



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

THE HANSARD

Wednesday, 24th September 2025

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct that the Quorum Bell be rung for ten minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Hon. Members, we now have a quorum. We may proceed.

PAPERS

Hon. Deputy Speaker: Hon. Owen, on behalf of the Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following papers on the Table:

1. Legal Notice No. 160 of 2025 relating to the Wildlife Conservation and Management (Access Entry and Conservation) (Fees) Regulations, 2025 and the following accompanying documents from the Ministry of Tourism and Wildlife:
 - (a) The Explanatory Memorandum;
 - (b) The Regulatory Impact Statement (RIS);
 - (c) The Cabinet Secretary's Compliance Certificate;
 - (d) Public participation report;
 - (e) Validation report;
 - (f) Tripartite Stakeholders meeting report;
 - (g) Pricing study; and
 - (h) Notice of publication of the RIS and public participation of the Wildlife Conservation and Management (Access, Entry and Conservation) (Fees) Regulations, 2025.
2. Legal Notice No. 142 of 2025 relating to the Public Finance Management (Government Press Fund) Regulations, 2025, the Regulatory Impact Statement and the Explanatory Memorandum from the National Treasury and Economic Planning; and
3. Fifty Sixth (56th) Monetary Policy Statement for June 2025 from the National Treasury and Economic Planning
4. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2025 and the certificates therein in respect of:
 - (a) Africa Centre of Excellence (ACEII) in Phytochemicals, Textiles and Renewable Energy (PTRE) Project (IDA Credit No.5798-KE) – Moi University.
 - (b) Ethics and Anti-Corruption Commission; and

(c) Ethics and Anti-Corruption Commission Staff House Mortgage and Car Loan Scheme.

Thank you, Hon. Deputy Speaker.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

Hon. Deputy Speaker: There is a request for a statement by the Member for Isiolo County, Hon. Bonaya.

DISAPPEARANCE OF MR MUKTAR TACHE ALI

Hon. Mumina Bonaya (Isiolo County, JP): Hon. Deputy Speaker, pursuant to Standing Order 44 (2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the disappearance of Mr Muktar Tache Ali.

Hon. Deputy Speaker, Mr Muktar Tache Ali of ID No. 25917271, was reportedly abducted together with three other individuals along the Isiolo-19 Coins Road on Friday, 6th July 2024, under unclear circumstances. The incident was reported at Isiolo Police Station on the same day under Occurrence Book Number 44/06/07/2024. However, his whereabouts remain unknown to date, a situation that has caused immense distress to his family and the broader community, especially given that the other three persons were later released and reunited with their kin. The inordinate delay by the security agencies in tracing Mr Muktar and reunifying him with his family, or charging him in a Court of law in case of any offence committed, raises concerns about his safety.

It is against this background that I request a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. A comprehensive report on the circumstances leading to the disappearance of Mr Muktar Tache Ali and efforts made to establish his whereabouts and ensure his safe reunion with his family; and
2. The measures being taken to address the increasing cases of abductions and enforced disappearances in the country, and to ensure accountability for individuals or entities found culpable.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chairman, Departmental Committee on Administration and Internal Security. Hon. Tongoyo, how long will you take to get the response?

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Deputy Speaker. I ask for two weeks to respond to her. Considering the sensitivity of the matter, as this is a case of a missing Kenyan, I would like to provide an interim response next Thursday, pending a comprehensive response in two weeks.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Deputy Speaker, we do not trust the Chairman of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo. I also requested a similar Statement regarding a missing person, Mr Bethwel Chesil. This is before we went for recess. It is recorded in the *Hansard*. He was abducted around the same time, on 7th July 2025. Hon. Tongoyo promised to provide an interim statement within two days. It has been almost two months, and I am yet to receive any response. How can we

trust him to give a satisfactory answer to the Member for Isiolo County, when he has not even responded to my request for a Statement?

Hon. Deputy Speaker: Hon. Tongoyo, do you have anything to say?

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Deputy Speaker, the Member has made his statement in bad faith. We are all in this House and know how requests for statements are processed. According to our Standing Orders, a Member requests a statement, and then the Chairperson of the relevant Committee must relay this to the relevant ministry.

The ministry can only provide a response once the officers on the ground have given their feedback. We understand the sensitivity of such issues, particularly those concerning the lives of Kenyans who, for some reason, go missing or are alleged to have been abducted...

Hon. Deputy Speaker: Hon. Tongoyo, please assure Hon. Kangogo that you will follow up on this matter. You do not need to explain on behalf of the ministry. You are not holding brief for the ministry.

Hon. Gabriel Tongoyo (Narok West, UDA): No, I am merely stating that we understand that investigations can be complex. Sometimes, it is not possible to provide explicit timelines. However, I assure the Member that I will do everything possible to follow up with the ministry to ensure that the response is processed and presented to this House.

Hon. Deputy Speaker: That is the assurance he needed.

Hon. Members, before we proceed, allow me to recognise the following schools seated in the Public Gallery: Christ the King Sambut Secondary School from Turbo Constituency, Uasin Gishu County; Maxwell Preparatory Secondary School from Dagoretti North Constituency, Nairobi County; and Cardinal Otunga High School from Kitutu Chache South Constituency, Kisii County. On behalf of the entire house, I would like to give the opportunity to Hon. Janet Sitienei, Member for Turbo, to welcome them.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to recognise the three schools seated in the Public gallery. The school from my constituency is Christ the King Sambut Secondary School, from the Turbo constituency. I also welcome Maxwell Preparatory Secondary School and Cardinal Otunga High School to Parliament, where we legislate. We encourage you to work very hard in school so that you can excel in life.

This House consists of various professions. We have doctors, teachers, lawyers, auditors and many others. We encourage you that, as you strive for success, you may aspire to be in this House one day. We wish you all the best as you prepare for your upcoming examinations. May you excel and move on to the next level. May God bless you.

Hon. Deputy Speaker: I have been informed that Hon. Sunkuli attended Cardinal Otunga High School. I will give him an opportunity to say something before we proceed.

Hon. Julius Sunkuli (Kilgoris, KANU): I also wish to join Hon. Sitienei of Turbo in welcoming the students. I attended Cardinal Otunga High School, and I am quite excited to see that they still wear the same uniform. This was a very good school during our time. I believe that it has lived through history, mentoring students not only academically, but also in terms of religion and discipline.

I have not visited the school in many years, but I plan to do so soon. I encourage you all that the sky is the limit. Please observe what takes place here, as some of you may find yourselves here one day. Many other alumni from the school are working within the Kenyan economy. I encourage you to be one of them in the future.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Next, we have a response to a Statement by the Departmental Committee of Education. The Vice-Chairperson is not here yet. Therefore, let us reorder the Order Paper. Let us have the Chairperson of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo, respond to the Statement by Hon.

Mumina Bonaya. Hon. Tongoyo, you may proceed as we await the Vice-Chairperson of the Departmental Committee of Education. What is your point of order, Hon. Gisairo?

Hon. Clive Gisairo (Kitutu Masaba, ODM): I will allow the Chairperson to respond first, and then I will raise my point of order.

STATEMENT

THE DISAPPEARANCE OF MR ABDULLAHI BONSO ABDI

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Deputy Speaker, in response to the Statement sought by the Member for Isiolo County, Hon. Mumina Bonaya, regarding the disappearance of Mr Abdullahi Bonso Abdi. The Member sought to be informed on the following:

1. The report on the circumstances leading to the disappearance of the said person.
2. Whether Mr Abdullahi Bonso is being held in police custody, and if not, the specific measures being undertaken by the National Police Service (NPS) and other security agencies to address the increasing cases of abduction and enforced disappearance to ensure accountability for individuals and entities found culpable.

I respond as follows. On 10th May 2025, at approximately 2039 hours, a patrol team from Kinna Police Station discovered an abandoned motorcycle, registration number KMPG 777D, a Tiger model, blue in colour, lying beside the Kinna-Kulamawe road near Moliti kwa Girow Farm. The officers took it to Kinna Police Station for safe custody, pending identification and verification by its rightful owner. The incident was booked vide OB No. 10/10/05/2025 as an unclaimed motorcycle.

On 12th May, 2025, at about 1220 hours, Mrs Madina Abdi, accompanied by the clan elder, Mr Hassan Ibrahim, reported the disappearance of her 50-year-old husband, Mr Abdullahi Bonso Abdi, at Kinna Police Station. She stated that the victim was last seen on 9th May 2025 at approximately 0800 hours when he left for the Kuku (Manyatta) area while riding a motorcycle, matching the description and registration number of the one found abandoned by the officers on patrol.

Mrs Madina further reported that all attempts to contact her husband were futile as his mobile phone had been switched off. The investigation commenced, and statements were recorded from key individuals, including Mr Hassan Denge, who stated that he was with Mr Abdullahi Bonso on 9th May, 2025, at around 0830 hours. He confirmed that Mr Abdullahi Bonso had picked him from his residence in Kinna so that they could travel together to Kulamawe, where the victim, a known herbalist, had been requested to attend to Fatuma Guyo's sick child. They returned to Kinna at approximately 2030 hours and subsequently parted ways.

Further insight was provided by Mr Abdirahman Bonaya, a resident of Kulamawe, who, on 13th May, while in Garbatulla Township, received a call from a relative informing him of Mr Abdullahi Bonso's disappearance. Accompanied by three other family members, Mr Abdirahman visited Kinna Police Station to follow up on the matter. They positively identified the motorcycle belonging to their missing relative. The group proceeded to Kubisera, where the officers had recovered the motorcycle.

According to information gathered from the residents of Kubisera Farm, on the night of 10th May at approximately 2130 hours, two Probox vehicles were reportedly seen pursuing a motorcycle along the Kinna-Kubisera road. However, none of the residents ventured outside until the following morning, when they discovered the motorcycle.

A missing person signal was subsequently circulated, vide reference number SECPOL.2/1/18/VOL./1/2, dated 13th May, to support the ongoing investigation, facilitate, and coordinate the search. The case remains under active investigation, with no breakthrough made so far - that is, by the time of the signing of this Statement.

On the second question, the National Police Service (NPS) confirmed that Mr Abdullahi Bonso is not being held in any police station or custody across the country. Once his whereabouts are established, his family will be informed without delay.

The NPS remains firmly committed to upholding the Constitution of Kenya and safeguarding the fundamental rights and freedoms of all citizens. The Service refutes claims of enforced disappearance, which is not a sanctioned operation of the State. Such acts are criminal in nature and perpetrated by individuals or organised criminal elements acting outside the law.

To mitigate and respond to the incidents of abduction and enhance public safety, the Government has instituted the following proactive measures:

1. A dedicated Anti-Abduction squad, domiciled at the Directorate of Criminal Investigations (DCI) Headquarters, was formed to address reported abduction cases swiftly. This is very important to note.
2. The police will conduct investigations into all reported cases, ensuring proper arraignment in Court for those found culpable, to deter future criminal activities.
3. Encourage members of the public to share information with the police through the Fichua Kwa DCI toll-free number, which is publicly available at 0800-722-203, and the WhatsApp number at 0709-570-000, to ensure the confidentiality of crime reporting and the safety of whistleblowers.
4. Reactivating inactive community policing committees to ensure cooperation between the police and community, fostering information sharing and early identification of security threats.
5. Continuously strengthening both foot and mobile patrol to prevent crime, while enforcing police visibility in key areas such as residential neighbourhoods, marketplaces, and transport units.

Signed by the Cabinet Secretary for the Ministry of Interior and National Administration, Hon. Kipchumba Murkomen.

I submit, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Mumina, do you have anything to add?

Hon. Mumina Bonaya (Isiolo County, JP): Thank you, Hon. Deputy Speaker. While I appreciate the response given, I must state my dissatisfaction. This is because it does not fully address the specific concerns that have been raised. Article 153 of the Constitution expressly requires Cabinet Secretaries to provide Parliament with a full and satisfactory explanation on matters within their mandate. Likewise, Standing Order 44(2)(C) demands that Statements sought by Members be factual, clear and comprehensive. The response before us falls short of these requirements. In the interest of accountability to the House and to the people we represent, I urge that the responsible ministry or agency be directed to furnish the House with a more adequate reply.

