,305 which is unpaid. Annexure three is a detailed report of workers engaged in *Kazi Mtaani* Project, Phase 3 in Nakuru Town East Constituency and it contains a list of all workers.

Hon. Speaker, I submit.

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

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Temporary Speaker (Hon. Farah Maalim): Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. Unfortunately, I do not have a copy of the response so I could not follow. When the Cabinet Secretary was submitting, I heard him say that they are still waiting for the exchequer since the last two financial years. There is a requirement passed by Parliament that whatever has not been paid by 30th June requires a supplementary vote. I would like to know from *Waziri* whether the ministry has put a supplementary vote in place.

Secondly, there is Ksh13 million that is unpaid in Nakuru Town East Constituency. I would want *Waziri*, again, to give some timelines as to whether it was budgeted for in this Financial Year 2023/2024. If not, what plans are there to ask for supplementary votes to pay that?

Hon. Moses Kirima (Central Imenti, UDA): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): Supplementary question or point of order? Who are you at the back there?

(Hon. Moses Kirima spoke off record)

The Temporary Speaker (Hon. Farah Maalim): Hon. Kirima, what is your point of order?

Hon. Moses Kirima (Central Imenti, UDA): My question has not been answered perfectly by the Cabinet Secretary. He gave me a raw answer because he left out something.

The Temporary Speaker (Hon. Farah Maalim): When did you ask your question? Was your Question to this Cabinet Secretary?

Hon. Moses Kirima (Central Imenti, UDA): Yes. My Question to this Cabinet Secretary was that...

The Temporary Speaker (Hon. Farah Maalim): Which Question number is that?

Hon. Moses Kirima (Central Imenti, UDA): It was a supplementary question, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): It has passed. A supplementary question on another Question?

(Hon. Moses Kirima spoke off record)

Can you give him the microphone?

Hon. Moses Kirima (Central Imenti, UDA): It was a supplementary question of which he answered, but he did not give a satisfactory answer because he told me...

The Temporary Speaker (Hon. Farah Maalim): A supplementary question on a Question that we have already gone beyond? We have already gone to the next Question. A matter is live in the House when it is live. When you proceed to the next Order or Question, that matter ceases to be an issue for discussion at that time. Unless, of course, it is an undertaking on when he is going to give you an answer; whether you should go to his office. In this case, I think you want a definitive response as to when you will get the answer.

Hon. Moses Kirima (Central Imenti, UDA): Hon. Temporary Speaker, if you can give me a chance, you will understand what I asked, so that you can get it from the Cabinet Secretary and I can know the way forward.

I asked about the title deed of Kiamuri B and the Cabinet Secretary chose the Andrew Ligale Commission and the Ogongo Commission which gave you an answer of what you are supposed to do. Why have you not implemented the results of those commissions up to now? As simple as that, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): You were supposed to rise on that point of order at an appropriate time. You are rising on a point of order.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): The Cabinet Secretary has heard this. Make sure you give your answer at the appropriate time by sending it to the House which will take note and notify the Member.

Hon. Njeri Maina (Kirinyaga County, UDA): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): Yes, Member of Parliament for Kirinyaga.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Temporary Speaker, I want a commitment from the Cabinet Secretary on whether he will respond in writing or when he comes to the Floor, because the people of South Ngariama need an answer and I am their mouthpiece here in Parliament.

The Temporary Speaker (Hon. Farah Maalim): Clearly, while responding to supplementary questions, the Cabinet Secretary will also give an undertaking on all those questions that are pending that essentially Members of Parliament will need to have answered

and answers brought to the House. The position is very clear, when a Question is raised on the Floor of the House, it becomes a property of the House. Mr. Cabinet Secretary, you can then send the answer.

Hon. Beatrice Elachi (Dagoretti North, ODM): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): Order! The lady called Hon. Elachi, what is your point of order?

(Hon. Beatrice Elachi spoke off record)

Okay. What is your supplementary?

(Hon. Jared Okello spoke off record)

Order! You cannot have two supplementary questions at the same time. Member of Parliament for Nyando, take your seat. Hon. Beatrice Elachi is a full Member of this House. She is not a half Member such that when she is already given an opportunity, you want to override it for you to... Go ahead, Hon. Beatrice.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. My supplementary question now goes to the Cabinet Secretary on a matter that is on Kajiado Land Reference No.462, a parcel of land that was taken by the Kenya Railways when they were doing the Standard Gauge Railway. This is land for old women who live in Dagoretti North. They have gone through a very hard process and I wish the Cabinet Secretary would undertake that the registrar in Ngong knows about this issue. He has taken these women round for the last three years until they went to court. They won in court in Kajiado, came back to Kenya Railways which is now telling them to go back to the registrar in Ngong. At this moment, we cannot find him or even the file.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Nyando, you can ask your supplementary question so that the Cabinet Secretary can answer a number of them at the same time. Proceed.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I thank you very much. From the outset, Hon. Kaluma asked why there is a slow pace of issuance of title deeds within Nyanza region. That has not been answered.