This is not the only abduction case I have reported here and asked for a Statement. This morning, I had another one for which I know the answers will be the same. Next time the Chairman stands to respond, he will still tell us that the Government has no idea where these people are.

For the case of Abdullahi Bonso, I am sad to report to you that because of the depression that the family is undergoing, he recently lost a brother who was affected by this matter. As I stand here, the mother is sick due to the depression caused by this case. Mr Abdullahi Bonso is a husband to three women, a father to over 13 children and was the sole breadwinner. Can you imagine the trauma and trouble the family is undergoing?

From experience, there are no abduction cases that the Government is not aware of. They are fully involved and aware. I honestly request that the Chairman give us factual, clear, and responsible answers on these abduction cases. You cannot always stand here and tell us you have no idea where these people are. We are representing people who expect factual answers from us. The Government should respond to that.

Thank you, Hon. Deputy Speaker.

Hon. Owen Baya (Kilifi North, UDA): On a point of order.

Hon. Deputy Speaker: Yes, Hon. Owen, what is your point of order?

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I appreciate the response coming from the Honourable Member of Parliament. Sometimes our Chairpersons have no control over Statements since they are generated by Cabinet Secretaries. When they are brought to this Chamber, the Chairs have to read them as they are. The irresponsibility that is alluded to by my lady here may not be on the part of the Chair. Chairman Tongoyo is a very good man who means well. He is one of the finest we have ever had as a Chairman of that Committee. When you have issues after he reads a Statement here, you may need to dissociate him from the content of the Statement.

My advice is that the Hon. Member probably needs to bring a Question, instead of a request for a Statement. The good thing about a Question is that we can have the Cabinet Secretary here. That way, we can tell him the things that you have said to his face, so that he knows that he needs to be accountable to Parliament. Sometimes when these responses are brought, chances are that a junior officer did them. Then, when you read it, you think the Chairman is just playing ping-pong and is not helping you.

Hon. Mumina Bonaya (Isiolo County, JP): Okay. Thank you...

Hon. Owen Baya (Kilifi North, UDA): My advice is that she bring a Question, so that we can call the Cabinet Secretary to this House to respond.

Thank you.

Hon. Deputy Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Deputy Speaker. I support what the Deputy Leader of the Majority Party has said. As I mentioned earlier, we all know that there would be a difference if the statement were reframed as a Question. This is because she will have the opportunity and privilege of interrogating the Cabinet Secretary when he is physically present.

Having said that, I challenge my colleagues to stop insinuating that police officers must always be aware of any disappearance or missing person. It is not always true. As indicated and well stated in the Statement, the NPS remains firmly committed to upholding the Constitution of Kenya and safeguarding the fundamental right of freedom of all citizens, which includes not being involved in abduction. The NPS does not carry out abductions, but criminals do. Therefore, if we reframe the Statement as a Question, we can have an opportunity to interrogate the Cabinet Secretary further.

Hon. Deputy Speaker: Thank you. Next, we have a response to the Question by Hon. Joyce Bensuda, Member for Homabay County, by the Departmental Committee on Education. The Vice-Chairlady, are you ready? You may proceed.

TEACHERS SERVICE COMMISSION RECRUITMENT PROCESS

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Deputy Speaker. I wish to respond to the Request for a Statement by Hon. Joyce Bensuda regarding the recruitment and deployment of teachers. The first question concerned the procedure used in the recruitment and deployment of teachers to ensure stability and continuity for both teachers and students. The key principle driving recruitment and deployment of teachers is that the Commission is an

equal opportunity employer. It adheres to the tenets of the law, as espoused in the Constitution, the Teachers Service Commission Act, the Employment Act, the National Cohesion and Integration Act, among other pieces of legislation.

In accordance with Section 55 of our Code of Regulations, the Commission has developed a teacher recruitment policy that governs the recruitment process to ensure it is carried out in a lawful manner and in accordance with the tenets of rights and freedoms as articulated in the Constitution. The policy outlines the skills and competencies required for recruitment. A copy is available for your review.

The policy is informed by the values and principles of public service, which include fair competition and merit, transparency and accountability, equity, fairness, impartiality, inclusiveness, and non-discrimination. Accordingly, the recruitment procedure described below ensures stability and continuity in the teaching sector. The recruitment procedure is as follows:

The process of teacher recruitment begins with the identification of vacancies, which are determined by existing shortages or vacancies that arise when a teacher exits. The vacancies are distributed proportionally to counties and sub-counties, ensuring that each region receives a fair share of opportunities based on needs and available positions.

Once the vacancies have been identified and approved based on the available budget, the demand for, and supply of, teachers, and the existing establishments, the Commission advertises the vacancies in print media and through its website. During this period, teachers apply online via the Teachers Service Commission recruitment portal. Once the application period is over, the Commission invites the shortlisted teachers for verification of academic certificates and other relevant documents at the sub-county offices or school level.

Then, we have a decentralised interview process. Pursuant to Article 6(3) of the Constitution, and to improve service delivery at the grassroots level, interviews are conducted at the sub-county or school level, thereby enabling access and regional representation. This approach facilitates wider participation from candidates across all counties and minimises logistical and financial barriers for applicants from remote areas.

There is a standardised scoring criterion. A uniform interview scoring guide is applied across all regions. This standardisation promotes consistency, fairness and transparency, ensuring that candidates are evaluated solely on merit. There is consideration of Arid and Semi-Arid Lands (ASALs) and Hard-to-Reach Areas to ensure that schools in these areas are well-staffed with teachers. Where an advertisement does not attract applicants due to a lack of subject combination, consideration is given to the next available applicant.

On gender parity and inclusion of social groups, teachers' recruitment deliberately considers gender balance, persons with disabilities and the inclusion of marginalised groups. For instance, a total of 5 per cent of all advertised vacancies are reserved for persons with disability. To foster regional balance and promote retention, the Commission prioritises the recruitment and deployment of teachers within their home counties during the recruitment process.

The second question was requesting a report on the recruitment criteria of teachers based on school demographics, indicating whether the student population and school needs are a consideration. The response is that the Commission has adopted a data-driven and equitable demand-driven formula to distribute vacancies across the country based on subject area or class shortages against the school population. This method considers both the student population and the school's needs as follows:

Recruitment is often tailored to address shortages in specific subjects, such as Science, Technology, Engineering, and Mathematics (STEM), the arts, technical education, and special needs education. In primary schools, recruitment vacancies are determined based on the total number of classes plus one teacher per school.

In secondary and junior secondary schools, staffing is based on a curriculum-based establishment, where the total number of teachers needed per school is determined by the number of learners, specifically the number of classes against the required teachers per subject.

Hon. Deputy Speaker: Hon. Vice-Chairlady, I think you have finished with the question of Hon. Bensuda.

Hon. Eve Obara (Kabondo Kasipul, ODM): No, there were three questions.

Hon. Deputy Speaker: No, Hon. Bensuda's request for a statement was only on the recruitment and deployment of teachers in schools across the country.

Hon. Eve Obara (Kabondo Kasipul, ODM): There is one, on measures in place to ensure that teachers are absorbed while in their prime age in order to maximise on their long-term teacher expertise.

Hon. Deputy Speaker: Was that by Hon. Bensuda? We are not going to cover the others by Hon. Oundo and Hon. Lelmengit. This is because they are not present.

Hon. Eve Obara (Kabondo Kasipul, ODM): I am just doing the last one for Bensuda.

Hon. Deputy Speaker: Okay, thank you.

Hon. Eve Obara (Kabondo Kasipul, ODM): On the third question, as mentioned above. The Commission recruits registered teachers in accordance with the recruitment guidelines issued from time to time. The available vacancies are advertised based on the demand for and supply of teachers as per the existing establishment and budgetary provisions. Furthermore, the recruitment process is guided by the principles of competition, merit, integrity, transparency, accountability, equity, fairness, impartiality, inclusiveness, and non-discrimination.

In the spirit of equity and fairness, the Commission distributes recruitment vacancies equally among the 47 counties. The recruitment scorecard is developed in an inclusive manner to consider items such as professional qualifications, age, length of service since qualification as a teacher, and the Competency-Based Curriculum upgrade. To this end, the Commission ensures that it considers both teachers who graduated in the early years and have applied for recruitment, as well as their counterparts who have recently graduated.

Hon. Deputy Speaker, I beg to submit.

Hon. Deputy Speaker: Thank you. Hon. Bensuda, would you like to respond to that?

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Deputy Speaker, for this opportunity to respond to the questions I had asked, as tackled by the Departmental Committee on Education.

Hon. Deputy Speaker, allow me to submit my apologies for not having been in Parliament yesterday, at the time that I was called. I had gone to attend to an urgent matter, and I thought this response would come up way beyond that time.

I went through the response given by the Departmental Committee on Education regarding my concerns about the recruitment of teachers, the existing policies, and ensuring that teachers are employed within an age bracket when they are energetic enough to deliver the services expected of them. I would like to note that many relevant theoretical frameworks exist. My worry is the practical implementation of what is theoretically documented by the Ministry of Education and the TSC. I say this because, practically, when one makes an impromptu visit to our rural schools, whether secondary or Junior Secondary Schools (JSSs), you will note that we have a serious shortage of teachers. It is also a fact that some teachers serving under the Board of Management (BOM) have been in those institutions for more than 10 years. The issue of gender balance in recruitment has, in some cases, been taken care of. The smart theoretical framework that we have, if followed, would include mitigating measures for how teachers are recruited.

I was informed about the age limit for teacher recruitment. I know of a teacher who comes from Karachuonyo who is almost retiring. This is a concern that has been raised in this

House. I wonder at what point this teacher will be recruited, having made several attempts and appeared for interviews.

In this regard, I wish to submit that I was not fully satisfied with how they demystified the policy guidelines on how recruitment is done and balanced. This informs even the proximity of schools to one another and the lack of care for the student population *vis-à-vis* the ratio of teachers supposed to serve them.

I request that the Committee review this matter with the TSC and provide supporting data and evidence for the last 10 years, as well as guidance on the way forward. This will ensure that we do not continue to face problems of disparity in employment and situations where head teachers in one school retire after one year and another one comes in, leading to a lack of continuity. I have evidence of this, but additional supportive evidence is needed. The Departmental Committee on Education must carry out visits, particularly in rural areas, to establish facts.

I submit. Thank you.

Hon. Deputy Speaker: Thank you. Before we proceed, allow me to recognise the presence of students seated in the Speaker's Gallery from the Kenya Medical Training College (KMTTC) Karuri Campus, Kiambaa Constituency in Kiambu County. On behalf of the substantive Speaker and the rest of the House, we welcome you to the precincts of Parliament.

Thank you.

Hon. Clive Gisairo (Kitutu Masaba, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Member for Kitutu Masaba?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Deputy Speaker. I have two issues.

The first is that I had sought a statement from the Social Health Authority (SHA) regarding the delayed remittance for a child, Agnes Nyanchoka, who was stuck in India for several days. I have not received a response despite being promised that it would come within one week. This has forced the family to go...

Hon. Deputy Speaker: Hon. Member, I thought you were following up on Hon. Bensuda's statement. Let us finish it, and then I will give you an opportunity later.

Vice-Chairperson of the Departmental Committee on Education.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Deputy Speaker. We have noted Hon. Bensuda's concerns on the shortcomings of the response. For her comfort, I wish to report here that the Departmental Committee on Education has already requested data on all teachers who are over 45 years old. We want to know the number so that, if possible, we can commit a budget in the next budget cycle. The TSC has also accepted this matter and assured us that anyone, even at 59 years, can be recruited. It does not mean that they cannot be recruited. Although it is not the right thing to do, we agreed that recruitment can occur at 58 or 59 years of age. We have noted the rest of the data that you requested. We will communicate the details of our next meeting, so we can invite you to continue the discussion.

Thank you.

Hon. Deputy Speaker: Vice-Chairlady, I think the concern that seems to come out clearly is that the cut-off recruitment age is 45, and many teachers have approached that age. There is also the concern that some people who graduated two years ago have been recruited, while those who got their TSC numbers 15 years ago have not been recruited. Is that clear, Hon. Bensuda? It is important that a specific question on that particular issue is asked.

Hon. Eve Obara (Kabondo Kasipul, ODM): Well guided, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Nyenze, proceed.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Deputy Speaker. I am not Hon. Nyenze; I am Hon. Suzanne Kiamba from Makueni.

I also wish to add a word to the statement that was sought by Hon. Bensuda and responded to by the Committee. I appreciate their input because they seem to have given critical thinking to all the answers. However, I really wish they would go back to the issue that you have highlighted.

In my constituency, there are 10 women who are now above 48 years old, and I can provide you with their contact information and TSC numbers. They applied and gave me their numbers so that I can push for them. I have pushed, but I cannot push any further. These are mothers who have undergone training, with over 15 years of experience, but are currently unemployed. Teaching is a very specialised training. Therefore, if one misses an employment opportunity, their training goes to waste, and the country loses that teacher.

I urge the Committee, in collaboration with the TSC, to be very clear on this. There is no need for a teacher to retire before they have been employed. It is unfair because it is an investment that this country made in that individual. One does not need to look far because some teachers who graduated one or two years ago are already employed. This disparity is worrying.

Looking at regions, you will realise that some of them have more teachers while others do not. Vice-Chairperson of the Committee, we need an analysis identifying the gaps so that when employment opportunities arise, we can implement affirmative action. There is no need to share the newly recruited teachers as if the whole country is at the same level. We are not at the same level. This is a reality that the Committee should take into consideration. It is important that employment and distribution are based on existing gaps. In some schools, the BOM and the Parents and Teachers Association (PTA) are paying four teachers, while there are only two or three teachers employed by the TSC. That is completely unfair because these people are also taxpayers, and that is hidden marginalisation. The Committee needs to give us clear data for every constituency. Showing where disparities exist so that when we employ teachers, we do it intentionally and address inequalities.

I reviewed the marking scheme for the interviews, and while I know it is demand-driven, there appears to be a bias towards social science teachers. They are completely marginalised because that marking scheme gives the other sectors 40 marks ahead of them. Of course, this makes them fail. As the Government, we must develop a strategy to address the recruitment of social science teachers. This is because it is unfair to imply that it is not our responsibility to take care of trained teachers in this country. If teachers cannot be accommodated in schools, we should create alternative avenues for their employment, especially for those with backgrounds in social sciences. Fourth marks ahead, throws them completely out of the market. It is not fair for the country to do that because they are our people.

Another thing to check is the promotion of teachers, where we have a very big gap. In most areas, those who are qualified never even get promoted, while others do.

We need to have a resemblance of equity in this country. I do not think there are areas in this country with uneducated people. Saying that an area has uneducated people is a thing of the past. Even in Turkana, we have enough teachers to employ. It is important that the spirit of equality and equity prevail in the education sector.

Thank you, Hon. Deputy Speaker, for giving me an opportunity. Education is a sector we cannot ignore. We wake up every day to issues of education. I hope the Committee gives it the necessary focus.

Hon. Deputy Speaker: Thank you.

Hon. Zamzam, Member for Mombasa County

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Naibu Spika kwa kunipatia nafasi hii ili nimuunge mkono Mhe. Bensuda kwa kuuleta suala hili Bungeni.

Ni dhahiri kuwa waalimu wengi wamehitimu, na walipata vibali vyao miaka mingi iliyopita. Wamekaa bila kazi wakati wenzao waliokuja nyuma washapata nafasi za kazi. Sio nafasi ya kazi tu, hata wale walio kazini, wakati mwingine unapata mwalimu amekaa miaka kumi na minne, kumi na tano au kumi na minane bila kupandishwa cheo.

Kwa hivyo, hali ya walimu katika taifa hili ni ya kusikitisha, kwa sababu hawapati haki sawa. Inastahili kukitokea nafasi za *promotion*, waangalie walimu ambao wamefanya kazi yao vizuri, na wamekaa muda mrefu ili wapandishwe vyeo. Kuna mwalimu ambaye sasa ni naibu wa mwalimu mkuu pale Shanzu Teachers Training College, na amekaa miaka kumi na mitano katika hiyo nafasi. Wakati wenzake wanapewa *promotion*, yeye anaachwa pale pale, na anafanya kazi nzuri.

Ninachomaanisha ni kuwa nafasi za kazi zikitokea, walimu waliofuzu mapema waangaaziwe, hata ingawa nimesikia Kamati ya Idara ya Elimu wakisema kuwa hata mwalimu awe miaka hamsini na sita ama hamsini na tisa atapewa kazi. Tusisitize mambo kama hayo, na tutoe msukumo kuwa wakati bado wako *active*, wapewe nafasi za kazi wapate matunda ili waone masomo yao hayakuenda bure. Imekua ada katika taifa hili. Kuna watu ambao wamepewa nafasi katika sekta tofauti tofauti ambao pengine walikuwa *political rejects*, lakini kuna watu ambao ni *professionals* ambao wangepewa nafasi hizo wafanye kazi nzuri. Unapata wale ambao walianguka kiti cha siasa wamewekwa sehemu fulani, na badala ya kufanya kazi vizuri, anaweka tumbo lake mbele kwa sababu amepewa kazi mahali yeye si *professional*. Ikiwa tunataka kupeleka Kenya mbele sawa, tuwape kazi wale *professionals* katika sekta tofauti tofauti waongoze ili wamsaidie Rais kupeleka Kenya mbele.

Kwa waalimu, nasisitiza wapewe nafasi sawa. Kazi ikitokea, wale waliofuzu mapema wapewe nafasi kwanza, wakifuatiwa na wengine. Ikitokea pia nafasi za *promotion*, waangaliwe. Unapata mwalimu amesomesha, ameimba na watoto darasani, amehakikisha mtoto ameshika kalamu mpaka amejua kuandika, amehakikisha mwanafunzi amepata masomo, lakini unapata mwanafunzi ambaye alimsomesha amepata kazi kubwa mbele yake, na yule Mwalimu bado yuko katika ile nafasi ambayo mwanafunzi alimuacha. Hiyo si haki. Masuala ya waalimu yanafaa yaangaliwe ili wapandishwe vyeo nafasi ikitokea. Sio hao tu, hata polisi. Wengi wanalalamika kuwa wamekaa sehemu moja, na hawajapata *promotion*.

Namuunga mkono dada yangu, Mhe. Bensuda, kuwa waalimu wapewe nafasi kufuatana na vile walivyohitimu kimasomo yao.

Asante.

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

Hon. Zamzam Mohammed (Mombasa County, ODM): Hakuna *order* wewe!

Hon. Owen Baya (Kilifi North, UDA): That is a very interesting speech from Hon. Zamzam

Hon. Deputy Speaker: State your point of order.

Hon. Owen Baya (Kilifi North, UDA): There are no political rejects. People who lose seats in Parliament are also professionals. We have teachers, engineers and doctors here. When they lose seats, they have an opportunity to serve the country in another capacity. Therefore, there cannot be political rejects. They should not be denied the opportunity to be appointed to another position, including Hon. Zamzam. One day, when she is no longer the woman Representative of Mombasa County, the President will graciously say that she is good at social services and appoint her to a position.

Hon. Deputy Speaker: Hon. Baya, you are now repeating yourself. Let us proceed. Hon. Kibet Komingoi, are you speaking on the same topic? Let us go to Hon. Marianne Kitany, Member for Aldai Constituency.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Deputy Speaker. I stand to support the request for a Statement by Hon. Bensuda on teacher disparity.

Article 10 of the Kenyan Constitution addresses human dignity, equity, social justice, inclusiveness, equality, and all related issues concerning human rights. When we look at teacher disparity, distribution and employment across this country, we find that this part of the Constitution is not being adhered to by those who recruit and distribute teachers across various schools in this country.

For example, you find that teachers are rarely posted to schools in my Constituency, especially those in the escarpment, because of the harsh terrain. You will find a school with only one TSC teacher against a population of about 300 students. Parents are left with no option but to dig into their pockets and pay Board of Management (BOM) teachers to teach their children. That is an inequality because the Kenyan Government pays all TSC teachers. For example, a school with one TSC teacher is denied access to education when parents have to dig into their pockets to pay teachers. This is double jeopardy for parents. They would have been taxed, but at the same time, they have to go into their pockets to get money to pay teachers. Again, we do not know if the hired BOM teachers are qualified. This is because a board may decide to hire a teacher, but the law stipulates that one must be registered by the TSC to qualify to teach.

We need to re-look at how TSC employs teachers and their distribution in this country. I request that the Departmental Committee on Education provide this House with a list of all teacher and student numbers in every school. The policy says that there should be one teacher for 40 learners. If that is the case, and when the list is provided, we can do fair distribution. Teachers who graduated between 2013 and 2015 are about to retire before getting employed. If there are any vacancies, such teachers should be considered first. That way, schools like those in the escarpment in my Constituency will get teachers, and parents would not need to dig into their pockets to pay.

I support the request for a Statement by Hon. Bensuda. I wish that the Departmental Committee on Education could fast-track the process and give us the data. Article 10 of the Constitution is not being adhered to by the Ministry of Education and the Teachers Service Commission (TSC). When the TSC hires teachers, it does not look into those disparities. Those disparities will affect human dignity and other aspects. These students will sit for the Kenya Primary School Education Assessment (KAPSEA) and the Kenya Certificate of Secondary Education Examination (KCSE) examinations, which are uniform across the country. Schools that have their teaching staff as TSC teachers, as opposed to those with only one or two staff members as TSC teachers, will not be served with different exams during examination time.

Finally, when students from schools that do not have TSC teachers enter the employment industry, they do not receive good opportunities to work because they did not receive a good education compared to students who attended schools with sufficient teachers. Therefore, this is something that all affected parties should comply with our Constitution, ensuring that every part of this country has equal employment opportunities for teachers and their distribution, thereby making all schools equal. We should comply with the Constitution and ensure that all teachers are employed by the TSC, not the schools' boards of management. We all pay taxes that should go towards paying teachers' salaries, rather than parents having to support education out of their own pockets.

Thank you.

Hon. Deputy Speaker: Thank you. I allowed more time on the request for a Statement because it is a very important matter that touches every part of the country. What has clearly emerged is the need for the Minister of Education to appear before this House to respond to specific questions and receive suggestions on re-evaluating the policy.

We will now move to the next Order.

Hon. Clive Gisairo (Kitutu Masaba, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Gisairo, you have already made your point of order, and it has been noted.

(Hon. Gisairo spoke off the record)

Proceed.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Deputy Speaker. I would like to bring to the attention of this House the coming to an end of the first quarter of this Financial Year. As Members of Parliament, we will walk a tight rope if we do not start speaking now. This Parliament has approved the gazettement of Members of Constituency Development Fund Committees (CDFCs) for various constituencies at a level of 99 per cent. As of today, the National Government Constituencies Development Fund (NG-CDF) Board has yet to receive the disbursement of the first quarter of this financial year, amounting to Ksh19.5 billion. We run a risk of falling into a trap that is being set.

There is a Court order that says the NG-CDF will come to an end on 30th June, 2026. If there is no disbursement by the end of the first quarter - we know how the Government has been disbursing money – by the end of the second quarter, the NG-CDF Board will be in arrears by Ksh39 billion. If Members of Parliament do not speak on behalf of the CDFCs to have this money received now to beat the Court order deadline by completing all NG-CDF projects before May...

Hon. Deputy Speaker: Hon. Gisairo, since you are raising this issue as a point of order and it appears to be a substantial point, could you raise it as a substantive statement this afternoon or tomorrow?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Deputy Speaker, we have the Deputy Leader of the Majority Party here. This is something that he can pick up. All Members will agree with me that it is a matter that concerns all 290 Constituencies. We need to get answers on when the National Treasury will start disbursing these funds. They are already behind by Ksh19.5 billion, and in six days, they will be behind by Ksh39 billion.

Hon. Deputy Speaker: Hon. Owen, you can give a response in the afternoon.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, that is a very important point raised by Hon. Gisairo. It concerns all of us. There is a Court order...

Hon. Deputy Speaker: Do not go over his point again. I am making a ruling to request that you get the answers from the National Treasury and give a response in the afternoon.

Hon. Owen Baya (Kilifi North, UDA): Much obliged, Hon. Deputy Speaker. I will get in touch with the National Treasury so that we get a response in the afternoon.

Hon. Deputy Speaker: Next Order.