My supplementary question is that in February, Awasi Lands Registry offices got burnt by unknown people during a weekend. Whereas there has been an undertaking by the Cabinet Secretary, and of course, he has put in the Gazette notice that reconstruction of documents will be undertaken within the next few days, and this will continue for about a year or two, we also need to know progress of investigations that are being carried out. Otherwise, the thugs, as I would call them, will remain complicit because this is not the first time this is happening. Whereas that falls under the purview of investigative agencies, consumers of this information from the Directorate of Criminal Investigations or whoever will be the Ministry of Lands. Therefore, it behoves all of us to know the levels of investigations carried out.

Finally, I want to know whether those who donated land for the Soin-Koru Dam have fully been compensated. How I wish he knew levels of where this dam is because he would have been the right person to answer. Compensation is very key to the people who gave out their land to a project that has, of course, never taken shape.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, I wish to, in all wisdom, bring to your attention that when the Cabinet Secretary is asked specific questions, while the House has the leeway of asking everything under the sun as far as land is concerned from their own constituencies or country, you cannot possibly expect the Cabinet Secretary to have imagined all those things and taken them into consideration.

I know the rules are very specific. When he gives an undertaking that he is going to come with the answers at a later date, you must respect what we call position on that wisdom. They are going out of their way. They are not telling you that you have not asked that question yet you want them to answer. Ordinarily, that used to be the case when I was here under the old dispensation. Here it says: 'The Speaker may permit the Member who raised a Question to ask a maximum of two supplementary questions that are related to the original Question.' You could say they all relate to lands. It goes further and says: 'Permit a Member, other than a Member who asked the Question, to ask a further supplementary question that relates to the original Question, and direct the Cabinet Secretary to provide additional information or further reply to a Question or supplementary question to the relevant committee of the House, or defer the Question to a different time.'

The way we are going right now is both an intense generosity from the Cabinet Secretary and engagement from the House, which is very good and healthy. You should accept when he gives you an undertaking that it was not in your original Question, but he will go back to get the information, and give it again.

On the part of the Cabinet Secretary, you should remember that you owe this House an answer in every undertaking you give in here.

We have another supplementary question from Hon. Kaluma Peter. Give him the microphone, please.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, mine is not a supplementary, but to salute your directions to the House based on the Standing Orders.

The question I had asked about titling in our region had no undertaking. The point of order is that it has not been replied to at all, either in terms of giving reply now or giving an undertaking as to when communication will be made to the House. Could we get that information?

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary has heard that. I am sure he has also taken note of that. Let us have Hon. Mwenje, followed by Hon. Mogaka.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker. Before I ask my supplementary question, I would request that you guide the Cabinet Secretary that when he responds, he does so to the Member who has asked the Question. As an introduction, my name is Mark Mwenje.

My supplementary question is: In Nairobi we had Cohort II, Round II of *Kazi Mtaa* Project where there were 36,726 workers and 3,239 supervisors who until today remain unpaid. As I listened to his response to Hon. Gikaria, he did not give a timeline of when the Ministry intends to pay the youths not just in Nakuru, but also the ones in Nairobi. Can the Cabinet Secretary give a commitment and timelines? If the Government does not want to pay these people, can he say they do not intend to pay the people who undertook the work?

The Temporary Speaker (Hon. Farah Maalim): Wait, Cabinet Secretary, and take a few more supplementary questions. Hon. Mogaka.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker. I also thank the Cabinet Secretary for coming. My name is Stephen Mogaka, Member of Parliament for West Mugirango Constituency, which houses Nyamira County Headquarters.

I would like the Cabinet Secretary to note and at an appropriate time tell this House whether he is aware that there are fake title deeds emanating from the Nyamira Lands Registry. If so, when is the Ministry going to conduct an audit and ensure that the fake title deeds in circulation are either destroyed and the authors of that crime brought to book?

The second supplementary question is: Can the Cabinet Secretary answer as to whether the people whose land was taken to construct the current Nyamira County Hospital were ever compensated? If not, when will they be compensated?

Similarly, road expansion has been undertaken by the county government in the last three to four years and a lot of demolition has occurred in the process of the expansion of road networks. Why are people of Nyamira County never compensated? Why is the Compulsory Land Acquisition Act not applicable in Nyamira? People's property gets encroached, demolitions happen and loss is afflicted on innocent Kenyans who have approvals for the constructions that have been undertaken. Let the Cabinet Secretary kindly give me an undertaking that he will bring answers to the House during his next coming or invite me to collect them and relay them to the people of Nyamira.

The Temporary Speaker (Hon. Farah Maalim): Member for Manyatta Constituency.

Hon. Gitonga Mukunji (Manyatta, UDA): Hon. Temporary Speaker, thank you very much.

A few weeks ago, I listened to His Excellency the President in a church service in Isiolo giving a directive that the National Land Commission should not do valuation of land and at the same time pay compensation. I would like to hear from the relevant Ministry what it is doing about that directive from the President. The Cabinet Secretary has clearly said that he has to consult with the NLC on issues of compensation of land. Does it mean that the NLC is stuck waiting for his directive or is it the other way round?

Members of the public that gave their land for the construction of a ring-road in Embu in 2019 have never received a penny in compensation up to now.

The Temporary Speaker (Hon. Farah Maalim): Member for Mandera North.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker.

I would like to ask the Cabinet Secretary to provide details of *Kazi Mtaani* Project, especially Phase III in Mandera North. I am sure he does not have the details here, but I would like that information to be provided in respect of Mandera North Constituency in terms of numbers. Who has been paid and what is due?

The Temporary Speaker (Hon. Farah Maalim): Hon. K'oyoo. We will take just two more and then...

Hon. James K'oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. This is in furtherance to the supplementary question that was asked by my colleague, the Member of Parliament for Nyando Constituency. As he already stated, Awasi Lands Office was engulfed by a fire some time in February. While the Ministry has made efforts to re-construct the records, the land officers have nowhere to work from. The records are delicate. The officers need to have a permanent office where they can keep the records and attend to the people. I wish to know the arrangements the Ministry has in terms of building or re-constructing a new Awasi Lands Office.

The Temporary Speaker (Hon. Farah Maalim): The Woman Representative for Mandera is the last one on this matter. Give her the microphone, please.

Hon. Umul Kheir Kassim (Mandera County, UDM): Thank you, Hon. Temporary Speaker. I would like to ask the Cabinet Secretary about the Ministry of Works Sports Club in South C. When I was in school in the late 1990s, the Ministry of Public Works Club was vibrant. It had a swimming pool, sports facilities, and a gym. The place is now dilapidated. As much as it is open to the public and people actually still subscribe for membership, it is not up to standard. It sits on a huge chunk of land. I would like to ask the Cabinet Secretary what plans they have with it. They can privatise or lease it out. Or do they just want to let it be as it is? It is a waste of public resources. The staff and facilities are there, but the Club is not functional and it is not being put into good use.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary, the Temporary Speaker understands that you could not have possibly imagined all these questions before you

came in here. Please, give the right undertakings and make sure that you stick to your words at a later date.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Thank you very much, Hon. Temporary Speaker.

Let me start with the last question regarding the Public Works Sports Club. It is true that the South C Public Works Institution is not as it is supposed to be. I undertake, now that we can see light at the end of the day in terms of funding, that we are going to work towards improving that facility.

On our Nyando Lands Office, it is true that it went down...

The Temporary Speaker (Hon. Farah Maalim): The questions are very comprehensive so just give an undertaking.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): We gazetted the re-construction of the Nyando Registry. Investigations are ongoing and we have given all the information necessary to the Directorate of Criminal Investigations. Let us give them time to come up with an appropriate report. Currently, the officers work from the County Commissioner's office. Soon, we will be getting containers for their use as we construct the new registry. In regards to...

Hon. Jared Okello (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of Order?

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I appreciate the efforts the Cabinet Secretary has put to try to answer the question. The office got burnt on 18th day February 2023 and we are now in July. Whereas I acknowledge that investigations sometimes become quite complex, we need to know the level...

The Temporary Speaker (Hon. Farah Maalim): Hon. Jared Okello, allow the Cabinet Secretary to conclude his submission. You do not know what he was going to say. You stopped him somewhere in the middle. Continue, Cabinet Secretary. What you do not have, give an undertaking that you are going to do it.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Hon. Temporary Speaker, as I have said, investigations are undergoing. We have the necessary information that the Directorate of Criminal Investigations requires. I just want to take an undertaking that we are going to make a follow up and make sure that such incidences do not happen. We are going to follow up with the DCI to see that we get the required information.

The Temporary Speaker (Hon. Farah Maalim): Then report back to this House.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): On the remedial steps you are going to take. Remedial steps are required as a matter of urgency. So, give that undertaking.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): There were three questions based on *Kazi Mtaani*. The ones raised by Hon. David Gikaria and Hon. Mark Mwenje.

We do not have a budget in this current financial year, but we introduced the required amount of Ksh1.2 billion in the supplementary budget. It will cover all the bills that have not been paid across the country where the *Kazi Mtaani* youth have not been paid. I am making that undertaking.

We are going to consult on compensation of roads in Nyamira and Kajiado. I am going to follow up with the NLC because that is their role. I will report once I come back.

On the issue of titling, the Government is issuing titles all over. We are not discriminating against any region. We are adequately financed and going to cover all areas that

are mature for titling. Any Kenyan who has documents to prove land ownership, we are going to make sure that we provide titles. As a Ministry we are going to work very hard to give titles to our citizens.

(Several Members spoke off record)

The Temporary Speaker (Hon. Farah Maalim): Order! Order, Hon. Peter Kaluma! I think you are seeking a specific undertaking on your issue. Cabinet Secretary, there were specific issues raised.

(Hon. Peter Kaluma spoke off record)

Which one did you raise?

Hon. Peter Kaluma (Homa Bay Town, ODM): For Homa Bay region.

The Temporary Speaker (Hon. Farah Maalim): For Homa Bay region, Kirinyaga and Mandera. Cabinet Secretary, please, give specific undertakings for those three sticking out things that were asked by those Members.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): For Homabay, I would kindly ask the Member to raise the question.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Peter Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. The issue was that Homa Bay region has been neglected on titling. My ancestral land has no title. The question was the specific measures to secure titles for those regions, so that we can also transact in land. It is wrong for the Cabinet Secretary to say we are titling anyway. Could I get specific undertakings in terms of timelines and measures?

The Temporary Speaker (Hon. Farah Maalim): Point taken. Cabinet Secretary, the issue here is that Homa Bay County has never had any titling since Independence. Hon. Njeri Maina and Hon. Major (Rtd) Abdullahi Sheikh had similar situations. You could give specific undertakings for the three. You will report back to the House on the areas they had concerns.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Thank you. On Homa Bay, I want to tell the Hon. Member that I was there. They have a very active registry. What I would want to know is specifically which areas. Unfortunately, I had a quarrel with the registry because of the way the records had been kept. However, I am going to send a team to make sure that all Kenyans living there are taken care of as far as titling is concerned.