BILL

First Reading

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (National Assembly Bill No. 39 of 2025)

(The Bill was read a First Time and referred to the relevant Committee)

MOTION

LAND USE POLICY ON ZONING OF LAND FOR

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

AGRICULTURE AND BUILT DEVELOPMENT

Hon. Deputy Speaker: The Mover of the Motion, Member for Westlands, Hon. Tim Wanyonyi

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Deputy Speaker. I beg to move the following Motion:

THAT aware that land is a critical but limited factor of production that supports human habitation and food production; noting that, agriculture is Kenya's main economic mainstay; appreciating that the Central Bank of Kenya (CBK) Monetary Policy Committee Agriculture Sector Survey 2022 estimated the contribution of the agriculture sector to the country's Gross Domestic Product (GDP) to be 22 per cent directly and 27 per cent indirectly, through its linkages with other sectors; further appreciating that, the Survey showed that the sector employs over 40 per cent of the Kenya's total population; concerned that, in the Land Reform, Vol. 3 publication, the Kenya Land Alliance Land estimated that only 17 per cent of the country's land mass is classified as suitable for rain-fed agriculture land while the remainder is either semi-arid or arid; further concerned that, the country's agricultural productivity has been decreasing over the years; cognisant of the fact that, the decline in agricultural productivity is partly attributable to the shrinking agricultural land use due to unplanned settlements that encroach on agricultural lands; further concerned that, agricultural lands in rural areas are continually being subdivided into small portions for built development, thereby diminishing the size of land available for agriculture; noting that, there is need to put in place measures for effective land use in the country in order to guarantee optimal use of agriculture; now therefore, this House resolves that, the Government, through the Ministry of Lands, Public Works, Housing and Urban Development puts in place a policy framework for effective land use in rural areas by consolidating and designating zones for built development for commercial and residential developments with shared public utilities and separate zones for agricultural use in order to arrest further diminishing of agricultural land and steady the country's agricultural productivity.

This is informed by the way the country is progressing. They have been uprooting coffee trees from areas that were mostly agricultural farms and then building residential houses.

The Motion emphasises the importance of sustainable land use in environmental conservation as per Article 69 of the Constitution of Kenya, which aligns with the objectives of this Motion. Lack of clear guidelines on land use often results in conflict and violence. The Motion seeks to prevent land-use conflicts between agriculture and the built environment. If this policy is put in place, areas designated for agriculture will be earmarked, and they will never be put to any other use than agriculture.

I also observed that there is an urgent need to balance economic development with agricultural productivity and environmental sustainability, while protecting the country's natural resources and reducing the risk of environmental degradation. This policy seeks to protect agricultural land, thereby increasing productivity while contributing to food security. The land use policy will, therefore, ensure the entire population has sustainable access to public spaces, services, institutions, and social amenities.

The Motion also calls for collaboration between the relevant ministries, including Lands, Public Works, Housing and Urban Development; Environment, Climate Change, and Forestry; and Agriculture and Livestock Development, to develop the policy.

The Motion also calls loudly for engagement with key stakeholders, including farmers, developers, and local communities, to ensure that the policy reflects their needs and aspirations.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The land use policy should recognise limited resources, hence the need to have a long-term vision, while also prioritising actions to respond to immediate challenges.

Riparian land and wetlands support water resources, which in turn sustain a healthy ecological environment. Having a policy in place will ensure that riparian land is well-documented and accurately mapped. People have encroached on riparian land in Nairobi and haphazardly engaged in development by building on waterways. When the rains come, they cause so much havoc in the residential areas of the city. You find houses filled with water and people being displaced because of this haphazard development. If this Motion is passed, it will ensure the identification and designation of areas for agricultural use, including residential, commercial, and industrial uses, protecting prime land from encroachment. Land in the rural areas is being subdivided into smaller units, which are not economically viable.

I recall that some time ago, in India, the then-Prime Minister, Indira Gandhi, initiated an agrarian revolution in response to India's rapidly increasing population. They needed sufficient food security. She devised a system for relocating people from small farms to model towns that the Government had developed, allowing the land to be used for both agriculture and education. This has resulted in food security in India, which can now feed itself and even export some of its food. It is not that India has more arable land than Kenya, but rather that the policy the Government implemented ensured food security for its citizens.

I believe we can do the same because countries like Israel, which are virtually a desert, have made very good use of their land. They have used irrigation and other methods to ensure food security so that they do not suffer from any food shortages. Land in areas in this country which practise rain-fed agriculture is diminishing because of these small subdivisions of land, which make the land uneconomical.

Integrating climate change into land use and development planning will help identify and map disaster-prone areas, thereby promoting land use practices that enhance climate resilience and mitigate the effects of climate change. A regulation on this matter will ensure adequate financial resource allocation for the implementation of a climate change action plan and related activities.

Climate change is now the in-thing across the world. Climate change affects so many things. We have seen reports that weather patterns have changed and water levels in the seas are rising. Additionally, weather patterns are no longer as predictable as they were in the past. There are delays in the rains, or they come at unexpected times, causing a lot of havoc. Aligning this policy with climate change will help us secure our future and protect our environment.

The enactment of this policy will ensure that environmental factors, such as the conservation of natural habitats and water services, are considered in land-use planning. The policy will also ensure public participation in the land-use planning process, reflecting the needs of farmers and the people within the ecosystem. Public participation is a constitutional requirement. Citizens need to be involved in issues that affect them, so they can share their views on the formulation of policy, ensuring it is applied uniformly and accepted by everyone. People will then be able to embrace it because securing land for agricultural use will improve our food security.

I beg to move and request that the Hon. Julius Sunkuli second this Motion.

Hon. Deputy Speaker: Yes, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Deputy Speaker, I am glad to second the Motion by our friend Hon. Tim Wanyonyi. The purpose of this Motion is to urge the Government to put in place regulations, guidelines and strategies to ensure sustainable use of fertile land, especially for farming. In this country, there is no shortage of policies, especially on land. Several policies have been established, including the Agricultural Policy of 2021 and the National Land Use Policy, among others.

The specific issue raised by the Member is the use of land in Kenya in a manner that is not planned and that will become unsustainable in the long run. Fertile land is being used to build houses. Unless that issue is addressed, land will continue to diminish. We are one of the countries in the world where the population is rising every day. As the population increases, demand for human habitats also increases. Therefore, it is the responsibility of the Government to plan for future generations and have land specifically zoned for agriculture and prohibited from human habitat. The Government should designate areas where people can build their homes.

This issue is more prominent in rural areas. Those of us who represent rural constituencies know that places that used to have just five elders now have many children, and land has been subdivided. Some of the young people have been allocated land close to rivers or in the middle of what used to be a farm, and that is where they have built their houses. As a result, land has become increasingly scarce.

I come from a place that neighbours Kisii County. When we were growing up, an average person owned about 10 acres of land. When the person had two children, the land was divided into five acres for each child. When those two got children, the land was subdivided further. Because of that, land continues to diminish.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. David Ochieng') in the Chair]

Hon. Temporary Speaker, what the Government needs to do, apart from the policies in place, is to look at the legal framework on land use. There is a law called the Land Act. Title deeds under the Act give you absolute proprietorship.

(Hon. Johana Ngeno consulted loudly)

I can see that the Member for Emurua Dikirr is not listening, yet he is a new lawyer who needs to listen to more experienced lawyers. A title deed in Kenya gives you absolute proprietorship. It gives you absolute power over your land with very few restrictions. Unless we tamper with absolute proprietorship to make it possible for the Government to intervene in how you may use your land, it will be a terrible thing. People will do whatever they want to do with their land. They will not care whether the nation will produce food or whether future generations will use the land.

Apart from subdivisions, there is another enemy in the use of land that will make food production even less sustainable. In the Constituency I come from, we have been net food producers. We produce maize, milk and beans. However, there is now a new rush to cash crops. Now everybody is growing sugarcane. A few years ago, a German NGO, the German Corporation for Technical Cooperation (GTZ), mapped out the use of land in Trans Mara and identified which pieces of land were suitable for animals and which others were suitable for growing maize. Had we followed the blueprint by the GTZ, we would be ahead in producing food much better than Kitale. Unfortunately, without guidance, we have rushed into the temptations of South Nyanza and other areas to produce sugarcane, even in areas that are not traditionally sugarcane-growing regions.

The Government must make a policy to ensure that land is used for its intended purpose. Whether we like it or not, if we try to force land to do what it cannot, we will eventually compromise its current use and future potential. It is important that we go in that direction. You may forgive Kiambu residents for uprooting coffee plantations and building real estate on their land. That might be beneficial for people like us in the Rift Valley, who are now embracing

coffee farming as a means of livelihood. However, if we do not have enough land to take on the responsibilities that were previously borne by Kiambu, we will no longer be proud to be Kenya, a country known for its coffee-growing heritage.

I urge the Government to develop a more comprehensive policy, backed by legislation and regulations, to ensure the sustainable use of land for food production and to maintain the current generations and those that will come after us.

Hon. Temporary Speaker, I beg to second.

The Temporary Speaker (Hon. David Ochieng'): Thank you.

(Question proposed)

Hon. Members, before I give you an opportunity to contribute to this Motion, join me in welcoming students from Pharo School in Embakasi Central Constituency, Nairobi City County. They are seated in the Speaker's Gallery and are welcome to watch our Proceedings this morning. Thank you.

I cannot see Hon. Zamzam. Hon. Andrew Okuome, have the Floor. Before you contribute, Hon. KJ, I cannot see your card. If you want to contribute, you have to insert it into the machine.

Hon. Okuome, proceed.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. Land is a very important tool. The only unfortunate thing is that it is limited. What we have is what we must use. To maximise the benefit of the use of land, we must do what is necessary for it.

We know Kenya as an agricultural country. However, we do not maintain this philosophy because, as the Motion says, our productivity is declining. It is important that we wake up before it is too late and maximise the use of the land that we have. We do not take agriculture as being important for us to work on, yet it is responsible for our food and various other cash earnings. If we use our land properly for agriculture, we will have food and export our agricultural products. This will help our economy at a very high level. I really appeal that we use all possible methods of improving agriculture. The training of agriculturalists has gone down. Universities are not training enough agriculturalists and extension officers. The trained staff can go out and help ordinary people by telling them what to do and how to maximise the use of their land.

My colleagues have mentioned, and I agree, that sometimes fertile land is used for building houses. If there is any dry area, such as a rocky one, which can be very useful for building houses, it is left lying idle. People rush to an area which can be used for agriculture. In the zoning of land proposed in the Motion, we can guide people to leave fertile land for agriculture, and then use the infertile land for other purposes, such as building houses.

On the commercial side, we need to build our shopping centres in areas which are not agriculturally productive. As I mentioned earlier, we can maximise the use of our agricultural land by allocating fertile land for agriculture and dry land for building purposes. If we use our land carefully, it will also help us provide necessary facilities to those living in a collective area where we have a small residential space. People can be building their houses there. If you connect water, it will cover many people. In our area, people build their homes scattered throughout, which makes it very difficult for the Government to provide them with the necessary facilities.

I support the idea of zoning land for both agricultural and built development. It is very important, and we must do it. Unfortunately, this Motion has been brought late, when people have already built beautiful houses on land that ought to have been spared for agriculture.

Hon. Temporary Speaker, I support the Motion.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Sarah Korere.

Hon. Sarah Korere (Laikipia North, JP): Shukrani, Mhe. Spika wa Muda. Ningependa pia kuchangia Hoja hii ya kutaka mahali maalum kutengwa ili kuweza kuzalisha chakula katika nchi hii na pia Majengo. Lakini sio mahali pa kuzalisha chakula kwa kilimo peke yake; pia ufugaji ni kiinua uchumi muhimu sana katika nchi hii. Hivi karibuni, tumeona ugawanyaji wa ardhi vipande vidogo ambavyo havitaweza kuzalisha chakula hata kidogo. Sisi wafugaji tuna hatari kubwa sana, kwamba hivi karibuni, tutashindwa kufuga. Ni wazi kabisa na tunajua kwamba katika nchi hii, Wakenya wanapenda sana nyama choma ambayo inayopatikana tu kwa mifugo kama ng’ombe, mbuzi, ngamia, kondoo, na kadhalika.