The Temporary Speaker (Hon. Farah Maalim): Then report back to the House. We have the same case with Kirinyaga and Mandera North. Lamu East is also in a similar situation. Can you ask your supplementary question on the same so that we exhaust all the issues?

Hon. Ruweida Mohamed (Lamu East, JP): Asante Mhe. Spika wa Muda. Swali langu kwa Waziri ni hili: Mkokoni, Lamu East, awamu ya pili ya upimaji mtamaliza lini? Kitu kinanishangaza ni kuwa Kenya nzima, ni Lamu peke yake kutoka wakati wa ukoloni ndiyo ni Government of Kenya land. Sehemu zingine zote utaona *community land*. Una mipango gani ya kusuluhisha hili? Kwa sababu hata kule kwingine labda ni *ranches*. Kule Lamu hakuna kitu kama *community land*. Kwa kipindi hiki cha Serikali ya Kenya Kwanza naomba hili lifanyiwe.

Ulikuwa Lamu tukakaa kwa kikao kizuri lakini hatujapata majibu. Tunaomba majibu kwa muda wa mapema. Asante.

The Temporary Speaker (Hon. Farah Maalim): One moment for Hon. Josses Lelmengit. Proceed.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Temporary Speaker for this opportunity. On compensation, there is a road that was done in 2002 - Kipsigak-Serem-Shamakhokho Road - under Kenya Rural Roads Authority (KeRRA LR/No 0333) and people have not been compensated to date.

The Temporary Speaker (Hon. Farah Maalim): Fair enough.

Hon. Josses Lelmengit (Emgwen, UDA): What measures is the Cabinet Secretary and his team putting in place so that similar issues do not recur?

The Temporary Speaker (Hon. Farah Maalim): Order! Supplementary to which Question? Do you remember the last Question which is supposed to have a supplementary? There is a leeway that we were given. Cabinet Secretary, give an undertaking on all those questions so that we can go to the next Question.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Thank you Hon. Temporary Speaker. About Mkokotoni Scheme in Lamu, I was there as the Member has said.

Hon. Ruweida Mohamed (Lamu East, JP): Point of Information.

The Temporary Speaker (Hon. Farah Maalim): Who are you informing? The Cabinet Secretary or the Chair?

Hon. Ruweida Mohamed (Lamu East, JP): The Cabinet Secretary.

The Temporary Speaker (Hon. Farah Maalim): Proceed and inform him.

Hon. Ruweida Mohamed (Lamu East, JP): Inaitwa Mkokoni. Huko ni *area* ya Wabajuni.

(Several Members spoke off record)

Inaitwa Mkokoni mji wa wangwana.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Ruweida ungesema nidhamu badala ya *point of information*. Kama ni Kiswahili tunaenda na Kiswahili kuanzia mwanzo hadi mwisho.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Kwa hivyo, kule Mkokoni Scheme, tutamaliza usoroveya kwa kadri ya miezi sita. Kwa hivyo, jambo hilo tutakuwa tumelimaliza.

The Temporary Speaker (Hon. Farah Maalim): You are undertaking for Kirinyaga, Manderu North and Emgwen. We go to the next Question.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): I am undertaking that next time, I will come with the report to this honourable House and make sure that I have answers to all the questions that have been asked.

The Temporary Speaker (Hon. Farah Maalim): Excellent. Take note of that and include it in the *Hansard* so that we get the specifics of it.

(A Member spoke off record)

Cabinet Secretary, can you also take for Nyamira? Make the undertaking. Fair enough.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Yes, it is to do with the NLC and us. Yes, there is that pronouncement. Within the law, we have been in touch with the Attorney-General's office. We are looking for ways to amending the Act so that whatever we do is in line with the law. There is an ongoing consultation between the Ministry and the Attorney-General to make sure that we align.

The Temporary Speaker (Hon. Farah Maalim): Let us now have Question 117 by the Member of Parliament for Embakasi West. Hon. Bedzimba, you could raise your burning question when the next Question is asked.

(Hon. Gitonga Mukunji rose on a point of order)

Hon. Gitonga, what is your point of order?

Hon. Gitonga Mukunji (Manyatta, UDA): Hon. Temporary Speaker, I do not feel satisfied with such an answer. I feel like you are rushing the answers that we are not getting...

The Temporary Speaker (Hon. Farah Maalim): Order! The basic rules that you learn in a very special way is that you do not cast aspersions on the conduct of the Chair in terms of how he is running the House. That should immediately get you out of the House for the rest of the day, but I am not going to do that.

(Laughter)

Next Question, Hon. Mwenje.

Question 117/2023

STATUS OF LAND OWNERSHIP OF EMCO
IN MOWLEM WARD

Hon. Mark Mwenje (Embakasi West, JP): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development the following Question:

Could the Cabinet Secretary:

- (a) provide details on the status of ownership of parcel of land popularly referred to as 'EMCO' in Mowlem Ward in Embakasi West Constituency and registered as LR No.12304 (Original Number 11344/1), LR No.12504 and LR No.12147 (Original No.11344/4).
- (b) state whether the Ministry has issued a different title deed with respect to the said parcel of land to Kiambu Dandora, a registered group or any other person or persons.
- (c) explain why court orders issued in 2019 on ELC Case No.1518 of 2013 and in November 2022 with respect to vacation of the said parcel of land by trespassers are yet to be implemented.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Thank you, Hon. Temporary Speaker. In response to part (i) I wish to respond as follows:

According to our records, LR/No.12034 (Original No.11344/1) measuring approximately 35.35 hectares was initially registered as Grant No.26181 in favour of the City Council of Nairobi. Annexure IV is a copy of the title.

On 23rd June 1975, the parcel was transferred to EMCO Steel Works Kenya Limited. On 28th July 2008, the parcel was transferred to EMCO Billets and Steel Limited. On 4th April 2018, the parcel was subdivided into two portions, that is LR/No.12034/2 measuring 4.920 hectares and LR/No.12034/3 measuring 29.42 hectares. On 6th September 2018, LR/No.12034/2, that is, certificate of title IR 195068 was transferred to Tononoka Rolling

Mills Limited and is currently charged in favour of Barclays Bank of Kenya Limited for USD 4 million. There is an attached Annexure V.

The LR/No. 12034/3, certificate of title IR 195069 is currently registered in favour of EMCO Billets and Steel Limited and is charged in favour of Co-operative Bank of Kenya Limited for Ksh1,896,207,954. There is an attached Annexure VI. The LR/No.12247 (Original Title) 11344/4 measuring approximately 5.198 hectares is currently registered in favour of EMCO Steel Works Kenya Limited, Grant IR 33533 and marked as Annexure VII. The title was initially granted to the then City Council of Nairobi on a 99-year lease which commenced on 1st January 1978 to be utilised for a steel rolling mill. The Council transferred the parcel to EMCO Steel Works Kenya Limited on 16th April 1981.

The LR/No.12504 measuring approximately 10.06 hectares is currently registered in favour of EMCO Billets and Steel Limited. You can see grant No.IR 33501 marked as Annexure IV. The parcel was granted on a 99-year lease which commenced on 1st October 1978 to be utilised for industrial purposes.

In response to part (ii), I wish to state as follows: In Nairobi, HCCC No. 1348 of 1972, Kiambu Dandora Farmers Company Limited was decreed as the registered proprietor of LR/No.11379/3 measuring approximately 818 acres. From the parcels listed above, LR/No.12504 currently registered in favour of EMCO Billets and Steel Limited is located within LR/No.11379/3. This has thus led to the conflict between the two companies. In 1974, the then Commissioner of Lands sought to acquire LR/No.11379/3 for future urban development *vide* Gazette Notices No.840 and 841 published on 15th March 1974. Annexure IX are copies of the Gazette Notices. Through the said acquisition, LR/No.12504 was allocated for industrial purposes.

Kiambu Dandora Farmers Company Limited claim it was never compensated and have filed Nairobi Constitutional Petition No.47 of 2011 now consolidated with Nairobi ELC Case No.1518 of 2013 seeking their land or alternative compensation for the land. This matter is in court pending determination.

I submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Mwenje.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker.

I want to thank the Cabinet Secretary. I hope he will share the written submissions with me. My supplementary question is: How comes there is Block 242 by the Ministry of Lands subdividing the exact same parcel of land and has even proceeded to issue letters of allotment from the same parcel of land? That is my first question. Has the Ministry gone ahead to subdivide the land in spite of all the information that the Cabinet Secretary has shared?

Secondly, why is the Ministry allowing subdivisions to occur, especially in Mowlem Ward?

(Hon. TJ Kajwang' and Hon. Jared Okello consulted loudly)

Hon. Temporary Speaker, you need to protect me from some noisemakers here.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Kajwang' and the Member of Parliament for Nyando. Could you, please, consult in low tones?

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker. My question to the Ministry is why they are allowing subdivision of parcels of land that measure 20, 30, 40 acres without providing for surrender of public utilities as has been the custom in Nairobi. I raised this issue because this is happening in Mowlem Ward where the Ministry is allowing subdivisions of properties.

As at 2019 Population Census, 89,000 people were residing in this ward. It is now the third most populous ward in Nairobi, but has only one public primary school. There is no secondary school, hospital, nor social hall. There is nothing, but the land is being subdivided to individuals.

Thank you and I hope the Cabinet Secretary will answer that.

The Temporary Speaker (Hon. Farah Maalim): Hon. Junet, you are on a point of order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I thank the Cabinet Secretary for the answer he has provided to this Question. We are aware that people in the previous regime wanted to steal this land from EMCO and the matter came to this House. What the Cabinet Secretary has read out are the true records. The other shenanigans of court cases are meant to deny those people their rightful ownership of the land. So, Cabinet Secretary, stick to that line and do not change. If you change, the House will come for you.

Secondly, we have been told by the Government that it is going to build 200 low-cost houses in every constituency.

The Temporary Speaker (Hon. Farah Maalim): Are they 200 houses?

Hon. Junet Mohamed (Suna East, ODM): Yes, 200 houses in every constituency. I think they will be for civil servants. My question is: Where are you going to find the land in the constituencies, especially in Nairobi? My constituency does not have free land. All the land belongs to the people. Everyone occupies their ancestral land. Where will you find the land to build the so-called 200 houses?