Mahali kame kama Laikipia, kukigawanywa vipande vya ardhi kwa robo ekari, tutaweka ufugaji katika hatari siku za usoni. Inafaa turudi kutathmini sheria za ardhi, maanake ilivyo sasa, ni kaunti chache sana ambazo bado zimebaki na ardhi ya umma. Nitasema tu kwa sababu lazima niseme. Baadhi ya kaunti hizo, ile ardhi ya umma imebaki katika mikono ya magavana. Tunajua kwamba ardhi imekuwa *devolved*. Ni kama kuweka mbuzi wachungwe na fisi. Hii inamaanisha hiyo ardhi imeliwa na wale mabwana.

Mhe. Spika wa Muda, ukitembea Kaunti la Laikipia, ni aibu kwamba kuna watu bado wanaitwa ‘maskwota.’ Ni watu ambao wameishi huko kwa miaka na mikaka; karne tangu jadi. Wanapogawa ardhi ya umma, wanaenda kubeba watu kutoka kaunti jirani kuja kuwapa ardhi, wakiitwa wahisani au wawekezaji. Jina “wawekezaji” ama kwa kimombo *investors* ni la kuiba ardhi ya umma.

Kwa hivyo, Hoja hii ni muhimu sana. Nafikiri hatujachelewa sana. Inataka tutathmini tena sheria za ardhi. Tusipofanya hivyo, ardhi ni mojawapo ya sehemu muhimu sana ambayo huleta vita vya jamii kwa jamii kwa sababu ya wale ambao hawana ardhi kuwaonea kijicho wale ambao wamekuja kunyakua ardhi yao.

Mhe. Spika wa Muda, naunga Hoja hii mkono na nampongeza aliyeiwasilisha.

The Temporary Speaker (Hon. David Ochieng’): Asante.

Mhe. John Kiarie.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. I also congratulate my neighbour, Hon. Tim Wanyonyi, for bringing such a thought-provoking Motion to this House. If there is anything important that we will discuss this morning, it must be Hon. Tim Wanyonyi’s Motion.

Hon. Tim Wanyonyi hails from a constituency called Westlands, neighbouring Dagoretti South. The Westlands that we know today was traditionally part of the larger Dagoretti, which belonged to a district called Kiambu. If you go to Hon. Tim Wanyonyi’s constituency, you will find that the freehold lands that are in Westlands carry titles labelled Kiambu District. Kiambu District was traditionally an agricultural highland, known as the White Highlands. These are the lands that had been grabbed from our people. These lands were forested and traditional agricultural areas that belonged to the Agikuyu people, who had migrated from south of Chania and settled in these new lands that the Athi and the Dorobo people had traditionally inhabited. Over the years, those people migrating from the south of Chania crossed over to this side of Kiambu. They established agricultural lands that became so productive that even the ancient caravans coming all the way from Mombasa and entering the Hinterlands in Uganda would stop over in this rich land for provisions, food, and supplies from the farms. This tells you that areas like Kambu have rich volcanic agricultural soil that is perfect for agriculture. But what does Kiambu look like today? The people of Kiambu, driven by need, urbanisation, and globalisation, have decided to uproot the crops in Kiambu so that they can plant houses to harvest rent. As we speak, the land and shambas in places like Kiambu are not anything bigger than the size of a handkerchief. What is left of arable agricultural land is reducing by the day.

Cultures are changing. Traditionally, the Agikuyu people never used to bury their dead. They used to do something called escorting. When someone got sick, they would be escorted into the forest. If they made it, they would come back. If they did not make it, well, the hyenas would dispose of their remains in the forest. There was a cyclic circle of life then, where, instead of planting tombstones and graves as we do today, the land would still be usable. But today in Kiambu, you will find someone with an eighth of an acre of land who has their House there, and they have also buried their forebearers, including their grandfathers and their grandfathers' grandfathers, all in marked graves. In that one-eighth piece of land, there is a house and a family cemetery, and very little is left for agricultural land.

Hon. Tim Wanyonyi is asking us here today to rationalise this very scarce resource called land. We have seen places which are serious about agriculture. Places like Holland, Canada and Australia, where they have demarcated their lands for agriculture and organised their people into living areas. Where individuals, families and communities can live in a designed area of land, leaving so much land for farming and production. If Kenya continues in this way, two things will happen. One, we will eliminate all arable agricultural land, meaning we will have to import food. Two, we will give rise to ghettos and informal living that may lead to issues of national security. It will lead us to a point where we confine our people to informal settlements that are not provided for in terms of urban planning, resourcing for water and electricity, and all other social goods.

I therefore rise to support Hon. Tim Wanyonyi. I am praying that his Motion on the formulation of a land use policy for zoning of land for agricultural and built development will be escalated into a piece of legislation that we can push. To secure this legislation, we must also urge the Executive to develop a policy that ensures we do not enact legislation before the policy is in place.

I have to say that Hon. Tim Wanyonyi has pricked us at a time when, if we do not make changes and keep kicking the can down the road, the dangers are clear. Our country is a net importer. To reverse this country's reliance on imports and become an exporter, we must start with what we have in our hands, which is agriculture. We must find ways for our agriculture to be meaningful, not only for food production, but also for value addition. If we start doing value addition to our agricultural produce, then we start working our way towards industrialisation. Only then can we achieve the aspirations we seek as a country: to become a middle-income country, as projected by Vision 2030.

I decry the move that we have taken in our attachment to land. Our attachment to land is so emotive that when land issues arise, we often throw reason out the window. But this Motion is calling us to consider that Kenya today has a population of over 50 million Kenyans. These Kenyans need places to live. However, for them to live the quality of life we would want them to have, they will also need land for farming, agriculture, crop growing, and animal husbandry. To do that, we cannot continue in the haphazard manner of development that we have adopted.

Hon. Johana Ng'eno, who chairs the Departmental Committee on Housing, Urban Planning and Public Works, is here. What has happened in the last three years in terms of the drive on affordable housing is to be celebrated. The model proposed by the affordable housing initiative, along with the work done by this Committee to ensure that affordable housing becomes a reality, is the way forward. This approach allows Kenyans to agree that we shall set aside land for construction and built development, as well as land for agriculture and farming.

What has happened in the last three years regarding affordable housing is not only dignifying the lives of Kenyans, but it is also giving us an idea of how urban life can be planned. I had the opportunity to join Hon. Johana Ng'eno when people from the Mukuru slums were being issued their keys to access the new affordable housing in Mukuru. What I saw is phenomenal. People who had spread out in a ghetto and numerous lands were planned into

these buildings, which provided good living conditions, amenities, and social benefits. All the way from water, to electricity, to connectivity, to Wi-Fi, among others. Therefore, what we are speaking about here today is not just theory. Kenya itself has demonstrated through its affordable housing initiatives that if we put our minds to it, we can have good land set aside and zoned for agriculture, as well as other land set aside for built development.

I stand to support this Motion and congratulate my neighbour, Hon. Tim Wanyonyi. Thank you for pricking our conscience. This is the direction that countries should take towards demarcating land for the built environment and for agriculture.

Thank you very much.

The Temporary Speaker (Hon. David Ochieng’): Well said. Before the Member for Emurua Dikirr contributes, join me in welcoming students from Lukenya Academy from Mavoko Constituency, Machakos County. They are seated in the Speakers' Gallery. We also have students from Royal Brains School from Kiambaa Constituency, Kiambu County. They are all welcome to the proceedings this morning and to the Houses of Parliament.

(Applause)

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. I would also like to welcome students from various schools to this august House on behalf of the Members of this House.

My plea to all of them is that discipline is the most fundamental item in our institutions. We had incidents of students setting dormitories and classrooms on fire just a few days ago. I urge the students in this House today that the properties being destroyed belong to you, your parents and society. We urge you to be disciplined. That is why you have also gotten the opportunity to come to the National Assembly.

I also wish to weigh in on this issue of land. Foreigners colonised this country before independence and left us one thing—how they made use of the land they found. They identified and consolidated land for agricultural use, livestock and settlement. They had a proper plan on how to use the land.

We started subdividing those lands into individual settlements when we got independence. The lands which had been left out for agricultural use no longer sustained agricultural activities because we settled on them.

Land amalgamation was a major debate that arose during the 2010 Constitution-making process. It was on how to consolidate land to have land for settlement, agricultural use and development in urban areas. It was a very heated debate, and many of us actually indulged in the fact that the Constitution was not good because it would take land away from us. We later came to realise it was a good idea. That is why planning land use is in Article 66 of the Constitution.

I thank the Member of Westlands for bringing the Motion before this House. I wish he introduces it as an amendment, because Article 66(2) of the Constitution states that Parliament shall enact legislation ensuring that investment in property benefits local communities and their economies. This is based on the regulation of land use and property. This Parliament has the jurisdiction to introduce regulations, amendments, or legislation on land use. Let us not just debate it as a Motion, then leave it here and go home.

Article 66(1) of the Constitution states that the State may regulate the use of any land or any interest in or right over any land in the interest of defence, public safety, public order, public morality, public health, or land use planning. That is the part that the Constitution was trying to address: how to use our land effectively.

Land has been subdivided. Many arable areas that are viable for agricultural use have been used for settlement. I wish we could enact legislation that would allow the government to

regulate how land is subdivided, so that the remaining land, which we believe is suitable for agricultural use, can be protected for that purpose. We will protect the land that is good for settlement.

Lastly, through the President, the State Department introduced the affordable housing programme in the country. Apart from settling those living in slums and providing homes to those who do not have, this was to ensure that the State would move people to live in urban areas. They would leave areas considered arable and suitable for agricultural use. We need food. Food security in this country is still at 20 per cent. We are not food secure just because we do not have land to till. Most land has been used for settlement.

I thank the President for introducing this vital element in our society. Let us build homes for our people, who can then move into them and leave the land to be tilled or used for agricultural purposes. We have seen many countries—the United States of America (USA), the United Kingdom (UK), Russia, and numerous others—exercise the same wisdom.

Those countries actually put people in one settlement area and leave the rest of the land to be tilled either by the government or by the people themselves. Our country can achieve food security if we follow this concept. We can have proper land that can be used for tilling, agricultural use, livestock keeping, and many other activities.

As we build homes, let us also support the President's efforts to construct houses. Let us continue contributing towards building homes and ensuring that rich people do not own homes, while people from the lower cadre of society who deserve to own homes but do not have them.

I support the Member for introducing the Motion. Hon. Temporary Speaker, I thank you.

The Temporary Speaker (Hon. David Ochieng'): Well said.

Member of Bondo, is it true that there is no land policy on zoning?

Hon. Gideon Ochanda (Bondo, ODM): Thank you. Let me start by supporting the Motion. While I support, I want to make a few comments here and there. One is that we, as a nation and as a government, are late in this. Two, we have learned very little. Third, we must acknowledge that we are failing.

There has been all manner of indications since the colonial times. I do not know how many of us can remember what I call the Swynnerton Land Policy of 1954. Those are the times when we started talking about bringing land together for agricultural use and food production. It means there are indicators of failure if we have not done anything since 1954.

Our Constitution basically categorises land tenure systems into public, community, and private. If you look at how the Constitution places the three, public land is regulated and easy to regulate. For a public utility, there are areas with throughways and gazetted forests. It is easy because they are regulated and demarcated. It is easy to know where they are.

One aspect of private land is regulated, the other is not. Leasehold private lands are regulated in as much as we know that they are in urban areas, townships or cities. They are regulated in one way or another. Then, there is the portion of private land that is completely left to individuals. I do not think there is anywhere in the world where individuals or citizens can do things the way they want.

There must be some regulation or some element of control. This is where we are failing. The aspect of absolute title and absolute ownership of land under private hands is where we fail as a government. This has led us to the situation we face today. The first time I visited Nairobi, about 30 years ago, on the way from Kericho to Nakuru, and from Nakuru to Kericho, one would see vast farmlands with food crops. Every time you travelled on that road, you would see food crops on both sides. The same was true in Kiambu. What has happened in thirty years? Now, between Kericho and Nakuru, you only see concrete and buildings. Yet these were areas once known as the White Highlands, or, in the Swynnerton Plan, as Scheduled Lands. All these

were Scheduled Lands, regulated in terms of their use. We have failed in this. As a nation and a government, we are failing.