The Temporary Speaker (Hon. Farah Maalim): Member for Baringo Central, proceed.

Hon. Joshua Kandie (Baringo Central, UDA): Thank you, Hon. Temporary Speaker. My question is very simple. What measures has the Cabinet Secretary taken in making sure that corruption at the headquarters of the Ministry is completely stopped?

Secondly, what measures does the Cabinet Secretary have to make sure that all land registries in Kenya do not collect money from the people? I am particularly concerned with my constituency. My people are complaining that land registrars collect money day and night. Can the Cabinet Secretary assure this country that he is going to clean up his Ministry?

The Temporary Speaker (Hon. Farah Maalim): Hon. Bedzimba, Member for Kisauni.

Mhe. Rashid Bedzimba (Kisauni, ODM): Asante sana, Mhe. Spika wa Muda.

Hon. Junet Mohamed (Suna East, ODM): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I do not know whether the Cabinet Secretary is aware that there is a letter written by one R.J. Simiyu, subdividing the same land to people, dated 16th May 2023. He has just said that the land belongs to the people who have titles.

The Temporary Speaker (Hon. Farah Maalim): Hon. Bedzimba, ask your supplementary question.

Mhe. Rashid Bedzimba (Kisauni, ODM): Nashukuru, Mhe. Spika wa Muda, kwa kunipatia nafasi kuuliza swali la ziada. Masuala ya ardhi katika Kisauni ni tatizo sugu. Je, Wizara ina mikakati gani kuyakomboa mashamba ili wananchi waishi kwa amani? Kuna tatizo katika shamba la Ugatuzi, shamba la Kashani na mashamba yaliyoko Junda. Je, mna mikakati gani ya kukomboa ardhi hizo?

The Temporary Speaker (Hon. Farah Maalim): Hon. Junet, are you tabling the letter?

Hon. Junet Mohamed (Suna East, ODM): Yes.

The Temporary Speaker (Hon. Farah Maalim): Table it so that the Cabinet Secretary can also go through it.

Hon. Junet Mohamed (Suna East, ODM): Hon Temporary Speaker, I wish to table this letter. It is written to Mrs Jackline Wambui Kinyanjui of P.O. Box 64 Nairobi, Plot No. Nairobi/Block 37/, titled Subdivision Scheme Approval, dated 16th May 2023. It is signed by R.J. Simiyu for Director of Land Administration and copied to the Director of Surveys, Nairobi.

The Temporary Speaker (Hon. Farah Maalim): Submit the letter to the clerks-at-the-Table.

(Hon. Junet Mohamed tabled the document)

This is a headed letter from the Ministry of Lands, Public Works, Housing and Urban Development. It is signed for the Director R.J. Simiyu and other details are there. For purposes of Parliament, this is authentic unless proven otherwise. Give it to the Cabinet Secretary. Any other supplementary question? Once the Cabinet Secretary answers, we will move to the next Order.

Mhe. Rashid Bedzimba (Kisauni, ODM): Mhe. Spika wa Muda, nilikuwa nikieleza swali langu lakini ikawa unazungumza na Mhe. Junet. Sijui kama Waziri alipata swali langu. Waziri, masuala ya ardhi ni sugu Kisauni. Je, Wizara ina mikakati gani ya kukomboa mashamba ili wananchi waishi kwa amani? Shamba la Ugatuzi, shamba la Kashani na mashamba yaliyoko Junda yako na tatizo.

The Temporary Speaker (Hon. Farah Maalim): Hon. Francis Sigei.

Hon. Francis Sigei (Sotik, UDA): Hon. Temporary Speaker, thank you for this opportunity.

First of all, I would like to mention that that issue of Kiambu Dandora went through my hands, but somehow, we were unable to solve it. It is so complicated. There are so many litigants. I, therefore, do not know what the Cabinet Secretary will do because how do we do away with these litigants who are perpetually going to court? It is very difficult.

If you allow me, Hon. Temporary Speaker, I will ask a question on Sotik Constituency.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. Francis Sigei (Sotik, UDA): The question is on the issue of compensation concerning a road called Sotik-Cheborgei-Roret. This road was done in 2010, and some old men have died waiting for compensation from the Ministry of Lands, Public Works, Housing and Urban Development. Up to date, there has been no compensation.

Secondly, there is a road from Sotik to Ndanai to Gorgor. Our people go to the Ministry all the time. We have written letters to them and up to now there is no compensation. My people are coming to my office all the time. *Bwana* Cabinet Secretary, I would like to know when these people from my area will be compensated.

The Temporary Speaker (Hon. Farah Maalim): Okay. It is well taken. Any other supplementary questions? We will take two more supplementary questions. Hon. Member for Seme followed by the Member for Chesumei.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. May I also take this opportunity to appreciate the Cabinet Secretary because he has answered all varied questions, including undertaking that he will bring results. I really appreciate that he is able to do that.

My question relates to title deeds. In the last Government's regime, many titles were given including in my constituency, titles that for a long time lay in the Ministry's offices. What has come out is that many of these titles came in the names of people who are deceased, and the pieces of land had passed hands locally in various places. It has, therefore, generated a lot of activities in the lands' offices, yet in some constituencies like mine, Seme, have no land registries. People have to travel long distances. Are there plans to employ registrars and

establish land registries in constituencies such as Seme, so that people do not have to travel to solve these complex issues that have come from a good thing of issuing title deeds?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Chesumei will be the last one.

(Hon. Stephen Mogaka spoke off the record)

Okay. Hon. Mogaka will be the last one. Please.

Hon. Paul Biego (Chesumei, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity once again. This is just a straightforward question to the Cabinet Secretary. I am a Member of Parliament from Nandi County, a constituency called Chesumei. My question is: we have squatters in Nandi County, especially in my constituency. We have the Mwein and Tuiyobei squatters. They have been coming to my office seeking compensation and re-allocation of land. How far has their matter gone?

Number two, there is compensation of land also for the great people of the Talai Community who live between Chepkober and Kapsisiywa. They gave out their land when a road was being tarmacked there. Up to now they have not received compensation. That is in Chesumei Constituency. When the road from Chepterit to Kaiboi was constructed, they gave out their pieces of land, and up to now, a section of them from Chepkober and Kapsisiywa have not been compensated. Could the Cabinet Secretary tell us the plan for compensating those people?

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Stephen Mogaka, you have the last opportunity.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker. I would like to ask the Cabinet Secretary to note that within the Nyamira Land Registry, there is community land that was reserved for Nyaigwa Nursery School, which has since been taken over by the county government. What measures will the Cabinet Secretary put in place to ensure that land that was reserved for Nyaigwa Nursery School reverts to the community and continues to be used for gatherings, prayers, and funerals? What measures will he put in place to ensure that no Government agency grabs that land because that is the only community land available within Nyamira?

The Temporary Speaker (Hon. Farah Maalim): You have made your point. Cabinet Secretary, the Chair understands that many of the questions that you are being asked are not the original Questions on the Order Paper. You can only give an undertaking to come back and answer those questions.

The Cabinet Secretary for Lands, Housing, and Urban Development (Mr. Zachariah Mwangi Njeru): Thank you very much, Hon. Temporary Speaker. I will start with the last question on Nyaigwa Nursery School. If that land was meant for the school, that is county government land. I do not know if it has been developed for something else, but you can liaise with the county government for any other use.

On titles that were given out and it later turned out that the owners had died, usually before any title is processed, there are documents that are provided. If those documents were provided, and then those people later died, there is a succession process that has to take place. That is something we can work on together with the Ministry. Where registries are constrained, we are mapping out the entire country to gazette more registries, so that wananchi in every part of this country are served without delay.

I am not aware of the issue raised by Hon. Mwenje. I will go through the document that was given out to authenticate whether it originated from our offices. I give an undertaking to report back to the House.

On issues of subdivision, it is good for this House to note that surrender and approval of subdivision is usually done by county governments. If there are issues concerning public land that is supposed to be surrendered, we can pick that with the county government.

On affordable housing, the Government has undertaken to construct 200 units in every constituency. In areas where there is no public land, either belonging to the county or the national Government, we encourage Members of Parliament to establish joint ventures or public private partnerships. You will then help us as a Ministry to provide houses for all Kenyans.

Hon. Speaker, I am trying to put together all the questions.

The Temporary Speaker (Hon. Farah Maalim): Yeah. You have done enough.

The Cabinet Secretary for Lands, Housing, and Urban Development (Mr. Zachariah Mwangi Njeru): Thank you. With regard to compensation, as I said earlier, the NLC will work on that, but I will talk to them so that when I come back, I will give an answer.

The Temporary Speaker (Hon. Farah Maalim): Hon. K'oyoo, are you on a point of order? What is your point of order?

Hon. James K'oyoo (Muhoroni, ODM): While I appreciate the Cabinet Secretary's reaction to the questions that Hon. Jared Okello and I asked, he indicated the progress of the investigation, but he did not indicate whether they are going to do the reconstruction.

The Temporary Speaker (Hon. Farah Maalim): He said that he is going to do all that and report back to the House.

Hon. James K'oyoo (Muhoroni, ODM): I do not know if it is on reconstruction or whether he has done an arrangement to reconstruct.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary, I have heard what you have said. I have given an undertaking on all the areas that you raised. We will see the report. I told him to access the *Hansard*, so that he knows whether he has addressed every part.

Ordinarily, Cabinet Ministers used to come here to answer Questions. If you asked a different question, he would simply tell you that he would file it and answer you when it was ready, since it was different from what was on the Order Paper. I appreciate the good work that is being done on both sides. Members here are literally raising up every issue that needs to be raised as far as land is concerned. The Cabinet Secretary is willing to go back and address all those issues, even when they are not in the original text of the Order Paper.

Hon. Rashid Bedzimba (Kisauni, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Bedzimba, are you on a point of order? We need to go to the next Order.

Hon. Rashid Bedzimba (Kisauni, ODM): Mhe. Spika wa Muda, Waziri hakujibu swali la mikakati walionayo kama Wizara ya kuyakomboza mashamba katika Eneo Bunge la Kisauni. Hakujibu swali hilo, ingawa halikuwa limeandikwa. Akiomba muda ni sawa. Bora nipate jawabu.

The Temporary Speaker (Hon. Farah Maalim): *Waziri*, you can make an undertaking to look into that and report back to the House.