There are lessons to be learnt. There is no place in the world, whether capitalist or communist, where people settle the way we do here, in this country and in Africa, where everyone wakes up and settles anywhere they wish. Land is private in many places, yes, and public in others, but it is regulated. Land use is clearly demarcated. For example, if land is zoned for farming, even under private ownership, it must remain farmland. You cannot go there and start doing other things. That is why, in the UK, it is not easy for anyone to access farmland unless they qualify as farmers, even with a basic diploma in agriculture.

Here, however, we talk about farming while everyone does whatever they wish on their land. There must be control and regulation. When we reach a situation where we must import food or resort to begging for it, then there is something seriously wrong. That is where we find ourselves from time to time. In the last two or three years, there has been significant government support in the agricultural sector, particularly through subsidies. That has increased production. But this is not permanent. The land itself keeps getting subdivided. Even as you subsidise farmers, land sizes are getting smaller, such that subsidies lose meaning.

When land is continuously subdivided, basic agriculture becomes impossible. What was taught in the 4K Clubs in classes three and four, such as crop rotation, cannot be practised. It is high time we addressed the problem of absolute land holdings. If we do not, we are headed towards unsustainability, food insecurity, and repeated dependence on imported food. The government must learn this, if it has not already done so. The Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works has alluded to it. There must be proper legislation, not mere amendments, on land use.

Affordable housing is a good initiative, but to what extent will it be realised in terms of spread? In rural areas, people still think it is not meant for them. Yet the idea is to move people into planned settlements, leaving land for other useful economic purposes. Something must be done, starting with the ministry, to bring proper legislation, followed by regulation, particularly on private lands under absolute ownership.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Well said.

The Member for Kanduyi, Hon. John Makali.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker, for the opportunity to weigh in on this Motion. At the outset, let me thank my colleague, the Member for Westlands, Hon. Timothy, for bringing it. It is undeniable that land is a critical and valued asset in our communities. It is equally undeniable that we currently face many problems related to land use. Recognising this importance, the framers of the Constitution dedicated a whole chapter to land, classifying it and assigning responsibilities to this House to develop rules, regulations, and legislation to give effect to those provisions. This Motion seeks a policy framework to regulate land use. The first question I asked myself is whether we already have a policy framework. My answer is yes, we do. What we need to do is revisit it and ask whether it is serving us well or not.

Agriculture contributes about 22 per cent of our GDP. Many of our people are employed in the sector. Our budgets allocate significant, though insufficient, resources to agricultural development. Yet our courts are clogged with disputes on land ownership and inheritance. That is why we have the Environment and Land Courts. Kenya has only 17 per cent of its landmass as arable land. At independence, we committed ourselves to fighting hunger. Malaysia, one of the Asian Tigers, has progressed because of proper land use programmes. I support this Motion. We need not only the Ministry of Lands, Urban and Physical Planning, but also the Ministry of Agriculture to develop a proper policy framework on land use. In doing so, we shall not be reinventing the wheel.

We used to have the Land Control Act, which required development approvals to go through land control boards. But these boards were politicised, approvals were issued in boardrooms, and little regard was paid to the nature of development. In places like Western Kenya, you will not find someone with ten acres intact. Land has been fragmented into uneconomical plots of 50 by 100 feet. I support this Motion. We must re-examine legislation and regulations on land use to secure our food security. Otherwise, every time land is bought, the obsession with brick, mortar, and concrete leads to development at the expense of agriculture. Even the Agricultural Development Corporation farms in Kitale and Trans Nzoia, which were once set aside for agricultural use, have been encroached upon by land grabbers. We no longer have sufficient parcels for farming. We must also set aside land, as proposed in the Motion, for a well-built environment, just as we are currently doing in developing affordable housing, so that we safeguard land for agricultural development purposes. We can set aside places for residents and for agricultural development to achieve food security as a nation. I support this Motion as it is well thought out.

Article 66 of the Constitution of Kenya has literally classified land into three groups: public land, community land and private land. When we were in school studying our land laws, we said the absolute proprietorship title was a title for abuse and disabuse. We also need to relook into it and do a lot of sensitisation. Even if you have an absolute title, it is not absolute in the sense that you can do anything you want upon it. We need to do a lot of sensitisation. We must have planned development for the sake of our country and our future generations.

With those remarks, Hon. Temporary Speaker, I support this Motion and urge that this House pass it. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Mutunga, you are going to speak after Hon. Caroli and Hon. Githinji. That is how it appears on my board. So, allow them to have their chance first. This chance is for Hon. Caroli.

(Hon. (Dr) John Mutunga Kanyuithia spoke off the record)

I am looking at the board. I am seeing you have a Bill to move. This chance is for Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I rise to support the Motion.

It is time for a genuine debate on our land use patterns. What worries me most is the lack of coherence across the country regarding how urban planning, peri-urban planning, and agricultural land are being utilised in this country. The laws are there, but something seems to be missing. I have always wondered, what is it that we need to do to help us plan even better? However, it is surprising that even with devolution, most county governments have not come up with proper urban planning for their business centres within the counties.

Nairobi, of course, is already a mess. It is very clear, looking at the development that we have here in the city. Apartment blocks deny each other the right to sunshine, which is a recognised constitutional right under our laws. You have someone's sitting room facing the toilet of the other. You have high-rise buildings that, frankly speaking, in 20 years will be concrete slums. We have seen from experience in other jurisdictions that when lifts break down, people cannot maintain the utilities around those construction sites. This urban nightmare is not as profound as what will happen in rural areas, where agricultural land has been significantly demarcated to the point that the issue of food security or insecurity is now a major concern for us.

I do not think many areas of this country today have farmers who can practise mechanised farming on 100 acres or 200 acres for any particular crop. Even in the food basket

county of Uasin Gishu, either due to polygamy or to lack of commercial acumen, those who were doing 10,000 acres five years ago are now down to five. Those who were doing five are down to three. Those who were doing three are down to one. Those who were doing one are down to 500. Essentially, we are staring at a very uncertain future in terms of food security due to our current land-use patterns, unless we appreciate this and adopt the sociocultural changes that are so essential. We can pass many laws, but if in our minds, we are not ready to lead the modern urban life, we are staring at a disaster in the making.

There is not enough land in many areas for food production. The little that there is is quickly being turned into a concrete jungle. However, the people who have taken the best care of our environment — the pastoralist communities — are now facing an existential threat. The group ranches have all disappeared. The lands have been subdivided. The free movement of cattle has been curtailed. We are staring at a very heavy socioeconomic disruption to their economic activities. That is why every time the big land grabbers that we know, the politicians, take huge parcels of land from the pastoralists, as soon as they lose power, the farms are invaded, the fences are cut, and people are back. You can see it down here in Mai Mahiu. It is going to happen in many places.

We need to examine this issue from both the urban planning and agricultural production perspectives, so that we can secure ourselves and address potential areas that may lead to social unrest, especially among pastoralist communities. What is happening in Kajiado, Narok, parts of Samburu, and Laikipia is not a recipe for peace, but for warfare. Over time, we will come to face that reality. This is also in Tana River. Communities whose cultural practices and livelihoods have protected our environment are now literally being uprooted from their homeland, and being subjected to subdivision of land that is inimical to their interests and that is not helping them be food sufficient. In the future, I do not think it is going to be helpful to this country.

With those remarks, I support. Thank you very much.

The Temporary Speaker (Hon. David Ochieng’): Hon. Gichimu, is it in order that you allow the Chairman of the Departmental Committee on Agriculture and Livestock to speak now?

(Hon. Gichimu Githinji spoke off the record)

If you allow that, then we will give him a chance. You will speak after him.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, and Hon. Gichimu, for being considerate.

I wish to thank Hon. Wanyonyi for this very important Motion. I am very sure that Hon. Wanyonyi is speaking from experience, because the constituency he represents was once an agricultural land. Today, only flowers and houses have grown on that particular land, besides, of course, the roads. If somebody spoke from a county like Kiambu and said we are under threat, they would be talking a lot of reality. If someone spoke from a county like Trans Nzoia, for instance, and said that we are under threat as a country because of land subdivision, they would still be speaking the truth.

I recall a time in 2008 when there were clashes, and I was heading a lobby group. We thought it was the prime time to lobby the government on issues related to land use. At that time, there were clashes, and the Burnt Forest was completely destroyed. The farms and houses were burnt. We did a position paper as an organisation and presented it to the government. The government did not take us seriously, and we therefore decided to present it to the opposition headed by Hon. Raila Amolo Odinga. I remember very well that the current President of Kenya was sitting in that meeting. Our presentation was very simple: that Burnt Forest was completely burnt, yet all ethnic communities of Kenya occupied it. And the only way to kill ethnicity is to

kill the separation of individuals on farms. Have a policy for land use, have a security system for the land itself, and for the crops and livestock on land, and have a policy for the habitation area.

We proposed bringing all the people to one corner of Burnt Forest and building high-rise buildings as part of the agreement. It is a classic example of reconsolidation. Then allow people to ballot for the houses. Then create schools and playgrounds in the neighbourhood, and create communities that are integrated. Therefore, through the balloting, maybe a Kikuyu would have got a house on the seventh floor, a Luo on the sixth floor, a Kalenjin on the third floor, a Kisii on the fourth floor, and so on. Nobody would ever burn somebody else's House thereafter. That is the principle I believe the Kenya Kwanza Government is applying, to try and bring people together and avoid spreading horizontally. This is because growth vertically is not limited, but growth horizontally is limited insofar as it occupies land.

Hon. Temporary Speaker, our Constitution is very clear on Article 60, and I wish to look at the principles of land policy. This Article pronounces itself to the effect that it sets the foundation for land reforms by outlining the key principles for land management and administration. It brings out the issue of equity in access to land, which has been over-exploited in this country, security of land rights, sustainable and productive management of land resources, transparent and cost-effective administration of land, sound conservation of ecological sites, ecologically sensitive areas, elimination of gender discrimination in land and property matters and encouragement of community participation in land disputes. In this policy provision, there is nothing on the demarcation of land and specification of use for the optimisation of economic benefit from such land.

Hon. Temporary Speaker, the former speakers have alluded to the way the Constitution describes land. But what have we done as a country since we got the new Constitution? In 2012, the National Land Act was enacted to give effect to the constitutional provision by revising and consolidating various land laws, thereby ensuring sustainable land management. Sustainable land management has the connotation of the user of the land. On community land, there is a Community Land Act of 2016, which basically operationalises Article 63.

Additionally, there is the National Land Commission, which was established in 2012, primarily to review the legal framework for the Commission itself, serving as a Government gatekeeper. Having said that, our Constitution recognises the importance of land and the importance of organising ourselves in terms of the user. I like this particular Motion because it brings about land and agriculture and combines the two very well. This is important because agriculture typically occurs on land, and very little agriculture, known as hydroponics, takes place outside of land; however, all the agriculture as we know it happens on land. Therefore, if we do not use land sustainably, it implies that we jeopardise the possibilities for future generations to benefit from the land as a resource and provision.

This relationship between land and agriculture is key, and I want to loop in the issue of the environment. Environmental issues also occur on land, and land management has a connotation of improving the environment. As a country, we have aimed for a lot more segmentation, subdivision, and monetisation of land. The predicament we are in is that we do not view land in the context of its user. There is documentary evidence, which is empirically proven, that approximately 16 to 17 per cent of agricultural land is available for crop production without requiring irrigation. What that means is that we can only grow crops in about 17 per cent at most without irrigation, either supplementary irrigation or an entire infrastructural set of irrigation. What that tells us is that we need to be extremely careful; then, let us look at where that 16 or 17 per cent of agricultural land is. It is around Central Kenya. It is located in the Western islands, the South-western islands, and around the North Kenya region. That land has been put into alternative use. Whenever we construct a building, whether it is a brick or stone structure on land, we deny the land's agricultural use for more than 100 years, unless

deliberate efforts are made to demolish the building, remove the rock, and then rehabilitate the soil. So, Hon. Temporary Speaker...