The Cabinet Secretary for Lands, Housing and Urban Development (Mr Zachariah Mwangi Njeru): Thank you very much, Hon. Temporary Speaker. The Question was on regularisation of squatters in Kisauni Constituency. The Government has regularised and titled some parts in Kisauni Constituency. However, it will seek more funds to settle squatters on private land. *Kwa hivyo, tunaangalia jambo hilo. Tunajua kuwa kuna shida kule. Serikali itatafuta ardhi ili iwapatie maskwota ambao ni wengi sehemu hiyo.*

Asante.

The Temporary Speaker (Hon. Farah Maalim): Fair enough, Cabinet Secretary. Hon. Mwenje.

Hon. Mark Mwenje (Embakasi West, JP): Hon. Temporary Speaker, I had asked whether there was a written response, but the Cabinet Secretary did not respond.

The Temporary Speaker (Hon. Farah Maalim): He will not send an oral response. He will send written responses to the House on all the areas that he has given an undertaking. He understands that communication is written.

Hon. Mark Mwenje (Embakasi West, JP): Hon. Temporary Speaker, it is not on the supplementary questions, but the initial one that he had notice on.

The Temporary Speaker (Hon. Farah Maalim): Do you want the written answer?

Hon. Mark Mwenje (Embakasi West, JP): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The Cabinet Secretary will give you that. Cabinet Secretary, thank you very much for doing a good job. This is clearly a teething period for this new way of trying to get the engagement between the Executive and the Legislature on the Floor of the House. I am sure you will do a much better job next time. Thank you very much.

Next Order.

(Loud consultations)

MOTION

ADOPTION OF REPORT ON APPROVAL OF DEFENCE COOPERATION AGREEMENT BETWEEN GOK AND GOVERNMENT OF SEYCHELLES

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Defence Cooperation Agreement between the Government of the Republic of Kenya and the Government of the Republic of Seychelles, laid on the Table of the House on Tuesday, 13th June 2023 and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Defence Cooperation Agreement between the Government of the Republic of Kenya and the Government of the Republic of Seychelles.

(Moved by Hon. Major (Rtd)Abdullahi Sheikh on 4.7.2023)

(Resumption of debate interrupted on 4.7.2023)

The Temporary Speaker (Hon. Farah Maalim): Was this Motion moved? Where is the Chairperson of the Committee?

*(Hon. Temporary Speaker (Hon. Farah Maalim)
consulted the clerk-at-the-Table)*

Fair enough. Is there any Member who wants to contribute to this particular Motion? My understanding is that it was moved and seconded. Was the Question proposed?

The Question was proposed and we are in debate now. Hon. Junet, do you want to contribute to this Motion?

(Hon. Junet Mohamed stood in his place)

Every Member has five minutes to contribute. If we do not have any more Members who want to contribute, we will put the Question.

(Several Members spoke off the record)

Can somebody rise and request the Mover to be called upon to reply because the Speaker cannot do that.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of Order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Proceed Hon. Peter Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): I know the challenge we are facing is that the Order Paper indicated that we will deal with about three conventions requiring ratification.

The Temporary Speaker (Hon. Farah Maalim): Yes.

Hon. Peter Kaluma (Homa Bay Town, ODM): So, it appears to me there could be interest still. Personally, I am interested, but I have read the report halfway. Therefore, I request that we step down this Order and not call upon the Mover to reply, without due attention of the House. Treaties require a bit of consideration because once we ratify them, they become law. I only seek your indulgence.

The Temporary Speaker (Hon. Farah Maalim): The Chairperson will indulge in this.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you.

The Temporary Speaker (Hon. Farah Maalim): Yes, Member for Chesumei.

Hon. Paul Biego (Chesumei, UDA): Thank you so much, Hon. Temporary Speaker, for giving me an opportunity. I want to bring to your attention that we are struggling so much because we do not have the right quorum to continue with debate?

The Temporary Speaker (Hon. Farah Maalim): You have raised the issue of quorum. Do we have quorum or not? The Clerk-at-the-Table has told me we do not have quorum. So, ring the bell for 10 minutes.

(The Quorum Bell was rung)

(Hon. Zamzam Mohammed rose on her feet)

Order, Hon. Zamzam! When the bell is being rung, you are not allowed to leave the House. Okay, you might have some other needs. Proceed.

An Hon. Member: On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The House is not in session. What point of order? *Hakuna Bunge*. The Quorum Bell has been rung. The House will be back in session once the quorum bell ceases, unless you want to approach the Chair and consult. You can do that. As at now, you can even cross the aisle. You do not have to observe the rules. The House is not in session now. I cannot leave the Chair and you cannot leave the Chamber.

An Hon. Member: We will leave you there.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Stop the Quorum Bell. It has been rung for 10 minutes.

Hon. Members, the Chair has taken cognisance of the fact that Members have raised a very pertinent issue that when it comes to Conventions, we need to have enough time to read

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them because they are very important ratifications and cooperation agreements between our country and other countries. Some of them are multilateral. The Chair directs that the Clerk must upload them on the portal so that every Member has an opportunity to go through them in the website and acquaint themselves so that next time, they are thoroughly educated on their contents. It will be put on the Order Paper at an appropriate time.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): There being no quorum and the time being 6.52 p.m., this House stands adjourned until Thursday, 6th July 2023 at 2.30 p.m.

The House rose at 6.52 p.m.

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