The Temporary Speaker (Hon. David Ochieng'): Sorry to interrupt you, but based on the places you have mentioned, what do you say about the deliberate policy then of misclassifying or unclassifying lands in Nyanza, Western Kenya, where we are told we could not do coffee, yet coffee can do very well in Western and Nyanza. We were told you could not do crops because they are "white crops". How does that add to what you are debating now?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Speaker, Agriculture is professionally organised in the sense that there is clear identification of the agro-ecologies in Kenya. They are about seven. In those agro-ecologies, there is also the linkage between the agro-ecological zone and the crops and livestock that can optimise the use of those zones. Therefore, most areas in this country can be used for specific purposes based on the degree of optimisation and the correctness of the linkage. We are slowly discovering that the greater Rift Valley can be utilised for coffee production. We are also discovering that some parts of Nyanza can be used for coffee production, but this was not the case in the past and had not been exploited as such. As advancements have been made in research to produce relevant varieties and cultivars that suit a given area, we attribute some relevance to these areas in terms of productivity. Therefore, it is possible to use such land for that particular purpose.

Hon. Temporary Speaker, where did we go wrong? We went wrong at the point when we decided to form land-buying companies. Then, instead of utilising the piece of land as a unit, all of us, as members of that particular land-buying company, decided to subdivide it into...

The Temporary Speaker (Hon. David Ochieng'): Give him 10 more minutes.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): They subdivided it into different individual parcels, and that is where we went wrong. We need to go back there. I look at Nairobi and wonder where it is growing to. It would be very gratifying if Nairobi were to grow towards the Rift Valley, because along the escarpment, we would have the most beautiful houses in the world, overlooking the valley and also giving people the opportunity to watch the sunset. But we are growing towards Kiambu. We are taking up the land that will be used for crop production in our young nation, which is becoming younger by the day, because we are not very serious about family planning. We are becoming younger and younger because the pyramid is like that. There are very few elderly people and many young people. We are misusing, or rather taking away, the opportunities for the young people, even in that particular issue. So, what do we need to do? We need to reorganise our land. We need to set aside land for agriculture, land for housing, and land for urbanisation, and then we need to have different reasons for leasing this land. Let us not monetise land as a commodity, but let us set aside land for agriculture and say this is the price of land here. You can only do agriculture in this particular area. There should be no change of user when it comes to agricultural land.

The Temporary Speaker (Hon. David Ochieng'): Well said. Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker, for allowing me also to weigh in on this very important Motion by Hon. Tim Wanyonyi, Member for Westlands. As I support this Motion, I also support it with some rider because there exists a policy on land zoning in this country under the Physical and Land Use Planning Act, which separates land or zones ranked into residential, commercial, agricultural and industrial zones. However, I believe what is lacking is not a general policy on zoning. It is now a policy on specific land that has been zoned for agricultural use, so that this land can be optimally utilised for agriculture. Within the areas zoned for agriculture, the policy specifically preserves the land for agriculture and allocates some areas for settlement.

If, for example, a thousand acres are zoned for agriculture and people are consolidated within a smaller area of about five acres, it will be easier to provide services such as roads,

electricity, water, schools and other amenities collectively. It will also be easier and cheaper for the Government. The remaining land would enhance food security, as it would enable economies of scale in production. However, the implementation of this policy is subject to the country's land regime, as different regimes govern ownership. If I have agricultural land and absolute ownership, any law enforcing that policy will be subject to the existing law. Unless other laws are amended, this policy might face challenges, however good it may look.

I wish it were possible to amend the law such that the policy could be implemented on communal lands under the Communal Land Act. Communities could agree to set aside a substantial portion of their land for agriculture and settle in a single area. The policy is very good, but its success depends on many other aspects. For example, in my constituency, Gichugu, most land is under the Registered Land Act (RLA), where individuals have absolute ownership, who have subdivided it over time. It may not be practicable in such areas. However, in places with larger unallocated land, it would be easier to convince communities, including in Maasai land, where Hon. Parashina Sakimba comes from, to accept this policy. This could boost food security and increase earnings. Similar policies have been successful in other countries, such as the Netherlands and Israel, where the Kibbutz system enables people to live in smaller communities while collectively owning land or sharing proceeds as agreed.

Hon. Temporary Speaker, I generally support the policy. I believe that even if it passes through this Parliament, challenges will arise due to existing laws and individual land rights. I support the Motion.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Well said.

Member for Sirisia.

Hon. John Koyi (Sirisia, JP): Thank you very much, Hon. Temporary Speaker, for giving me the chance to contribute to this Motion. I rise to support Motion No. 044 of 2023, moved by Hon. Tim Wanyonyi, the Member for Westlands, on behalf of the Government through the Ministry of Land, Public Works, Housing and Urban Development.

Land is not just an asset; it is a foundation of our national economy, identity and future prosperity. Agriculture remains a key economic driver. The Central Bank of Kenya, through the Agriculture Sector Survey 2022, estimated that agriculture contributes 22 per cent directly and 27 per cent indirectly to our GDP, particularly through its linkages to trade, transport, and manufacturing, totalling over 49 per cent. Kenya derives its livelihood from agriculture, with rural counties almost entirely dependent on it. Land is very important to everyone. People fight and sometimes even kill over it.

I call upon the House to support this Motion as a forward-looking national policy that can benefit the country. The Motion calls for the Government to act within its constitutional mandate to create a zoning framework for the supply of agricultural land while balancing land marked for settlement and commercial development. The zoning framework would also complement the affordable housing programme by ensuring that the projects are implemented within designated built-up zones and in high-potential agricultural areas.

I support this Motion and wish to thank Hon. Tim Wanyonyi for bringing it. It is timely, and I urge the House to support it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Well said. Let us have Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this important Motion. I also congratulate Hon. Tim Wanyonyi for coming up with this Motion on the formulation of a land use policy for zoning land for agricultural and built development.

We also have a lot of dreams to grow our country, and also come up with development structures. I congratulate our President on the housing project that has taken off very well and has already begun in many counties. As a result, many of our people who previously lacked shelter are now very happy and enjoying the comfort of good homes, where they can raise their children and benefit from a good environment.

Hon. Temporary Speaker, I would like to concentrate on agricultural land. Zoning will help us because many counties have not done it. We need proper zoning to determine where farming and other development can occur. It is high time for county governments to consider this by giving it a lot of attention, so that we have well-planned towns, well-planned areas for agriculture, and well-planned areas for development. This will enable us to grow our country systematically.

Agriculture is one sector that the Kenya Kwanza Government has given a lot of attention to through subsidising the price of fertiliser. This has boosted local production and given us a lot of hope, encouraging many farmers. In recent years, many people have withdrawn from farming due to not receiving enough support from the Government and also because they were unable to sell their products. However, today, Kenyans can produce and even export some of their produce. Our goal is to plan well so that we can export more than we import from other countries. As it is, sometimes we feel ashamed because we import a lot, even from neighbouring countries, while God has given us very good resources - very productive farmlands that, in some areas, we do not even use fertiliser. That means that we can grow any crop and also harvest enough.

It is also important for us to note that it is only through farming or agriculture that people at the grassroots can exercise their skills without needing to attend interviews or pursue any qualifications. Even those who are not educated or have not attended school can farm and earn a sufficient income. Many of our people have been educated through farming. It is high time for us to enhance the agriculture sector so that our people can benefit more.

Again, it is the only sector we are assured of a good source of income. It also plays a very important role in growing our economy. It has been captured in the Motion that the sector contributes 22 per cent directly and 27 per cent indirectly to the country's GDP. This can easily grow from 22 per cent to 30 or even 40 per cent, and from 27 per cent to even 40 per cent, but this needs proper planning and investment. Further, the survey reports that the sector employs over 40 per cent of Kenya's total population. This is an area we need to invest in because, currently, we are complaining that our youth do not have jobs. This is one sector that can easily grow from 40 per cent to even 60 per cent, enabling us to overcome the current challenges we face. The youth should also get skills in farming and agriculture. We should train the youth to be well-educated in managing farms and this sector, equipped with a lot of knowledge, so that they can earn all that we need to earn from it.

We know very well that many of our people today live far in arid and semi-arid areas, and cannot depend on the normal rain seasons anymore. As a government, we should invest in irrigation so that every village can have somewhere they can do kitchen farming and get some produce. An example is Galana Kulalu, where we farm using irrigation. We can still improve on it. As a country, we should be challenged. Dubai and Israel are deserts, but they have transformed themselves. They produce enough food in the desert. In fact, they have the best fruits and other produce. If, as a country, we can focus on agriculture, we will do great and also have a healthy society.

I agree with the resolutions the Motion proposes that, this House resolves that the Government, through the Ministry of Land, Public Works, Housing and Urban Development, puts in place a policy framework for effective land use in rural areas by consolidating and designating zones for built development, for commercial and residential development with shared public utilities and separate zones for agriculture use to arrest further diminishing of

agricultural land. We cannot as a country continue to lose agricultural land, because that is the backbone of our country. A country that cannot feed its people is not a country. If we want to be a country that we can all be proud of, we must ensure that we have enough land for agriculture and other development, allowing us to grow our country both economically and socially.

With those few remarks, Hon. Temporary Speaker, I support the Motion. Thank you.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Hon. Members, I will have Hon. Sakimba followed by Hon. Ndindi Nyoro and Hon. Wilberforce Oundo, in that order. I see Hon. Thuku Kwenya is on intervention. Anything out of order?

Hon. Kwenya Thuku (Kinangop, JP): Hon. Temporary Speaker, there is nothing out of order.

The Temporary Speaker (Hon. David Ochieng'): You just walked in?

Hon. Kwenya Thuku (Kinangop, JP): Yes, I pressed by mistake, but then I could not change. I am just queuing to speak.

The Temporary Speaker (Hon. David Ochieng'): Okay, you are the last one in the queue.

Hon. Kwenya Thuku (Kinangop, JP): Okay, thank you.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important Motion by Hon. Timothy Wanyonyi on the Formulation of a Land Use Policy on Zoning of Land for Agriculture and Built Development. It is good to understand the simple question about implementation.

If we check on what the Constitution 2010 says in Article 60 up to Article 68, it captures land use and even zoning. Articles 61, 62 and 63 classify land into public, private and community land. I begin my contribution by checking on implementation. In terms of implementation, we ask ourselves a simple question. Who is supposed to implement this? We begin with the National Land Commission (NLC), which develops policies on land use monitoring.

I come from Kajiado County, which is purely a semi-arid area. Land zoning is being practised, *per se*, on paper. On the ground, things are different. The County Government of Kajiado has developed a spatial plan for land zones, categorising them for agriculture, pastoralism, and cattle rearing, as well as designating tourism and wildlife conservancies.

Our land registries are becoming a disappointment because they have the plan, but they produce titles without consideration. Those titles give investors power to do whatever they want. The question should be: What penalties should be imposed on land registries? What can be done to those who disregard the spatial plan on land zones? The policy does not stipulate a clear punishment that can be imposed on them. What should our police officers enforce? If you report a case and are given an Occurrence Book (OB) number, you cannot take a person to Court because of a lack of procedure. The only issue that is taken seriously is charcoal burning, which is illegal.

I pray that Hon. Tim Wanyonyi can translate these arguments or the Motion into a Bill focusing on the important issue of penalties. People in Kenya often grab land and claim ownership, often with false titles. It is good to understand that land is the most valuable resource we have as a country. Unplanned land leads to food insecurity. That has been captured under Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA). Lack of land use planning also causes economic degradation.

Regarding built developments, I would like to provide an example of Karen. Certain pieces of land are supposed to be used for urban development and industrialisation. The Constitution stipulates where things are supposed to be, whether it is a residential area, urban area, industrial area or park, but there is a tendency to be disorderly. If you read the history books on Karen, you could not settle on half an acre of land in Karen. You could also not build

two units on a quarter of an acre of land. That is not the case now. There is no longer any pride in saying that you live in Karen. The serenity has been destroyed because people are not following the rules. The Karen and Langata District Association is doing everything it can, but the law is limited. Zones help this country to delineate public utilities, including schools. Hon. Wanyonyi's Motion touches on all Members.

I will speak facts with regard to environmental and climate concerns. One might wonder when visiting the entire Kajiado County, which, as I have mentioned, is a semi-arid area. As my colleague mentioned, there are issues related to the subdivision of land, including group ranches, settlements, agricultural land, and conservancies. People who call themselves "big giants" from Nairobi come and buy big pieces of land, and then about six months down the line, you will find that the green spaces, which were once water catchment areas, have been destroyed. They plant cabbage and other things on those lands. When asked, they say they bought the land, so they should not be questioned.

That has destroyed the indigenous community of pastoralists. Those "big giants" salivate for our land purposely because we have done land zoning. They come and cheat our communities and start putting up big projects. They do not understand how emotive land is to Maa communities or the pastoralists. A community cannot surrender land for tourism and wildlife. You will find 100,000 acres of land set aside for wildlife conservation and tourism promotion. That is our source of income and pride. Someone comes to destroy our water catchment areas and hills just to produce food for Nairobi, for export, and for other purposes. Once people follow zoning regulations, every community in this country will be happy.

As pastoralists, we are most affected by the issue of balancing interests. I will take you back to the history of the Kedong Ranch, which is next to Mai Mahiu. Those 200,000 acres of land were taken from the community for purposes of geothermal power production. How can 200,000 acres of land produce electricity when it can be produced from the hills? The only way to balance the interests of every community and investors is through a zoning policy.

I have talked about historical injustices. Article 68 of our Constitution mandates Parliament to enact legislation related to land to help our people.

In conclusion, I support the Motion because it brings order and sustainable land management in this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, before the Member for Kiharu takes the Floor, join me in welcoming students from Ongata Academy from Kajiado North Constituency in Kajiado County. They are seated in the Public Gallery and are welcome to follow our proceedings this afternoon.

Hon. Ndindi Nyoro, go ahead.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this chance to contribute to this timely Motion. It is important for us to think about land zoning for various uses.

I wish to address the various categories of zoning. One is in terms of ownership, and the second is in terms of use. In terms of ownership, it is important for us to be very clear-minded on what is private, public and community land. We need to be efficient in the reallocation of zoning, especially in terms of ownership. Development projects in Kenya are only done on public land because we are investing public resources. However, we have seen previous owners of such land agonising all the time when it comes to receiving compensation for their land. It is also important for us to be forthright in establishing regulations that protect both private property and public interests. What ought to happen is that when there is a public development - whether it is a dam, a road, or any other kind of development - the regulation should be that construction should not begin before land ownership changes. Ownership changes when a transaction occurs. A transaction happens when there is an exchange of money

and resources. Countless families in Kenya surrendered their private land but are yet to be compensated, yet the public facility or public development that was to be built has already been built. Therefore, they move from office to office looking for compensation. We need to be forthright and clear-minded in safeguarding the sanctity of private property ownership, especially when it comes to the Government taking up property.

Another consideration is land use. Use can be in many ways. It can be in terms of industrialisation, residential development, commercial activity or agriculture. In that respect, in terms of zoning of land, what we have in mind is especially agriculture. It is important for this House to constantly be aware of the level at which agriculture should be part of our economy. When making policy, we are very keen to exhort primary production, especially agriculture, simply because policymakers are elected by their people and they are politicians. Therefore, we try to appeal to where the majority of the people are. But it does not necessarily mean that agriculture and primary production are the best things for an economy. A developed country would be like the Organisation for Economic Co-operation and Development (OECD) countries, the United States of America, the United Kingdom, most of the European countries and, currently, Asia. When you give definitions in terms of Gross Domestic Product (GDP) and per capita, one other definition of a developed country is where agriculture constitutes less than 10 per cent of the GDP, and not more. Therefore, if we seek to be a developed country, we must not be content to submit in this House that agriculture accounts for 18 per cent of the GDP. It means we have a lot of catching up to do. In the US, despite large-scale farming, agriculture accounts for less than 4 per cent of its economy. In China, which is now experiencing growth, agriculture accounts for between 7 and 8 per cent of its GDP. More interestingly, in Germany, agriculture accounts for 0.97 per cent of the GDP. Agriculture accounts for less than 1 per cent of the GDP in many OECD countries.

This calls on us to reflect. Why should agriculture not account for 10 per cent of the GDP in a developed country? It is because we often confuse agriculture and farming. Agriculture is a chain that starts from farming. What we do mostly is farming, and then we call it agriculture. The value chain across agriculture shows that farming alone accounts for only 25 per cent.

The other thing we must be aware of is productivity. The reason many countries promote manufacturing and tertiary production, especially through technological advancements, is due to productivity per worker. If you measure GDP productivity per worker in Kenya and compare it to a person in China or the US, you will see why countries grow faster when they shift from primary production to the other two kinds of production.

Hon. Temporary Speaker, if you measure Gross Domestic Product (GDP) productivity per worker in Kenya, and compare it with that of a person in China and the United States of America (USA), then you will see why some countries grow faster. This happens when they shed off primary production, where agriculture is domiciled, to avoid an oversized involvement in GDP. We say agriculture is dominant in Kenya. Why is it that a sector employing over 70 per cent of the rural population only contributes less than 18 per cent of our GDP? It shows that a very small fraction of the GDP carries a huge size of our population. If you prorate that, it shows that productivity in agriculture is very low.

Again, agriculture in Kenya is not mechanised. What we call agriculture is mostly subsistence. Therefore, we need to do much more. If we need agriculture to help our economy, one thing we have to do is to mechanise. Secondly, we must also not stop at agriculture. We must look at the synergies and manufacturing value addition so that there is a blend. There should also be effective communication between these two sides of the economy. Let me cite some government figures.

The Temporary Speaker (Hon. David Ochieng’): Would it be wrong if agriculture contributes 70 per cent of our GDP? Will it make us develop?

Hon. Ndindi Nyoro (Kiharu, UDA): It will be very wrong, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Why?

Hon. Ndindi Nyoro (Kiharu, UDA): This is because productivity per worker is what makes the GDP of a country grow. If many people engage in a low level of equilibrium, which means they are trapped and cannot surpass a certain threshold, then raw agriculture keeps them there. Whatever you do as a farmer, one acre of land can only give you too much. You cannot scale past that because land is a finite resource.

Another factor is that agriculture is based on decreasing returns to scale. Manufacturing and tertiary production are based on increasing returns to scale. What does this mean? When you have land the size of Kenya, you first till where it is fertile. Production starts at the peak. You start with the areas that have red soil and cultivate them, and then you move on to other parts of the land. As you start agriculture, you start cultivating in areas that require very little input for optimal output. As you progress, you move to areas that need irrigation, which is an input. It increases the cost. It diminishes the return to scale. But manufacturing and tertiary production increase. It is possible to scale in manufacturing and tertiary production, especially in the technology sector. That is why our economy, Kenya, and Africa must recognise that we need to continue reducing the contribution of agriculture to our GDP and increasing the contributions of others.

Again, the produce from agriculture is based on market prices.

The Temporary Speaker (Hon. David Ochieng'): You will add Hon. Ndindi one minute.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Temporary Speaker, for giving me one minute. I was trying to make the point that even as we strive to thrive and spur agricultural growth, it is also important that we develop other areas. Every product from agriculture and primary production is trapped in market prices. A mango in Kenya will cost the same as a mango elsewhere. However, in manufacturing and tertiary production, you do differentiation of products. You can have a car, such as a Mercedes, with the same functions as a Toyota, but one is priced higher than the other. That is why it is important for the economy to also look at the other two sectors. There is no way an economy can grow based solely on primary production.

I submit, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. Allow me to join my colleagues in thanking Hon. Tim Wanyonyi, the Member for the famous Westlands and probably the incoming governor, for bringing this subject matter to public debate. We have debated this matter for many years, since I joined the University of Nairobi, when we began discussing development economics and the economic problems of Africa. Land is not the physical space per se. It encompasses the rights inherited in the land, the economic value of the land, the ability to use the land, and even the right to abuse it without interfering with the rights of other people.

As we debate this Motion and seek to support and properly escalate it to the next level, it is important to consider three or four key issues. The first step is to examine Chapter Five of the Constitution of Kenya, which outlines the principles of land policy, including equitable access to land, security of land rights, and the sustainable and productive management of land resources. Any Motion or law passed in this House, or implemented in Kenya, that infringes upon any of those principles will be null and void. I am sure the lawyers would agree. As much as it is desirable to continuously plan and strictly enforce such plans, we must also acknowledge

that, over the years, development theorists have argued against rigid planning paradigms that restrict the effective exchange of factors of production.

The second issue we need to consider is the principle in land economics that pertains to the concept of "highest and best use." This is the use of land that generates the highest returns, that is legally permissible, socially acceptable, and authorised by planning permission. This debate has long centred on the conversion of coffee farms in Kiambu into residential areas. Numerous studies have been undertaken on the subject. When I was a lecturer at the University of Nairobi, I supervised numerous undergraduate, master's, and doctoral students who thoroughly examined this matter. The conclusion was simple: to safeguard economic rights, as enshrined in Article 43 of the Constitution, any planning or zoning ordinance that prevents conversion of land to achieve the highest and best use is discriminatory, infringes basic human rights, and contravenes Article 43.

It is precisely this conundrum, arising from theoretical, practical, and economic arguments, that has prevented Parliament from effectively enacting some of the legislation required. For example, prescribing the minimum and maximum landholding sizes in particular areas has proved difficult because holding capacity and productive capacity vary significantly from one region to another. Hence, the practicability of implementing this Motion remains subject to debate. I agree that the way land in this country is being subdivided results in unsustainable parcels for agricultural purposes. Across the world, whether in South Korea or Europe, there is a clear concept of concentrated settlements with large tracts of land preserved for agriculture. That approach is laudable. However, what is the per capita income in Kenya? What is the GDP per capita from agriculture? As Hon. Ndindi Nyoro has observed, it is much lower than that from the service sector, manufacturing, and other sectors. The question, therefore, is: can we continue to reserve large tracts of land for agriculture without raising agricultural GDP per capita at purchasing power parity?

With those remarks, I could easily give a lecture that takes four years in land economics, but for now, I shall stop. I thank Hon. Tim Wanyonyi for bringing the debate to the fore.

The Temporary Speaker (Hon. David Ochieng'): Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Hon. Temporary Speaker, I rise pursuant to Standing Order 95. Reading the mood of the House and noting that all are in support, may we call upon the Mover of the Motion to reply?

The Temporary Speaker (Hon. David Ochieng'): Is it the mood of the House that the Mover replies?

Hon. Members: Yes.

(Hon. Kassim Tandaza spoke off the record)

The Temporary Speaker (Hon. David Ochieng'): Looking at the time, if you have a minute, then he would not be able to reply. Hon. Wanyonyi, reply. But you can give Hon. Tandaza one minute, if you have the time.

Hon. Tim Wanyonyi (Westlands, ODM): Okay. Hon. Temporary Speaker, I can donate that minute to Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Asante, Mhe. Spika wa Muda. Kwanza ni kutoa shukrani kwa Mhe. Tim Wanyonyi, gavana mtarajiwa, kwa kuleta Mswada huu muhimu. Nitakuwa mfupi, hasa kwa hili swala linalohusu ardhi kuchukuliwa, na watu na hawawezi kulipwa wakati lishabadilishwa. Nikiwa hapa, najua kwamba kuna ile barabara ya Dongo Kundu, ambayo mashamba ya watu yalichukuliwa yakageuzwa matumiz. Hadi sasa hawajapata ridhaa, ilhali barabara inaendelea. Barabara ishafunguliwa, na watu wanaitumia. Wakati tumefanya hizo taratibu, lazima pia sheria ifuatwe wakati hayo mageuzi yanafanywa ili wananchi wasiweze kukandamizwa.

Asante.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Wanyonyi.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker. First, I would like to thank all Members who have contributed to this Motion. You can see how land use, when guided by proper policy and regulation, can be maximised not only in agriculture, as has been said, but also for industrialisation, settlement, and other purposes. With proper policy guidelines, developers will know which land is set aside for specific uses, such as industrial estates, urban development, or housing. Land is a diminishing resource, and we must be careful in our planning.

In Nairobi, for instance, there is no land left even for public utilities such as schools or markets, because land has been used haphazardly. Yet in major cities such as London, one still finds spaces reserved for recreation and other public purposes. It is therefore essential to have proper physical planning and regulation to achieve maximum use of land.

I beg to reply, and I thank you.

Hon. Temporary Speaker (Hon. David Ochieng’): Thank you, Hon. Members. The decision on this Motion will be made the next time it appears in the Order Paper.

ADJOURNMENT

Hon. Temporary Speaker (Hon. David Ochieng’): Hon. Members, the time being 1.00 p.m., the House stands adjourned until today, Wednesday, 24th September 2025, at 2.30 p.m.

The House rose at 1.00 p.m.

*Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi*