



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

**Tuesday, 17<sup>th</sup> February 2026**

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Where are the Whips of the Majority and Minority Parties?

Hon. Members, we now have quorum to transact business. Clerk-at-the-Table.

*(Several Members entered the Chamber)*

Members on your feet, take your seats. Hon. DK, take the nearest seat.

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM SOMALI REGIONAL STATE, FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

**Hon. Speaker:** Hon. Members, allow me to recognise and introduce to you a delegation from the Somali Regional State in the Federal Democratic Republic of Ethiopia, seated in the Speaker's Gallery. They are –

1. H.E Ibrahim Farah	–	Vice-President, Somali Regional State, Head of Delegation
2. H.E Ambassador Bacha Debele Buta	–	Ambassador of Ethiopia to Kenya
3. Dr Hussein Kasim	–	Chief of Cabinet
4. Mr Ahmedweli Shermarke	–	President, Chamber of Commerce
5. Mr Abdi Mahdi	–	Chamber of Commerce
6. Mr Mohammed Omer	–	Deputy President of Somali Region, Chamber of Commerce
7. Mr Yassin Osman	–	Chamber of Commerce

The delegation, accompanied by two officers, is on a visit to our Parliament to learn from various Committees of the National Assembly, and network with the Members of Parliament.

On my behalf and that of the National Assembly, I extend a warm welcome to the delegation and wish them fruitful engagements, and an enjoyable stay in our beautiful country. I wish to allow Hon. Major (Rtd) Bashir to lead the House in welcoming them.

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Thank you, Hon. Speaker. I also wish to take this opportunity to welcome His Excellency, Vice-President of Somali Regional State in the Federal Democratic Republic of Ethiopia and his delegation. You are most welcome. I am sure your engagement with Kenyans will bring prosperity in both countries. I wish you all the best as you stay and engage with fellow Kenyans and lawmakers.

Most importantly, Kenya and Ethiopia have had a good relationship over the years. We expect the same to continue. In the near future, the Kenyan Government will tap power from Ethiopia so that Mandera County can be connected to the grid. We appreciate that power line will pass through the northern region. Pass our regards to His Excellency the President. You are most welcome.

**Hon. Speaker:** Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I would also like to join Hon. Bashir in welcoming the Vice President of Somali Regional State in the Federal Democratic Republic of Ethiopia. It is the next frontier of business. As you know, we have a long border with the Federal Democratic Republic of Ethiopia. Those of us who have travelled to Addis Ababa and the others who went because of the African Union (AU) election, saw how it has changed. It is now the new Dubai of Africa. We have a lot of lessons to learn from that country on how they have developed that city to a modern one.

Addis Ababa grew in less than 10 years to what it is today. We walked there at 2.00 a.m. without fearing for our safety or belongings. Instead of benchmarking in Europe, the United States of America (USA), Singapore or elsewhere in the world, we need to benchmark on how to develop a city in Addis Ababa.

This is a country with a population of 100 million people. Investors from Kenya have gone there, led by Safaricom which serves 30 million clients in Kenya. In five years, they have 20 million customers in Ethiopia. In 20 years, they have 30 million people only in Kenya. We urge the Ethiopian Government to open up their financial sector, so that Kenyans and Ethiopians can invest here. Ethiopia will be the biggest economy in Africa in the next five years.

I congratulate the Prime Minister of the Federal Democratic Republic Ethiopia, His Excellency Abiy Ahmed, for the good work he is doing in that country. Kenya is also doing good work. I invite them to join the East African Community (EAC), so that trade can be seamless between Kenya and Ethiopia. Ethiopia was not colonised. They know what freedom is.

Kenya has a port through Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor. It should be dedicated to the Federal Democratic Republic of Ethiopia which has 130 million people. It will serve Ethiopians well and we should give it to them.

Lastly, Ethiopia has the cheapest electricity in Africa. God has put us as their neighbours. We should import a lot of electricity from there because it is expensive in our country.

With those few remarks, I welcome the delegation from Ethiopia, led by the Vice-President. This is your second home. You can come here anytime you feel like. Thank you very much, Hon. Speaker.

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I want to break the monotony, so that it does not look like this delegation is being welcomed by only Members from the Somali region in Kenya. However, Hon. Junet, the Leader of the Minority Party, is a Luo Somali.

(*Laughter*)

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

**Hon. Speaker:** Yes, Hon. Junet, what is it?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, this is a House of records. Somebody has sent the Leader of the Majority Party to destroy my political career. I am a Somali by birth, but I ceased to be one, politically, a long time ago. Please, be careful.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I corrected myself, but he did not listen. Although he was born a Somali, he is a Luo. He is an assimilated and naturalised Luo.

Hon. Speaker, allow me also to welcome the delegation from Somali Regional State in the Federal Democratic Republic of Ethiopia. I will re-emphasise what Hon. Bashir and Hon. Junet have already said. Ethiopia remains a very critical partner to our nation not only in terms of trade and the issues that Hon. Junet has spoken to, but also in food security.

Ethiopia is not only giving us cheap power, but also helping us with food security. Almost 50 per cent of the beans consumed in this country come from Ethiopia, and a bit of wheat and barley. I sell meat. There is a lot of beef cattle that comes from Ethiopia and finds its way to our dinner tables in this country.

As we welcome this delegation, we request that you continue deepening and tightening the relationship between our countries. As much as we compete on the athletics field, when we win, please, cheers us as much as we cheer you when you win. It is possible to integrate our region and grow our economies together. Safaricom, a Kenyan company, is doing well in Ethiopia. As the Leader of the Minority Party has requested, we pray for a time when you completely open up the financial services sector in your country to even allow fintechs. Kenya is the home of technology; it is home to very innovative young men and women who can invest in your country.

We look forward to the opening up of your economy to enable more fintechs and people investing in the financial services sector in the Ethiopian economy. Being a country with a huge population, it has a huge potential to create a good market for Kenyan businesses the same way your farmers are benefiting from the Kenyan economy in a big way.

Thank you, Hon. Speaker. I welcome the delegation.

**Hon. Speaker:** Hon. Farah, you have a minute.

**Hon. Yussuf Farah** (Wajir West, ODM): I join my colleagues in welcoming the delegation from the Somali region of Ethiopia. It has been over 60 years since we gained Independence. There is need for us to have a people-to-people integration. The only way to do that is for the countries in the region to open up so that this potential essentially extends from Sudan, Eritrea, Somalia, Djibouti, Kenya, Ethiopia and the wider East Africa.

(*Loud consultations*)

Hon. Speaker, protect me from Hon. Junet and his colleagues here.

Hon. Junet!

(*Hon. Junet Mohamed spoke off the record*)

**Hon. Speaker:** Order, Hon. Farah. You are out of order.

(*Laughter*)

**Hon. Yussuf Farah** (Wajir West, ODM): Thank you. We are looking at an economy that is probably the size of Europe, in terms of both the population and resources. Once we open up about 11 countries and remove all the tariff and non-tariff barriers for trade and movement, we will consign poverty and underdevelopment in Africa to history since those countries embrace democracy.

Thank you very much, Hon. Speaker. I am also promoting that. I want to see the wider integration of Africa and the East African community.

**Hon. Speaker:** Thank you. We will stop there. Allow me to also acknowledge in the Speaker's Gallery: Kwale Girls High School, Matuga Constituency, Kwale County and Ikuu Girls High School, Chuka, Igambang'ombe Constituency, Tharaka-Nithi County. In the Public Gallery, we have Othaya Boys High School, Othaya Constituency, Nyeri County and Kangema Boys High School, Kangema Constituency, Murang'a County.

(*Applause*)

I have been requested by Hon. Masito, the Women Representative for Kwale, to welcome the school from her County, and you can do so with all the schools on behalf of your colleagues.

**Hon. Fatuma Masito** (Kwale County, ODM): Mhe. Spika, ninashukuru sana. Nawashukuru wanafunzi wote ambao wamefika kwenye Bunge hili la kitaifa. Itawawezesha kujiona na kujifahamisha mambo yanayoendelea Bungeni na vile ambavyo Wabunge wao wanavyofanya kazi.

Ni jambo la kutia moyo kuona vijana wadogo kama wao vile wamejikakamua kutoka sehemu tofauti tofauti ili wahakikishe wamefika hapa ndiposa wajionee Wajumbe wao katika harakati za kutunga sheria zinazowahusu na taifa hili kwa ujumla.

Ninaomba niwajulishe wanafunzi kuwa ni elimu pekee itaweza kuweka usawa katika maisha ya mtoto wa maskini na yule wa tajiri. Mzidi kutilia bidii swala la elimu. Hakuna kitu kingine ambacho kitawafaa. Hakuna urithi mwingine ambao sisi wazazi tutawaachia nyinyi, isipokuwa elimu.

Karibuni sana katika Bunge hili. Na karibuni *Kanairo*. Ukifika huku, hausemi Nairobi, unasema *Kanairo*. Mhe. Spika, ahsante.

**Hon. Speaker:** Thank you, Hon. Masito. On my behalf and that of the House, we welcome all the students, their teachers and those accompanying them to Parliament.

Next Order.

## PAPERS

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker. This is my first time appearing in this House this year. I want to wish everybody a happy parliamentary year.

**Hon. Speaker:** Very good.

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

1. Legal Notice No. 4 of 2026 relating to the Consolidated (Music and Audio-Visual Works) Tariffs, the Report on Public Participation and the certificate of Compliance with the Statutory Instruments Act, 2013 from the Ministry of Youth Affairs, Creative Economy and Sports.
2. Auditor-General's Report on National Government for the Financial Year 2024/2025.

3. Auditor-General's Report on National Government Funds for the Financial Year 2024/2025.
4. Intergovernmental Partnership agreement between the National Government through the Ministry of Education and the County Government of Kwale.
5. Intergovernmental Partnership agreement between the National Government through the Ministry of Education and the County Government of Tana River.
6. Reports of the Auditor-General and financial statements on National Government Constituencies Development Fund for the year 30<sup>th</sup> June 2025 and the certificates therein in respect of the following Constituencies—
 

(a) Ainamoi	(z) Kanduyi
(b) Baringo Central	(aa) Kasipul
(c) Bobasi	(bb) Kapseret
(d) Bomachoge Chache	(cc) Karachuonyo
(e) Bomet Central	(dd) Kasarani
(f) Bomet East	(ee) Keiyo North
(g) Bonchari	(ff) Keiyo South
(h) Borabu	(gg) Kuresoi North
(i) Budalangi	(hh) Kesses
(j) Chepalungu	(ii) Kikuyu
(k) Chesumei	(jj) Kipkelion West
(l) Embakasi Central	(kk) Kirinyaga Central
(m) Embakasi South	(ll) Kisumu Central
(n) Embakasi West	(mm) Kisumu East
(o) Emgwen	(nn) Kitui East
(p) Endebess	(oo) Kitui Rural
(q) Funyula	(pp) Kitui South
(r) Gatundu South	(qq) Kitutu Chache North
(s) Gilgil	(rr) Kitutu Masaba
(t) Isiolo South	(ss) Kwanza
(u) Jomvu	(tt) Laisamis
(v) Juja	(uu) Lari
(w) Kabete	(vv) Likoni
(x) Kabondo Kasipul	(ww) Luanda
(y) Kaloleni	(xx) Lungalunga

**Hon. Speaker:** Next Order.

## NOTICES OF MOTIONS

**Hon. Speaker:** Chairperson of the Public Petitions Committee, Hon. Karembe.

### ADOPTION OF REPORT ON DISCRIMINATION OF SPECIAL NEEDS EDUCATION TEACHERS

**Hon. Muchangi Karembe** (Runyenjes, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 76 of 2023 regarding discrimination by the Teachers Service Commission (TSC) on career progression guidelines

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for special needs education teachers in Kenya, laid on the Table of the House on Wednesday, 19<sup>th</sup> November 2025.

Thank you, Hon. Speaker.

**Hon. Speaker:** Vice-Chairman of the Committee on Delegated Legislation, Hon. Gichimu.

ADOPTION OF REPORT ON THE PRIVILEGES AND IMMUNITIES  
(THE GLOBAL CENTRE FOR ADAPTATION ORDER)

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration on the Privileges and Immunities (the Global Centre for Adaptation) Order, published as Legal Notice No.82 of 2025, laid on the Table of the House on Thursday, 4<sup>th</sup> December 2025, and declares that the Privileges and Immunities (the Global Centre for Adaptation) Order (Legal Notice No. 82 of 2025) a nullity for failing to comply with Section 17 of the Privileges and Immunities Act (Cap. 179) that requires the regulating making Authority to submit the draft Order for approval by Parliament before publication of the Order, and infringing Article 94(6) of the Constitution relating to the principles and Section 13(a) of the Statutory Instruments Act (Cap. 2A).

**Hon. Speaker:** Thank you. Hon. Mulyungi, the Chairperson of the Decentralised Funds Accounts Committee, please go ahead.

ADOPTION OF 7<sup>TH</sup> REPORT ON  
AUDITED ACCOUNTS OF NG-CDF BOARD

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Seventh Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National Government Constituencies Development Fund Board for the financial years 2016/2017 to 2021/2022 laid on the Table of the House on Tuesday...

**Hon. Speaker:** Order, Hon. Mulyungi. Read every word as printed. No shortcuts.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): ...for the financial years 2016/2017 to 2021/2022 laid...

**Hon. Speaker:** You are out of order. Read every word as printed. The document that I have reads 2016/2017, 2017/2018, 2018/2019, in that order.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Thank you, Hon. Speaker. 2016/2017, 2017/2018, 2018/2019, 2019/2020 and 2021/2022, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December 2025.

**Hon. Speaker:** You have skipped 2020/2021.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Speaker, I beg to give notices of the following Motions:

THAT, this House adopts the Seventh Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the

National Government Constituencies Development Fund Board for the financial years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December 2025.

ADOPTION OF 8<sup>TH</sup> REPORT ON  
AUDITED ACCOUNTS OF NGAAF

THAT, this House adopts the Eighth Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National-Government Affirmative Action Fund for the financial years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the table of the House on Tuesday, 2<sup>nd</sup> December 2025.

ADOPTION OF 9<sup>TH</sup> REPORT ON AUDITED ACCOUNTS  
OF NG-CDF FOR CONSTITUENCIES IN NAKURU COUNTY

THAT, this House adopts the Ninth Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National-Government Constituencies Development Fund for Constituencies in Nakuru County for the financial years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the table of the House on Tuesday, 2<sup>nd</sup> December 2025.

ADOPTION OF 10<sup>TH</sup> REPORT ON AUDITED ACCOUNTS  
OF NG-CDF FOR SPECIFIED CONSTITUENCIES

THAT, this House adopts the Tenth Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National Government Constituencies Development Fund for Lari, Lurambi, Embakasi Central, Kilifi North and Mvita Constituencies for the financial years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December 2025.

ADOPTION OF 11<sup>TH</sup> REPORT ON AUDITED ACCOUNTS OF  
NG-CDF FOR SPECIFIED CONSTITUENCIES

THAT, this House adopts the Eleventh Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National Government Constituencies Development Fund for West Mugirango, Bobasi, Awendo, North Imenti, Kirinyaga Central, South Mugirango, Ugenya, Kieni, Kipipiri, Budalangi and Kiharu Constituencies for the financial years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 4<sup>th</sup> December 2025.

ADOPTION OF 12<sup>TH</sup> REPORT ON AUDITED ACCOUNTS  
OF NG-CDF FOR CONSTITUENCIES IN  
UASIN GISHU, BARINGO AND BOMET COUNTIES

THAT, this House adopts the Twelfth Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National Government Constituencies Development Fund for Constituencies in Uasin Gishu, Nandi, Baringo and Bomet Counties for the financial years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022 and 2022/2023, laid on the Table of the House on Thursday, 4<sup>th</sup> December 2025.

**Hon. Speaker:** Thank you, Hon. Mulyungi. Next Order.

**QUESTIONS AND STATEMENTS**

**Hon. Speaker:** Hon. Kandie, Member for Baringo Central.

**REQUEST FOR STATEMENT**

ISSUANCE OF WORK PERMITS  
TO FOREIGN NATIONALS

**Hon. Joshua Kandie** (Baringo Central, UDA): Hon. Speaker, pursuant to the provision of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the issuance of work permits to foreign nationals.

Hon. Speaker, in this era of rapidly expanding international trade and integration of world economies, migration policies must be geared towards building and maintaining a fair opportunity platform for both nationals and foreigners, while protecting vulnerable groups and ensuring sustainable development of the local human resource. While expatriates contribute to the transfer of knowledge, investment and skill development, it is imperative that their engagement in the local job market does not undermine employment opportunities for qualified Kenyan citizens, especially the youth.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. A report on the number of foreign nationals who have been issued with work permits in Kenya, indicating the duration of the work permits for the last five years.
2. A report on the status of all foreign nationals in Kenya whose permits have expired as of January 2026, and an indication of actions being taken by the Ministry of Interior and National Administration to identify, monitor and legally remove illegal foreign nationals working in the country following expiry of their permits.
3. The steps being taken by the Ministry to ensure foreigners are not issued with work permits for skills that are readily available in the local labour force, in order to reduce unemployment rate among Kenyans.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Tongoyo, that is your Committee. When can you bring a response?

**Hon. Gabriel Tongoyo** (Narok West, UDA): We can do it in two weeks. These are some of the Statements that were asked during the Fourth Session, but time elapsed. So, two weeks is enough.

**Hon. Speaker:** Okay. Next. First call out Order 9, so that we dispose of the Question.

## BILL

### *Second Reading*

#### THE INDUSTRIAL TRAINING (AMENDMENT) BILL (National Assembly Bill No. 50 of 2024)

*(Moved by Hon. Joshua Oron on  
11.2.2026 – Afternoon Sitting)*

*(Debate concluded on 12.2.2026)*

**Hon. Speaker:** Members on their feet, take your seats. Member for Muhoroni, take your seat. Hon. Phylis Bartoo, take the nearest seat to you.

Hon. Members, I will now put the Question to Order No. 9.

*(Question put and agreed to)*

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

**Hon. Speaker:** Next Order.

## PROCEDURAL MOTION

#### EXTENSION OF TIME FOR CONSIDERATION OF SPECIFIED STATUTORY INSTRUMENTS

**Hon. Speaker:** Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 15(3) of the Statutory Instruments Act, Cap. 2A, this House resolves to extend the period for consideration of the following statutory instruments by a period of 14 days with effect from 17<sup>th</sup> February 2026...

**Hon. Speaker:** Order, Hon. Gichimu. Read the Motion and move it as is listed in the Order Paper. There is a variance of what you are saying to what is in the Order Paper. Start afresh.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Speaker. I am now well updated.

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

THAT, pursuant to the provisions of Section 15(3) of the Statutory Instruments Act (Cap.2A), this House resolves to extend the period for consideration of the following statutory instruments by a period of 21 days with effect from 17<sup>th</sup> February 2026—

1. The Kenya Roads Board (Kenya Roads Board Fund) (Additional Funding) Regulations, 2025 (Legal Notice No. 156 of 2025).
2. The National Police Service Commission (Recruitment and Appointment) Regulations, 2025 (Legal Notice No. 159 of 2025).

This is just a Procedural Motion seeking to extend the period for consideration of the two sets of regulations as listed. The first one on the Kenya Roads Board (Additional Funding) Regulations 2025, Legal Notice No.156 of 2025, is a matter that was scheduled for consideration before the Committee today. The Cabinet Secretary responsible for matters transport and roads, Mr Chirchir, was meant to appear before the Committee today. However, as it is a matter of common knowledge, there is an ongoing strike by the Kenya Civil Aviation Authority (KCAA) staff. That is a matter of great national importance and national security in terms of the flights. That strike has even affected a number of Members of this House including the Chairman of the Committee on Delegated Legislation. They were unable to travel back to Nairobi from their constituencies. We felt that it is important to seek approval of this House for an extension of this period, for our Committee to consider that set of Regulations.

On the second set of Regulations, it is also a matter of common knowledge and judicial notice that there has been a case involving the National Police Service (NPS) and some other people in respect of the Regulations for recruitment and appointments. Today, having been the last day to consider the matters, we are not able to consider these Regulations. This is because considering the changes in the leadership of the clerks of the committees, this is the only day that we managed to resume our committee meetings. That is why we are also seeking this honourable House's approval for extension of the period, to enable us consider these two important sets of Regulations.

Without belabouring the point, it is a very straightforward Motion. I beg to move and request the Member for Kathiani, Hon. Robert Mbui, to second.

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

**Hon. Speaker:** Hold on. What is your point of order, Hon. Pukose?

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. You know the Vice-Chairman, Hon. Gichimu, made a statement that the strike is still on. But I am aware that the strike has ended and the operations have resumed. I think the Member ought to have been updated on that.

**Hon. Speaker:** He said that in the morning when the Cabinet Secretary was supposed to appear before them, he was engaged with the strike matter. The strike may be off now, but in the morning it was not.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): But he needs to update that the strike is now off.

**Hon. Speaker:** Maybe he does not know. Now he is informed.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Yes.

**Hon. Speaker:** Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I rise to second the Procedural Motion for extension of time for consideration of those two sets of Regulations. This is because we have just come from a long recess and the time between tabling and the consideration, kind of lapsed when we were on recess. So that we can do justice to these two

sets of Regulations, it would make sense that we get a bit more time to address it. We would definitely have sorted out this matter within two weeks.

With those few remarks, I second.

**Hon. Speaker:** Thank you.

*(Several Members stood in their places)*

Order. Members on your feet, take your seats. Hon. Deputy Speaker take your seat.

*(Question proposed)*

**Hon. Speaker:** Do we put the question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

Before that, rescind the call to Order No. 10.

*(Hon. Kimani Ichung'wah spoke off the record)*

**Hon. Speaker:** Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I seek your indulgence on Order No. 10, Committee of the whole House. There are quite a number of amendments that have been proposed to this Judges' Retirement Benefits Bill. We have agreed with the Chairman, Hon. Murugara, to consolidate all the amendments so that we do not have many that may negate the intent of the Bill. We have agreed that we will do that today and tomorrow so that we finalise the Committee of the whole House on this Bill before the end of this week.

Therefore, I seek your indulgence to withdraw this item from the Order Paper today and have it listed at a later time in the course of this week.

**Hon. Speaker:** Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you, Hon. Speaker. I confirm that this is the position. We have quite a number of amendments proposed and another one is being worked on by the secretariat. We need a little more time, a day or two then prosecute the Third Reading of the Bill.

**Hon. Speaker:** I concede to the request and order that the matter be stayed and placed in the Order Paper on Thursday this week, in the Afternoon Sitting at 2.30 p.m. We shall then conclude what you are undertaking.

*(Committee of the whole House deferred)*

**Hon. Speaker:** Next Order. Hon. Korere.

**POINT OF ORDER****DISHONOURABLE REMARKS  
BY HON. ANTONEY KIBAGENDI**

**Hon. Sarah Korere** (Laikipia North, JP): Thank you, Hon. Speaker. I rise on a Point of Order under the Standing Orders regarding the dishonourable remarks made by the Member for Kitutu Chache South, Hon. Antoney Kibagendi, touching on the authority and impartiality of the Speaker and the praesidium of this National Assembly.

The Speakership of this august House of Parliament, presently held by yourself, embodies the authority, dignity and integrity of the National Assembly of Kenya. Therefore, any direct or implied attack on the Office of the Speaker is not just an attack on you, but is indeed, an attack on this House. Our Standing Orders and long-standing Commonwealth parliamentary tradition require that all Members show the utmost respect and honour to the Chair. Failure to do so is not only detrimental to the dignity of the praesidium, but also undermines the order, decorum and credibility of the House and its proceedings.

It is despicable that, conscious of the revered position of the Speaker of the House, the Member for Kitutu Chache South, Hon. Antoney Kibagendi, in contributions made on platforms outside the Floor of this House, made remarks that were disparaging to the Office of the Hon. Speaker and the praesidium of this House. For the record, Hon. Speaker, he made remarks to the effect that you have auctioned the House. These remarks are quite contemplatable, given that we all know that the Speaker presides over the House on the principle of impartiality and is guided by the rules of the House. Commonwealth tradition further dictates that the decisions pronounced by the Speaker are not personal. They are decisions of the House, in which the Speaker neither has a say nor a vote.

Hon. Speaker, I, therefore, seek your guidance and intervention on this matter, particularly on whether Hon. Kibagendi ought to continue to sit in this House and in its committees, and whether he should be held accountable for his disparaging remarks.

I thank you.

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

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker. On behalf of Members of Parliament, we take great exception to the words used and the statements made by Hon. Kibagendi while on Citizen TV this morning. He acted in a disorderly manner. He cast aspersions on the characters of the Hon. Speaker, Hon. Deputy Speaker and the entire praesidium. He also tried to ruin Parliament's reputation. He made statements that he is unable to substantiate.

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

**Hon. Speaker:** Hon. Wanjala, what is your point of order?

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Speaker. The issue raised by the Member is a very serious one, that of someone trying to disparage the Parliament in which he serves. I have looked around and cannot see Hon. Kibagendi.

**Hon. Members:** He is there.

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you. Proceed.

**Hon. Speaker:** Go on, Hon. Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Wanjala. Unlike Hon. Kibagendi, we do not cast aspersions on someone's character or make statements about a

person when they are not present to substantiate or defend themselves. The Speaker was not at Citizen TV. It was unfair and unbecoming of a Member of Parliament to cast aspersions on the character of the Speaker, knowing full well that the Speaker would not have an opportunity to defend himself. That is wrong.

If you ask me, Hon. Speaker, we should consider suspending him from the House for the maximum period allowable, which is 28 days.

Thank you.

**Hon. Speaker:** Yes, Mama Migori.

**Hon. Fatuma Mohammed** (Migori County, Independent): Thank you, Hon. Speaker. First of all, on behalf of Hon. Kibagendi, I apologise to this House. Unfortunately, the so-called Hon. Kibagendi rarely comes to this House. Even when he comes, he does not contribute. In that sense, he has no reason to be in this House. His constituents should reflect on what they did by electing a man who speaks about a Parliament he does not understand.

I have never heard this man contribute to anything to do with his constituents. Yet when he appears on television, he wants to do showbiz.

Hon. Kibagendi, I was elected by over 200,000 votes. You have no reason to go out and tell others that our House has been auctioned. I am here every day as a first-time Member, working hard to contribute to my constituents and the country. You cannot go out of desperation to seek attention and embarrass a House with dignified Members of Parliament.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members.

*(Hon. Dorice Donya spoke off the record)*

Hon. Donya, Order!

Hon. Members, this is a case of what lawyers and judges would call contempt in the face of the court. I listened to the discourse this morning, and present were Hon. Robert Mbui, Hon. Mathenge and Hon. Kibagendi. I was horrified to hear Hon. Kibagendi say that this House has been auctioned. I do not know where the auction ring was or who was holding the hammer. He said that this House is now an appendage of the Executive and that the Speaker and the Deputy Speaker have destroyed and ruined this House, among other remarks made with considerable anger. I observed Hon. Robert Mbui appearing embarrassed as he sat next to him while these statements were being made.

The Speaker of this House does not have a vote. The Speaker does not participate in debate. The Speaker does not generate debate. The Speaker does not bring any Motion to this House. The Speaker does not introduce any Bill to this House. The Speaker does not bring any Motion or Bill to this House. Even when you vote on matters roll calls, the Speaker appoints tellers who bring the outcome to him to announce the results. The Speaker does not even count the votes. For the record, I am a God-fearing and practising Christian.

I want to tell this House and the country that since I became your Speaker, nobody, and I repeat, nobody has ever called to tell me what to do or not. And if anybody did, I would reject it because you voted for me and I took an oath of office to preside over your proceedings without fear, favour, prejudice or ill will which I have done so, diligently.

I am human. I could have made an erroneous ruling or one that displeases somebody. However, all the rulings that I make are buttressed law. I may misinterpret the law, like many lawyers do, but that is the right I have as your Speaker. And therefore, for a Member of this House to say the House has been auctioned, have no business to sit in an auctioned House.

**Hon. Members:** Yes.

**Hon. Speaker:** I am not going to invite the Member to explain himself because I saw with my own eyes and heard it with my ears.

Hon. Kibagendi, you will be excluded from the sittings of this House until you bring a properly worded apology. You will not bring it to me, because I am used to being insulted, but to the House for bringing disrepute to it.

*(Applause)*

That apology should be delivered to the Clerk. It will be looked at carefully and if the wording is acceptable, it will be brought to the House and you will be allowed to come back to the House. For now, Hon. Kibagendi, you are excluded from the proceedings of this House, the precincts of Parliament and Committee sittings, including your office in Parliament.

*(Applause and loud consultations)*

Hon. Kibagendi, you are now a stranger in the House and in the precincts of Parliament.

*(Loud consultations)*

Let the stranger leave the House first.

*(Hon. Kibagendi spoke off the record)*

Order, Hon. Kibagendi, you are now a stranger in the House and the precincts of Parliament. Serjeant-at-Arms, ensure that he does not enjoy the facilities of Parliament, including an office provided by Parliament.

*(Applause)*

Yes, Leader of the Majority Party.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Speaker, let me begin by thanking you for the action you have just taken. As you have rightly put it, it is about the dignity of this House and not the person of the Speaker. It is not about Hon. Kibagendi as a Member of Parliament or even as a person, but the dignity of this House. I plead with all of us to read our own Standing Orders 107 and 107A. Standing Order 107(1)(g) clearly says that a Member commits an act of disorderly conduct if the Member makes allegations without, in the Speaker’s opinion, adequate substantiation.

If you listened to what Hon. Kibagendi said on national television this morning, he had no substantiation of how this House has been auctioned. He even said very disparaging things about the Deputy Speaker, who in any case was supposed to be on that show together with Hon. Robert Mbui. Hon. Kibagendi is serving his first term. He has only been in this House for

two years and I must agree with the Member for Migori County that the Member has never brought a single Motion, has never proposed a single Bill and has never, in any manner, contributed meaningfully to any debate in this House. The best Hon. Kibagendi does is to be disruptive of other Members when they are making substantive contributions to meaningful business. I honestly sympathise with his constituents. When I look at the National Government Constituencies Development Fund (NG-CDF) reports, his is one of the most mismanaged constituencies in this country.

Therefore, it is not right for a Member to disparage a House he sits in. Indeed, I looked at him and I could not help but sympathise with him because he has a lot of misplaced anger. And that misplaced anger is not with the House. It is with his own performance as a Member of Parliament. Hon. Robert Mbui, who was seated in that show, is serving his third term. I was praying Hon. Robert Mbui would advise him, and I hope he did after the show, that it serves the Member no good, as a first-term Member of Parliament, to disparage and indignify the House that he sits in, hoping or assuming that it will cure other inadequacies he may have as a Member of Parliament in his own constituency or out there. It serves a Member better when you dignify the House. We have experienced Members like Hon. Robert Mbui and the Deputy Speaker. They are more likely to advise you on how to conduct affairs in your own constituency rather than disparaging the House.

The Deputy Speaker was said to have feared to appear on the show. In fact, when you listen, you hear the news anchor and the host of the show correcting Hon. Kibagendi and telling him he has an apology from the Deputy Speaker because she was tied up in Eldoret and was on the road driving because of the unfortunate strike by Kenya Civil Aviation Authority (KCAA) officers. I know there are many Members, including our Chairperson of the Departmental Committee on Justice and Legal Affairs who are stuck in Eldoret. Hon. Samwel Moroto told me this morning that he could not make it and he was also on the road. He missed his flight and they were stuck in Eldoret for some time. Therefore, the things Hon. Kibagendi said should not be excusable for any Member.

Hon. Speaker, it is good that you have taken action on this matter because I wanted to ask Hon. Sarah Korere to move so that we name Hon. Kibagendi and commit him to the Powers and Privileges Committee. But Hon. Speaker, let me take this opportunity to thank you. I will be raising another issue tomorrow because in your standing as Speaker, you have done what is right to protect the dignity of this House. Whenever a matter touching on our dignity as a House is collectively raised, be it in the committee, House or out there, and we do not defend it, we all stand accused. For example, people say people are collecting money here, left, right, and centre.

We have serious Members like Senior Counsel Hon. Otiende Amollo. Can you imagine who would auction him. Who would auction TJ Kajwang' or an elder like Hon. (Dr) Nyikal, a man who sits in this House from 2.30 p.m. to 7.00 p.m. and at times up to midnight, when Hon. Anthony Kibagendi, who is younger and more resilient and can sit for hours, hardly sits in this House for 30 minutes. Where was Hon. Kibagendi when the House was being auctioned? He should be ashamed of himself. If he does not apologise in a manner that is acceptable to the House, we must take more decisive action on him and must take him to the Powers and Privileges Committee.

With those remarks, I must say it is very embarrassing and shameful for Hon. Kibagendi to have said what he did. Thank you, Hon. Speaker, for dignifying this House.

**Hon. Speaker:** Hon. Members, those who may wish to comment on this matter will do so when the apology comes.

I want to encourage Members that there are Members in this House such as Hon. TJ Kajwang' and Hon. James Nyikal – Hon. Pukose is also approaching that level – Hon. Raso, Hon. Rindikiri, Hon. Murugara and others who sit in this House from 2.30 p.m. to sometimes 9.00 p.m., participating in debates. When you go out there and besmirch the House, do not think that your own character is safe. The moment you say the House is auctioned, you are part of the auctioned material. Try to conduct yourselves with decorum. When you go on television, know that the whole world is watching. Your wife, your children, your spouse, and even your constituents are watching. We are all watching. You are privileged to be one of the 290 Members out of 56 million to represent the people of Kenya. You carry enormous responsibility on behalf of our people. How you conduct yourself...

*(Hon. Cynthia Muge spoke off the record)*

Sorry, 349 Members. I was talking about the 290 constituencies. Sorry, Hon. Cynthia. I forgot that we have 47 County Woman Representatives. You carry enormous responsibility on behalf of our people. I see very young Members of Parliament who sit in this chamber and participate in debates very meaningfully. Hon. Gisairo is a first-timer yet I see his production. Hon. Cynthia Muge and other first-timers also show great substance. The fact that I have not mentioned everyone does not mean I have excluded you; you are all extremely good people.

I urge the seniors, like Hon. TJ and others, to mentor these young Members. Sometimes, the moment they see a camera, they get excited and abandon what is reasonable. That is not good for this House. As long as I am your Speaker, I will protect your dignity and the dignity of the House.

## BILL

### *Second Reading*

#### THE ENERGY (AMENDMENT) BILL (Senate Bill No. 42 of 2023)

Next Order. Yes, Hon. Gikaria, your Order has been called. Are you ready to move?

*(Hon. David Gikaria consulted with Hon. Speaker)*

Members, Hon. Gikaria says he is requesting... Put it on record.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Speaker. I beg to ask for leave as we are not ready. We are just from report writing on the field development plan. If I could be given an opportunity tomorrow, in the morning or in the afternoon, I will be able to execute that business.

**Hon. Speaker:** Request granted.

*(Bill deferred)*

Next Order.

## MOTION

### ADOPTION OF REPORT ON POLLUTION OF RIVER ATHI

**Hon. Speaker:** Thank you. Hon. Karembe, are you ready? Go ahead.

**Hon. Muchangi Karembe** (Runyenjes, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 11 of 2022 regarding Pollution of River Athi, laid on the Table of the House on Thursday, 11<sup>th</sup> April 2024.

Hon. Speaker, the role of oversight over public affairs is a core mandate of the National Assembly as stipulated under the Constitution of Kenya, 2010. In fulfilment of this constitutional duty, the Public Petitions Committee is mandated under Standing Order 208A(2)(b) to consider all public Petitions presented and tabled in the House.

Public Petition No. 11 of 2022, presented by Hon. Vincent Musyoka, Member for Mwala, raised serious concerns regarding the sustained pollution of the River Athi and its devastating environmental and socio-economic impact on the communities downstream. The petitioners specifically sought an inquiry, enforcement of environmental laws, a comprehensive restoration plan, and a framework for compensation to affected communities.

The Committee undertook a comprehensive examination of the Petition. We received oral and written submissions from various stakeholders, including:

1. The Petitioners.
2. Water Resource Authority (WRA).
3. Tana and Athi Rivers Development Authority (TARDA).
4. The County Government of Machakos;
5. Ministry of Environment, Climate Change and Forestry and National Environment Management Authority (NEMA).
6. Ministry of Water, Sanitation and Irrigation.
7. Export Processing Zone Authority (EPZA).
8. Ministry of Interior and National Administration.

To gain a practical understanding of the situation, the Committee also conducted extensive site visits to the critical areas along the River Athi, both upstream (in Mlolongo, Mavoko, and Athi River EPZA) and downstream (in Kiukuuni/Ikalaasa Ward, Mwala Constituency). These submissions and field observations formed the basis of the Committee's findings and recommendations as outlined in the Report.

Having considered all submissions, site visit reports, and issues for determination, the Committee made several key observations and recommendations. The Committee observed that the pollution of the River Athi is a profound national crisis, largely driven by:

1. The River Athi is severely polluted, particularly from its upstream sections flowing through industrial zones like Athi River and Mlolongo, with the discharge of raw and poorly treated industrial effluent and domestic sewage. This pollution has rendered the river water unsafe for human and livestock

consumption, as well as irrigation, especially in the downstream areas of Mwala Constituency.

2. There is a systemic failure by key environmental and water regulatory agencies, including the National Environment Management Authority (NEMA) and the Water Resources Authority (WRA), to effectively enforce the Environmental Management and Coordination Act (EMCA) and the Water Act. This is evidenced by the continuous illegal discharge of effluent into the river, suggesting a breakdown in regulatory oversight and compliance monitoring.
3. The lack of adequate and functional common effluent treatment plants (CETPs) and insufficient sewer networks in the industrial and densely populated areas surrounding the river's tributaries are primary contributors to the pollution load. Existing infrastructure, where present, is often overwhelmed or dilapidated.
4. The pollution has caused significant public health concerns, including outbreaks of waterborne diseases, and has severely impacted the livelihoods of communities downstream who rely on the river for economic activities like farming, fishing, and livestock rearing.
5. There is a notable lack of a cohesive, multi-agency approach between the National Government (Ministries of Water and Environment), regulatory bodies (NEMA, WRA) and county governments (Machakos County) in addressing the pollution crisis.

In light of the observations made, the Committee makes the following recommendations to the relevant State Organs for action:

NEMA and WRA shall immediately compel all identified industrial and commercial polluters to cease the discharge of untreated effluent into River Athi and its tributaries within thirty (30) days of the adoption of this Report by the House. Non-compliant facilities must be shut down and legal action initiated against their proprietors.

To the Ministry of Environment, Climate Change and Forestry, NEMA and WRA, NEMA and WRA shall establish a permanent, integrated, multi-agency surveillance team to continuously monitor effluent discharge quality along the river basin. The team shall submit quarterly compliance reports to the National Assembly.

To the Ministry of Water, Sanitation and Irrigation (MoWSI) and Water Works Development Agencies, MoWSI shall expedite the planning, funding, and construction of adequate and modern Common Effluent Treatment Plants (CETPs) and complete the expansion of sewer networks in the Athi River/Mlolongo industrial cluster to ensure all sewage and industrial effluent is treated before disposal. The Ministry shall allocate adequate resources towards the rehabilitation of dilapidated water and sewerage infrastructure that contributes to overflow and pollution.

The National Treasury, in conjunction with the Ministry of Interior and National Administration and the County Government of Machakos, shall develop a framework for compensation and remedial measures for the communities in Mwala Constituency and other affected areas whose health and livelihoods have been irreversibly harmed by the chronic pollution of River Athi. The National Treasury shall allocate specific funds within the next financial year for the execution of a comprehensive River Athi Ecological Restoration Programme as formulated by the Ministry of Environment. The County Government of

Machakos shall enforce strict adherence to solid waste management regulations and ensure that solid waste is not disposed of near the river or its banks.

I wish to express the Committee's gratitude to the petitioners and all stakeholders for their invaluable input, which enabled the Committee to compile this crucial Report. I also extend my sincere appreciation to the Offices of the Speaker and the Clerk of the National Assembly. I further thank the Members of the Public Petitions Committee for their diligent participation in the deliberations and site visits, as well as the Committee secretariat for their professional support in preparing this Report.

I beg to move and call upon Hon. Beatrice Elachi to second the Motion, which I urge the House to support.

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

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

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. I beg to second Public Petition No. 11 of 2022 by Hon. Vincent Musyoka regarding the pollution of River Athi.

The Committee observed that the activities of industries and companies in the River Athi Basin pose environmental threats to the residents of Athi River. We have had challenges for many years with regard to River Athi, which even the residents of Nairobi contribute to because all the waste in the Nairobi River ends up flowing into River Athi.

The Committee also observed that enforcement actions and inspections by NEMA on the industrial establishments are unsatisfactory, which means that we still need a lot of enforcement, especially with regard to industries along the river. Our sewer line of more than 400,000 cubic metres is a major source of upstream pollution into River Athi. Looking at the recommendations...

*(Hon. Catherine Omanylo entered the Chamber)*

*(Applause)*

I can see the Secretary-General (SG) of the Orange Democratic Movement (ODM) is walking in. The SG of ODM has just walked in and we want to congratulate her. Welcome, Madam SG.

*(Applause)*

Hon. Deputy Speaker, allow me to proceed with the recommendations of the Committee. In its prayer, the Committee stated that it will engage with the Government Chemist and NEMA. The Committee also recommends that within 60 days, the Government Chemist and the Water Resources Authority (WRA), which has the mandate of water quality sampling, should use the sample analysis report to enforce restricting orders on the polluting companies.

The Committee also requests that the Tana and Athi Rivers Development Authority (TARDA) be given a budgetary allocation to spearhead the clean-up of River Athi in

collaboration with other agencies such as NEMA, WRA, the Water Services Regulatory Board (WASREB) and the County Government of Machakos. We have started cleaning up Nairobi City County and I want to thank Governor Sakaja and the authority that the President has put in place to clean up the Nairobi River. If you travel downstream the Nairobi River, you will find that it is now being cleaned.

On the compensation of residents affected by the pollution, the Committee rejects the prayers as the issue of compensation is best resolved through adjudication. If we compensate the people who have been living along the river, yet they are the ones who have polluted the river, we will find ourselves with many complaints, which will create a new precedent that will result in many challenges for those who wish to see all those rivers cleaned and pollution stopped. We will also have companies fighting for compensation because they are located along the river, which will deter what we are trying to achieve.

The Committee also recommends that in six months, NEMA should take remedial measures against non-compliant companies and industries, including but not limited to, revocation of their licences. The companies should be given time to comply with the new regulations, but after six months, we will allow the Government to revoke the licences of those still non-compliant with the orders issued.

The Ministry of Water, Sanitation and Irrigation considered the petitioners' proposals on the establishment of recreational walkways to enhance conservation and ecological awareness of riparian land. We have had that same challenge in Nairobi, but I thank the Principal Secretary, Mr Hinga, and the Cabinet Secretary, Hon. Alice Wahome, for the work they have done. We already have a good framework, which can also be used to deal with River Athi.

The Committee felt that we need to operationalise the Environmental Management and Co-ordination (Deposit Bonds) Regulations, 2025 that will compel polluting companies to pay a guarantee into the Restoration Fund to be fast-tracked.

Lastly, the national Government and the county governments of the affected areas, in collaboration with the development partners, should ensure provision of adequate sewer systems in the affected areas. How can we compel the national Government and the county governments to come up with sewer lines to prevent the pollution of various rivers such as the Nairobi River and the River Athi and its tributaries?

Hon. Deputy Speaker, I support the Report and I beg to second.

*(Question proposed)*

**Hon. Deputy Speaker:** Should I put the question? Okay, let us debate. Hon. Murugara. Those who want to contribute, kindly press the intervention button.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I rise to support this Motion that, in fact, this House agrees and adopts the Report of the Public Petitions Committee as regards the consideration of this very important Petition that was brought to the House regarding pollution of River Athi, as we popularly know it. This is a very important Report and it is not just River Athi, it is a replica of rivers in the country in Kenya and possibly elsewhere in the world. Today as we speak, our rivers are becoming overly polluted and this is of great concern to Kenyans as far as their health is concerned. Possibly 80 to 90 per cent of citizens in Kenya rely on water supply from rivers. These are rivers which we must maintain well because the water from those rivers is not treated nor cured. Therefore,

it must be kept to the utmost health standards so that our citizens are not affected negatively in terms of their health.

Today, as we speak about River Athi, we must also extend this to Tana River, whose water I used when I was a young man for consumption, for our domestic needs and animals. We must extend what we are proposing for River Athi to Tana River. We know very well that due to the existing drought, water in most of these rivers is either dried up fully or it has dwindled as a result of which, if there is any slight pollution, it goes to the consumers and users of water from that river. We must also extend this to other water masses because unless we are able to protect our sources of water from pollution, then we cannot guarantee the constitutional right given by Article 43 of our Constitution to a clean environment, clean water and other rights that are enshrined in our Constitution.

Therefore, as we adopt this Report and look at the mitigation measures which have been proposed by the Committee, we must also bear in mind that due to climatic changes and what is happening out there resulting from the failure of rains; we have rivers that have actually dried up. This has happened in my Tharaka Constituency, because rivers that serve Tharaka emanate from Mt. Kenya. The ice on Mt. Kenya has also dwindled, as a result of which very little water flows downwards. We also know there are dams that are constructed to try and mitigate water passage downwards as a result which some of the rivers that traverse my Tharaka Constituency today have been reduced to ponds and pools. This is where people draw water from for their use and for their animals. This is exactly what we are saying – avoid pollution so that the little water that is available is fit for human consumption. I, therefore, support this Motion that we protect River Athi and also protect Tana River and the other rivers that flow from them.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Yatta, Hon. Robert Basil.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Deputy Speaker. The reason why I actually rise to support this Report is one. The river cuts through Yatta and if you look at River Athi, it is the backbone in terms of sources of water for irrigation for my community. It is not only Yatta, but the entire Ukambani all the way to the Indian Ocean. So, when we talk of pollution of that river, in principle, we are curtailing the source of livelihoods for so many households and people. The source of this pollution comes from sewerage discharge, industrial discharge and agricultural run-off. When you look at the source of this pollution, it is very clear that there are related health risks and we are talking of carcinogenic elements that could be in the water from chemicals due to the agricultural run-off as well as industrial discharges.

Of importance, there is also loss of aquatic life. We have a lot of aquatic animals in the river and in the ocean because the river drains all the way to the Indian Ocean. Therefore, it is important to promote self-irrigation and that is why I rise to support the Motion. We also need to task NEMA as well as WRA who are given the mandate to regulate the discharge or regulate cleanliness when concerning water as well as the environment in general.

Additionally, we need to come up with legislation to promote proper sewerage treatment, which is happening globally. If you look at many countries in the world, particularly progressive countries, they do sewerage treatment as well as regulation for any discharge that goes to rivers. We also need to promote community-led cleaning of these rivers. We talk of Kazi Mtaani (National Hygiene) Programme among other temporary employment opportunities which could be given the mandate to support cleanliness and cleaning of these rivers.

Finally, we need to impose strong penalties so that we discourage people who discharge waste into our rivers. With those few remarks, I support this Report from the Committee.

**Hon. Deputy Speaker:** The Member for Banissa, Hon. Ahmed Hassan. He is not here. We can move on to the next one, Hon. Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Deputy Speaker, for this opportunity to also support this Motion by the Member for Mwala. The importance of a healthy environment cannot be over emphasised because it is a worldwide problem and it is a conversation that is being discussed all over the world. It is actually a matter of concern not only to the current generation, but also the future of mankind. It is shocking that years after Independence, we still are questioning the effectiveness of our authorities. Polluters of River Athi are known. The laws against pollution exist. So, my question would be, why is it that Kenyans are still suffering? The same Committee has said that it is an issue of implementation. So, clearly it means that there are people in Kenya that are sleeping on the job – people that are earning money from the tax payer, but are not doing what is expected of them so that these problems can be sorted out.

The effect of this pollution is a number of diseases. The increase of diseases like cancer must obviously be related to this kind of pollution. Issues to do with skin ailments and stomach ailments have become a problem. However, it is important to try and figure out what solutions we have. First, I have said the authorities that have been given that mandate must wake up and start doing their work. If you remember when the late Hon. John Michuki was the Minister for Environment, he actually cleaned up Nairobi River. These are the kind of leaders that we want - people that can put on their boots and get out there and have things done. We require leadership that can make sure that pollution does not continue to happen in our rivers. There is a very important solution that I want to propose.

If you look at what happened when terrorism became a threat worldwide, the United States of America introduced a fund where the financiers of terrorism would have their money taken. The money would be used to compensate victims of terrorism. I think this is being implemented by the Government of the United States. Unfortunately, Kenyan victims of the 1998 bomb blast that happened at the Co-operative Bank building were never paid, other than the ones who owned the businesses and those who were working in the embassy. The other innocent victims were never paid. Nevertheless, the American victims have been compensated. So, we need to consider the possibility of heavily surcharging polluters of this River so that the money can be used to compensate and pay those who have been victims of their recklessness.

With those few remarks, Hon. Deputy Speaker, I support the Petition.

**Hon. Deputy Speaker:** The Member for Banissa, Hon. Ahmed Hassan.

**Hon. Ahmed Hassan** (Banissa, UDA): Thank you, Hon. Deputy Speaker. It is with a profound sense of humility and immense gratitude that I rise today to address this esteemed Parliament for the first time as the duly elected Member for Banissa Constituency. I stand, therefore, before you, not just as Ahmed Maalim Hassan, but as a representative of the resilient people of Banissa, who have placed their trust and hope in me during this challenging period.

My journey to this House is one steeped in both sorrow and a renewed sense of purpose. I was elected in a by-election necessitated by the untimely and tragic passing of my dear brother, the late Hon. Kulow Maalim Hassan. His dedication to public service and his unwavering commitment to the people of Banissa left an indelible mark. His absence is deeply felt not only by his family, but also by the entire constituency that he passionately served. I stand here today acutely aware of the large shoes that I have to fill. I pledge to honour his legacy by striving for the betterment of our people with the same zeal and integrity he exemplified.

To the constituents of Banissa, I extend my sincerest appreciation for the overwhelming mandate they have bestowed upon me. Your faith in my leadership, even amidst grief, has been a source of immense strength and inspiration. I campaigned on a platform of tangible development and progressive change, and I stand here today to reaffirm my unwavering

commitment to delivering on every promise I made. My leadership will be characterised by sobriety, inclusivity and an insightful approach to the challenges and opportunities that lie ahead of Banissa. Together we shall work towards a future where every voice is heard, and every aspiration is within reach.

I must at this juncture draw the urgent attention of this House to a matter of grave concern that is currently afflicting my Banissa Constituency and, indeed, the entire Mandera County and north-eastern region, that is, the devastating drought crisis. Our people, predominantly pastoralists, are facing unprecedented hardship: water sources have dried up; livestock, which are the lifeline of our communities, are perishing at an alarming rate; and families are struggling to secure even the most basic sustenance. The humanitarian situation there is dire, with millions across northern Kenya facing worsening food security.

As I commend the ongoing effort, I also wish to acknowledge the specific intervention already in motion. The Mandera County Government is actively engaged in water tracking to over 266 sites using 33 water bowsers, and emergency drilling and repair of boreholes are underway, with 39 boreholes drilled to alleviate the congestion. But that is a drop in the ocean.

The national Government, through the State Department for Special Programmes, has distributed 15,000 bags of rice and 13,000 bags of beans to vulnerable families, and the Hunger Safety Network Programme is providing regular cash transfers to 22,000 households. Furthermore, non-governmental organisations like Rural Agency for Community Development and Assistance (RACIDA) are implementing a Ksh191.5 million mobile cash transfer programme targeting 8,000 households while the Kenya Red Cross is providing integrated health, nutrition and Water, Sanitation and Hygiene (WASH) outreaches.

We were on the ground last week with the Ali Roba Foundation. We distributed a countywide drought relief programme with the help of Special Programmes and other well-wishers for the coming Ramadan period. I stand before this House today to make a fervent rallying call. I urge this Parliament and, indeed, the entire Government to concert all the effort and resources to tackle this escalating crisis. We must move beyond piecemeal interventions and declare the drought in northern Kenya a national disaster without further delay. This declaration will unlock the necessary national and international support required to mitigate the suffering, protect livelihoods and implement sustainable long-term solutions. Our people cannot wait. Their lives, their dignity, and their future depend on our swift and decisive action.

My vision for the people of Banissa is one of progress, resilience, and equitable development. I am committed to championing initiatives that will enhance access to education, improve health care services, develop critical infrastructure, and foster economic empowerment for our youth and women. I believe that with focused leadership and collaborative effort, Banissa Constituency will not only overcome its current challenge, but it will also emerge as a beacon of prosperity within Mandera County and, indeed, our great nation.

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

*[The Temporary Speaker  
(Hon. Martha Wangari) in the Chair]*

Let me also take this opportunity to wish our Muslim brothers across the country Ramadan Mubarak. May Allah guide our deliberations and bless our effort.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Have you finished?

**Hon. Ahmed Hassan** (Banissa, UDA): I am done for now.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Before we get to the next speaker, allow me to recognise, in the Public Gallery, Kaani Lions Girls High School, Kathiani Constituency, Machakos County. Join me in welcoming them to the House of Parliament to observe the proceedings of the House.

*(Applause)*

The next person is Hon. Wamumbi. Are you on this?

**Hon. Eric Wamumbi** (Mathira, UDA): No.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Njeri, are you on this?

**Hon. Njeri Maina** (Kirinyaga County, UDA): No.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Basil, have you already spoken?

*(Hon. Robert Basil spoke off the record)*

Okay, you are still on. Hon. Bishop Kosgei.

**Hon. (Dr) Jackson Kosgei** (Nominated, UDA): Thank you, Hon. Temporary Speaker for allowing me to contribute to this Motion this afternoon, related to the protection of our rivers in this country. It is a crucial undertaking by any country and any civilisation to protect its rivers and wetlands for many reasons, as always outlined by environmental activists and by us as citizens of this country. We have few rivers in this country, five major rivers and some other permanent rivers. Among the leading rivers, River Tana and River Athi are some of the main arteries of our waters in this nation. Paying attention to them means we are protecting so much that is related to the livelihood of our people and our planet.

I think it is not only a responsibility of the Government, but the onus is on the Government to inform the citizens that the people themselves should be part of the protection of our environment, especially water. One of the greatest menaces is industrialisation. However good it is in terms of providing job opportunities for our people, it has contributed to the pollution of our waters in various areas, especially when we are establishing industrial undertakings in towns where many people live.

Poor management of our sewerage systems, not to mention more, is also a problem. We should use this opportunity to address and establish a long-term programme not only to add more forest cover, but also to make sure that along the riverbanks, we maintain the highest campaign to keep them clean in order to preserve water and its quality.

With that, I support.

**The Temporary Speaker** (Hon. Martha Wangari): The next chance will go to the Member of Parliament for Mbeere North, Hon. Wa Muthende.

**Hon. Leo Wa Muthende** (Mbeere North, UDA): Thank you, Hon. Temporary Speaker. It is not my maiden speech. I have made contributions in this House and protecting our rivers is truly sacred. In fact, I would draw your attention to Page 12, which is on the alarming levels of heavy metals. The attention should be on lead because it has very negative effects on health. If Kenyans browse and check the effects of lead on health, we are going to have overwhelming requests for compensation.

The recommended or allowable limit is 15 micrograms per litre and here we have 3 to 98 micrograms. In fact, if you compute using 3 milligrams per ml, it is actually an insane

number. That means the amount of lead getting to the people downstream in River Athi, is unacceptable. The authorities mandated by our Constitution to regulate, ensure water quality and ensure there is no discharge into our rivers need to be prosecuted.

If you look briefly at the effects of lead, even on reproductive health, low sperm count in men, premature births and stillbirths in women, it is actually a neurotoxin and causes irreversible damage to the nervous system. What we are seeing in our hospitals and casualty departments in these areas, as per this Report, can be directly attributed to the water quality reaching our people. I repeat, these officers must be held accountable. Part of the petition seeks compensation and the officers who have been sitting and watching this happen must be held to account.

You cannot allow sewer effluents to be discharged into our rivers while people downstream depend on these rivers for their livelihoods. I come from Mbeere North, which is quite similar to Mwala Constituency in terms of the environment. I am currently facing a challenge with one of the main rivers, River Ena, not so much on pollution, but sand harvesting and water pumping upstream. This is of great concern and I must say I support this Petition. The people affected in Mwala Constituency should be compensated. The officers who have been allowing this need to be held accountable and NEMA and WRA need to explain why they are allowing this to happen. With that, I beg to support. I want to repeat that the quantities of lead in River Athi are unacceptable. Something needs to be done urgently. This cannot be allowed to continue.

**The Temporary Speaker** (Hon. Martha Wangari): Before we get to the next Member, allow me to recognise, in the Speaker's Gallery this afternoon, learners and teachers from Ikutha Boys Senior School, Kitui South, Kitui County. Welcome to the House of Parliament as you observe our proceedings. Hon. Members, join me in welcoming them to the House.

The next speaker will be Hon. Irene Mayaka, Nominated Member. Oh, she is the next one. Let us have Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I wish first of all to recognise the presence of students in the House, especially the young girls. I want to tell you that if you look down here, you can see very many women in the House, not bad girls; they are good girls. I am the only bad one. We just want to encourage them to know that they can make it. When we were growing up, if you came into Parliament, there would only be one or two women. It is amazing that now you can see many women in the House and it should give you hope that you too can get here.

I agree with the Hon. Member that the conservation and preservation of our rivers is a very big issue. As a House, we put a lot of money towards conservation, cleaning and preservation. Sometimes I wonder where the money goes. Even for the people who are supposed to ensure there is no pollution such as the agencies. We have more than one agency doing this work. Perhaps one of the things we need to do is reduce these agencies so that we do not have duplicity, because then you do not have anyone to hold accountable. You do not even need to go to River Athi, just walk within Nairobi. Nairobi River itself is a problem. I know a friend who bought a house right next to Nairobi River and has been forced to sell it at a throwaway price because of the smell. Yet, if you look at the amount of money we allocate every financial year towards regeneration of Nairobi River, it is an embarrassment.

I know tomorrow we will be discussing issues emanating from the oversight role of the Senate. So, I do not want to pre-empt that debate. However, even if you look at our own oversight role as Parliament, we try to do well, but the issue of corruption stops us from realising what we need to achieve as a House.

We hear the Ethics and Anti-Corruption Commission (EACC) threatening now and again. Why do we not see prosecution especially on serious issues of corruption? We want to treat people with kid gloves over issues that are actually bringing this country down. So, Hon.

Temporary Speaker, as a person with an environmental law background, that is, indeed, embarrassing and a shame. Sometimes I even ask myself what more we can do as a House. If we are expected to put in money, we put in money; if we are expected to oversee, we oversee.

Sometimes agencies outside the House fail us. Parliament needs to have strong sharp teeth and make recommendations that require we terminate services of people who are not performing if the Executive is not brave enough to terminate their services whenever they are not performing their tasks.

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

**The Temporary Speaker** (Hon. Martha Wangari): The next speaker on this will be the Deputy Speaker, Hon. Boss.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to lend my voice to this very important Public Petition. As we speak about it, it should not have taken a member of the public to bring a petition relating to pollution of River Athi. We are not just talking about River Athi alone. All our water bodies across the country are in danger. We should actually be asking NEMA and the Public Complaints Committee on Environment to take action against the polluters. We already have regulations and polluters are now paying. Any company that is involved in any form of pollution is required to deposit a certain amount of money. That money can be used to help clean up our rivers and also enable constant testing to check the levels of pollution in our rivers and also the level of chemicals in our rivers.

Our rivers are not safe if we continue to use certain harmful chemicals and pesticides in our farms. Whatever is used to spray in the farmlands eventually will be washed into the water bodies and it will eventually make its way to our livestock, food and continue to endanger our health. So, I hope the Public Petitions Committee summoned the National Environment Management Authority and the Cabinet Secretary for Environment, Climate Change and Forestry so that they can give us a full raft of measures they are taking to ensure that they prevent pollution of not just River Athi, but all rivers and other water bodies in the country and have a robust system of ensuring that constantly checks on that.

With those remarks, Hon. Temporary Speaker, I support adoption of the Report. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Shakeel.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Temporary Speaker, for allowing me these few minutes. I am the Member of Parliament for Kisumu East. Our lake is 20 times the PD level that is required. Our effort to get the Ministry of Environment to stop pollution by industries has gone nowhere. There is no fish in Lake Victoria. When I was a child, I used to fish. We would put rods in the lake and within five minutes, we would catch fish. Nowadays there is no such fishing.

The problems are also from River Nyamasaria and River Kibos that feed Lake Victoria. The situation of Kibos and Nyamasaria rivers is dire that even cattle no longer drink the water. It smells and animals cannot drink the water. My constituents are suffering and their animals are dying yet pollution continues to take place.

Industries and the housing developments around Nyamasaria Bridge send raw sewage into the river. It is very important I make my comments at the same time as the one for Nairobi River. Our rivers in Kisumu East and Kisumu County are in terrible shape and so is our Lake Victoria. This affects all of us. I remember the late President Moi telling me at one time after I read a report that in 30 to 50 years, we were not going to have a lake and that we were going

to have one big sewer in Lake Victoria. So, we need the Ministry of Environment, Climate Change and Forestry to pick up their efforts and start the revitalisation of River Kibos, River Nyamasaria and Lake Victoria.

Thank you very much for the time, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): The Leader of Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to support the adoption of this Report by the Public Petitions Committee on the pollution of River Athi.

Before the River Athi gets into the Indian Ocean, it goes through a number of counties where many people have suffered over the years because of pollution. I take this opportunity to note the good work that is being done under the State Department for Urban Planning on the clean-up and rehabilitation of the Nairobi River Corridor. Part of that work covers the water that pollutes the River Athi. If you look at the beautiful work that has been done especially in the eastern part of Nairobi in Eastlands, that is how to start protecting our rivers. In many jurisdictions around the world and in most of the capital cities around the world, riverfront properties are the most prime locations. But in Kenya, all the properties fronting the river from Kileleshwa, Kirichwa to the stream that flows through Kileleshwa that combine to form Nairobi River and flow into the River Athi, because of pollution, all those properties are the least valued. The work that the President has put into the clean-up of Nairobi River and protecting all our rivers from pollution speaks volumes to how we can increase the value of properties by simply taking care of the environment around rivers and protecting riparian reserves.

Right from Nairobi all the way down to the Ocean where the River Athi joins the Indian Ocean, the people that live downstream in parts of Ukambani have suffered over the years from diseases that were avoidable had we stemmed pollution upstream. I must commend the work that the President has done through the restoration programme of Nairobi River that touches on River Athi. Hon. Shakeel reminds me that the last time we saw such a clean-up was when some small work was done from Museum Hill, Kijabe Street to Grogon area by the late Minister Michuki. Imagine what would have happened today if the work Hon. Michuki started had continued. We must be thankful that after Minister Michuki, President William Ruto has now come in to carry on that great work. We are not just protecting the environment, but we are also fortressing the health of very many people who live downstream all the way to the ocean. The fish is eating a lot of garbage due to pollution upstream.

Makueni residents will remember the unfortunate oil spill incident in the Athi River some years back. There is need for an efficient Kenya Pipeline Company (KPC) that adheres to the highest standards of fuel conveyance. That is only possible if KPC is well resourced. The Initial Public Offering speaks to this issue. We will now have a company that is professionally managed without the bureaucracies of a government-owned enterprise. We will bring in private sector expertise and resources to ensure that the pipeline is secure from the refinery or port in Mombasa, where they load product, all the way to Kisumu and onward to the landlocked countries that neighbour us. The pipeline should not spill fuel into our water bodies, whether the Athi River or other rivers upcountry. We must protect our water bodies from pollution and safeguard the health of our people. Those in Makueni know what I mean because oil spillages impact food production. I saw farms in Makueni where crops could no longer grow because of oil spillage that happened some years back.

Therefore, this Petition is very timely. I thank the Committee led by Hon. Muchangi Karembe. The Committee was moribund a few months back, but with the election of Hon.

Karembe as Chairman, the Public Petitions Committee has risen to the occasion. This afternoon alone, the Committee has two reports on the Order Paper for consideration. We previously had complaints, even from the Speaker's Chair, that too many petitions were going unaddressed. I thank the Committee, particularly the new leader, Hon. Karembe, for taking time to consider these petitions. They speak to issues of concern to Kenyans, and that is the singular business of this House. The Committee is doing a splendid job and I urge them to expedite the remaining petitions.

Without anticipating debate, there is a petition on the regulation of TikTok on the Order Paper. I went through the resolutions in the Report, which speak to issues of concern to many parents and the church. If we do not regulate the content fed to our children on social media, we will be doing them a great disservice. Many countries like Australia, France, and others in the West have begun regulating the content being fed to their children.

**The Temporary Speaker** (Hon. Martha Wangari): You are anticipating debate.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I seek your indulgence to speak about the Report because I am headed to another meeting. I may not be present when it is discussed.

I support the Committee's Report and urge the Ministry to implement all the recommendations, especially regarding cleaning up the Athi River and others. I commend the Government for the restoration of the Nairobi River. That is how we are going to modernise our country and move towards being a first-world nation like Singapore, where properties along riverbanks are prime property. We can fish and have recreation facilities along the riverbanks!

I support the Report.

**The Temporary Speaker** (Hon. Martha Wangari): I agree with you, Leader of the Majority Party, in commending the Public Petitions Committee. For the first time, it is no longer a subject of negative publicity as it has been before. Keep it up. Next is Hon. Korere Sarah, Member for Laikipia North.

**Hon. Sarah Korere** (Laikipia North, JP): Thank you, Hon. Temporary Speaker. I support the adoption of this Report. This is not just about the pollution of the Tana or Athi rivers; it is about our natural resources. The upstream obstruction and pollution of rivers originating from Mt Kenya such as the Sirimon River and the famous Ewaso Ng'iro River leave downstream communities at the mercy of big companies that produce flowers for export. Those rivers only spread diseases and pollution to communities living downstream.

Resource-based conflicts amongst pastoral communities living in the lowlands are escalating. Water is life. Some communities cannot access water because rivers that once flowed continuously are now dry. Rivers like Ewaso Ng'iro, Sirimon and Nyariginu are no longer flowing by January, not because there is no water from Mt Kenya, but due to illegal obstruction by big companies. The common *mwananchi* cannot live at the mercy of big companies.

Regulatory bodies like the WRA and NEMA must regulate the use of those resources. They are not there to just draw salaries without doing anything. No one should suffer due to lack of clean water. Chemicals discharged directly into rivers have far-reaching effects such as causing abortions, skin diseases and diarrhoea.

This Petition is very timely. It is not just about rivers. Hon. Temporary Speaker, you come from Naivasha where Lake Elementaita and Lake Naivasha are silting up due to erosion caused by destruction of forests upstream. It is costing lives. Schools in Ilchamu, Baringo, have been submerged in Lake Bogoria. It is high time that we protected our livelihoods because they directly impact our natural resources.

I commend the Public Petitions Committee for coming up with a clear Report on their intentions. I am sure there are several petitions awaiting the attention of the Chairman,

including the Mukogodo Forest Report, which I know he will do justice to. Protecting and conserving our natural resources conserves human life and livelihoods.

I beg to support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. (Dr) Mutunga.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to comment on this Report. I rise to support the adoption of the Report by the Public Petitions Committee. Pollution is a serious problem in this country. Cleaning the Nairobi River is important, not just for downstream water use, but to also create investment opportunities. In most cities around the world, river channels are used for mobile restaurants and as recreational sites and developments that allow for site-seeing and open public spaces. Only water masses and, probably, grasslands can allow for site-seeing. In Kenya, the only thing we have is the Nairobi National Park, which is near the city and we have not witnessed a lot of construction that face the park. So, Nairobi will be a good example of an investment area that will lead to serious associated developments.

The pollutants are both solids and solvents. Solids could be of plastic, metallic, or a different nature. Solvents could be of a varied scope. We even have waste material that basically comes from our sewer system, finding its way into this river yet it has users from Nairobi to the Indian Ocean. Nobody here can claim not to have tasted some water from this river. If you have ever been to Malindi and gone to the ocean for a swim, then you have tasted the waste material. It is not about the amount of waste that one takes in; rather it is about the concentration that exceeds levels of concern in the human body. So, it is possible for us to have taken in those solvents. Therefore, for the sake of all of us, not for the sake of the people living along the river, it is important to clean Athi River. Some of these solvents stay for a very long time. They have a very long and viable lifespan, which means they can affect human beings. So, it is better for us to avoid getting into contact with them by way of ensuring that we clean the river.

We know that these waste solids are taken in by people. So, we must continue cleaning this particular river. Because we know there is deliberate effort to discharge waste into the river, my proposal is that we come up with investments along the river for cleaning the river water and making it fit for human consumption. It is important for the Government to consider putting investments along this particular river. What is going on right now is that people are digging shallow wells to get spring water from this particular river. Spring water does not mean it is clean. It has only been filtered. It still contains the dissolved solvents that are dangerous to human life.

With those few remarks, I support the adoption of the Report. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I thank you for giving me this opportunity to support the adoption of this Report on Athi River. I would like to say one thing. While it is very important to look at some socio-economic factors, especially on the river, there are certain fundamental things that, probably, have not been noticed. I want to thank the Committee led by Hon. Karembe on this matter.

When Athi River leaves Nairobi, it becomes Galana, then eventually becomes Sabaki. Today, I can tell you and declare on the Floor of this House that Malindi, once a very beautiful town that was favoured by many tourists, is on its deathbed because of pollution from the river. As you approach Sabaki, at the estuary where the water gets into the ocean, all the mud, all the unpalatable things, all the lead and everything else eventually pours into the ocean. It has killed marine life in the ocean, especially around Malindi. Second, it has poured all the mud. Nobody wants to go to Malindi because of the muddy waters that come from the river. It has turned the once very white, pristine beach into something else. The white sands of Malindi have become the brown sands of Malindi. People do not want to swim in the mud. They have relocated to

Watamu and Diani other than stay in Malindi because of the muddy river. We have a duty. We are duty bearers to protect such ecosystems like the one in Malindi Town. For many years, we would read that tourism was the highest earner in terms of foreign exchange. As I speak to you today here, tourism in Malindi is gone. One of the key factors that have contributed to the death of tourism in Malindi is actually River Sabaki as it pours its water into the Indian Ocean.

On its own motion, the Departmental Committee on Environment, Forestry and Mining needs to pick this matter and investigate what can be done to protect such a beautiful town like Malindi from total collapse because of the muddy, lead-contaminated water that pours into Malindi. Fishing in Malindi is being done much deeper from the shore because of the river. While there is a lot of work that is being done in Nairobi around the Nairobi River, which is very commendable, we need to look downstream. What are the hazards of the river? What will we do to uplift the town that was once a vibrant tourist town? Many people became millionaires from tourism in Malindi, but a death sentence has been pronounced by the river! I would like the committee that is concerned with tourism, on its own motion, to look at what it can do to rescue Malindi.

I want to take you down memory lane. Many billionaires invested in Malindi. Many people had invested in big hotels, holiday homes, and many other properties there. However, if you go there today, it is a shadow of its former self. They have abandoned those buildings. They do not want to stay there. No tourist prefers that area and no investor wants to invest in that area because of the major reason that we have been told, and I think it is true. It is because of the contaminated water that is being poured. If you go to Malindi right now, you see a lot of fish dying in the ocean. Areas that used to produce huge tonnes of fish no longer do that because of what is coming from upstream thus polluting the once beautiful, pristine beaches of Malindi.

This is something that should be of national concern. What can we do with the science that we have? We have a new State Department of Research under Prof. Shaukat. One of the things that that State Department needs to do is to go out there, carry out research and use technology to see what we can do. What can we do at the estuary to ensure that only pure water goes into the Indian Ocean and that the contaminated and the muddy waters go elsewhere? What can we do to save a town that once gave this country a name; a town that once gave this country billions of dollars; and a town that was a beacon of hope for many, not only in this country, but outside there too? We need to bring back the glory. We can do the same thing we are doing in Nairobi River in Malindi so that we rescue that once beautiful town. I submit.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker, for this opportunity to also make a comment on the Report by the Public Petition Committee regarding the pollution of River Athi as requested by Hon. Musyoka, Member for Mwala.

As we have always said, rivers are literally the life of many communities. Rivers feed into lakes, oceans, and other water bodies and human and animal life squarely depends on the water that flows in the river. Many of us who came to Nairobi much later when we were coming to school, of course, used to marvel at the clean rivers. We used to see everything clean, but today, if you walk around, you can see the devastation pollution has caused to rivers and other water bodies. Allow me to echo the recommendations of the Committee. The first recommendation is to take a test of the chemical pollution in the river and that is within 60 days. I hope and pray for a mechanism that will ensure these recommendations are appropriately attended to and for the Report to be re-submitted to Parliament. While it might be suitable, as per the Standing Orders, to take this matter to the Committee on Implementation, in the fullness of time, the Report should be taken back to the Departmental Committee on Environment, Forestry and Mining. This is because the matter is very technical and the Committee has the technical know-how to analyse and recommend appropriately.

One of the prayers in the Petition is compensation of residents affected by the pollution. However, the Committee rejected it because compensation is best resolved through adjudication. If the tests confirm that the water is polluted and it causes death of social marine life, then those people who depend on this river ought to be compensated. Who will compensate them? It should be the national Government because protection of the environment at the national level is assigned to the national Government under the Constitution of Kenya. Outrightly rejecting to compensate people is burying our heads in the sand, like we normally do, assuming nobody has been affected or no lives have been lost. When there is an opportunity to revisit the matter, we must ensure that we do it.

I wonder why we even came up with NEMA. It looks so hopeless, useless, and unable to act. The polluters of the river are known and they can be documented. NEMA, under the Environmental Management and Co-ordination Act (EMCA), has unfettered rights to ensure and enforce that there is adequate and proper disposal of waste so that there is no emission or waste being emitted to the rivers. It seems to be subsumed in some other activities which nobody knows of. That is why the level of degradation of our environment is becoming a matter of national concern yet NEMA is not doing much to ensure things are done. They are probably so preoccupied with collecting levies for housing permits to an extent they have forgotten their core mandate.

As we look at pollution of rivers, it should not only be about Athi River because the problem cuts across the country. I request the Committee to conduct a thorough audit. I am sure there are many reports. They can synthesise them and let this debate become a national one. We have our rivers, marine life, and lakes to protect. If we destroy them now, we will leave nothing for our children.

Hon. Temporary Speaker, I beg to support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Hon. Members, I do not see any more interest on this matter. So, I will ask the Mover to reply.

**Hon. Muchangi Karembe** (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. Allow me to thank Hon. Members who have contributed to this debate. As you have heard, every Member who has spoken to this Motion has supported this Report because of the significance of our natural resources.

One thing that has come out very clearly is that we cannot allow people who want to put profit before human life to pollute our rivers. Since the polluters of our rivers are well-known, it is our hope that action will be taken against them, so that we can safeguard the interests of Kenyans and the generations that will come after us. As Hon. Oundo has said, the polluters are well-known. They are the owners of companies and other enterprises. They should be held responsible for polluting our rivers.

Hon. Temporary Speaker, I beg to reply.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you very much. Hon. Members, I shall defer putting the question to the next appointed time.

*(Putting the question deferred)*

We shall re-organise the Order Paper a bit. Allow us to go to Order No. 14 and then we shall come back to Order No. 13.

Hon. Marianne, I have been told you are standing in for the Committee. You have the Floor.

## MOTION

### SENATE AMENDMENTS TO THE COOPERATIVES BILL (National Assembly Bill No. 7 of 2024)

THAT, the Senate amendments to the Cooperatives Bill (National Assembly Bill No. 7 of 2024) be now considered.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kitany is standing in for Leader of the Majority Party.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Speaker, I beg to request you that we defer this Motion because there are amendments that were brought from the Senate, and are currently before the Departmental Committee on Trade, Industry and Cooperatives, but we have not considered them. We beg to defer this Motion for at least 30 days so that we can consider them and then come back to the House.

**The Temporary Speaker** (Hon. Martha Wangari): That is in order. We shall then automatically defer Order No.16 until we prosecute Order No.15 at the right time.

*(Motion deferred)*

Hon. Members, we shall go back to Order No. 13.

## BILL

### *Second Reading*

### THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (Senate Bill No. 55 of 2023)

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Lochakapong.

**Hon. Peter Lochakapong** (Sigor, UDA): Hon. Temporary Speaker, I beg to move that the Fire and Rescue Services Professional Bill (Senate Bill No. 55 of 2023) be now read a Second Time.

Hon. Temporary Speaker, the Fire and Rescue Services Professionals Bill (Senate Bill No.55 of 2023) was published in the Kenyan Gazette, Supplement No.239 of 8<sup>th</sup> December 2023. The Bill was forwarded to the National Assembly for consideration, pursuant to Article 110(4) of the Constitution, having been passed by the Senate on Thursday, 5<sup>th</sup> December 2024.

The Bill was read a First Time in the House on 13<sup>th</sup> February 2025, and thereafter committed to the Departmental Committee on Regional Development for consideration and reporting, pursuant to the provisions of Standing Order 143. Consequently, in accordance with Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee sought views from the public by way of written memoranda and further conducted public hearings on the Bill. Organisations and institutions that appeared before the Committee on the Bill include the following:

1. The State Department for Special Programmes.
2. The Office of the Attorney-General.
3. The Kenyan National Fire Brigades Association.
4. The Chief Fire Officer Association of Kenya.
5. Written submissions from the Kenyan Law Reform Commission.

The Committee noted various comments regarding the Bill from the various stakeholders. Salient provisions of the Bill, which is the impact of the Bill, are as follows. The

Bill seeks to establish a regulatory and institutional framework for fire and rescue services professionals, and provide for their registration, licensing, and training. It also aims to provide a uniform professional standard for the regulation of fire and rescue services professionals across all county governments.

Hon. Temporary Speaker, permit me to highlight the important clauses in the Bill. The Bill contains 37 clauses and one schedule. As aforesaid, the Bill seeks to establish a regulatory and institutional framework for fire and rescue services professionals, and provide for their registration, licensing, and training.

The Bill further seeks to establish a board to regulate the fire and rescue services profession. In this regard, it proposes that the board shall consist of a non-executive chairperson appointed by the President; principal secretaries responsible for matters relating to fire and rescue services, finance, technical and vocational education and training; three persons nominated by the Council of Governors; and four other persons nominated by professional firefighters, emergency responders, and private sector organisations. A registrar shall be appointed, and will be the secretary to the board.

The board is required to register fire and rescue services professionals, license them, supervise, discipline, and ensure that professional standards are maintained. In addition, it outlines procedures for registration and licensing of professionals, recognition of training institutions and issuance of practising certificates. It also creates offences for practising without proper registration and establishes disciplinary mechanisms to address professional misconduct. It further provides for the administration and funding of the board, including the appointment of a registrar who would oversee the day-to-day operations of the board and maintain the professional register. Overall, the Bill attempts to introduce a system of professional regulation aimed at improving efficiency, accountability, and coordination in fire and rescue services across the country.

The Committee made the following observations and recommendations after listening to stakeholders and reviewing this Bill. The Committee noted that although the proposal intends to address an important regulatory gap in the fire and rescue sector, it contains significant governance, structural, and constitutional concerns that may hinder effective implementation. The Committee observed that the proposed governance structure resembles that of a State corporation rather than a self-regulating professional body. This is inconsistent with the broader policy direction encouraging professional autonomy and self-regulation.

The Committee further noted that the Bill poses implementation challenges in that it does not establish an institute to oversee the affairs and capacity development of fire and rescue services professionals. It also does not confer upon the board the mandate to appoint staff to support its functions and operations. Though it makes the registrar responsible for staff, how would the board operate without staff? The Bill does not grant the board any mandate to regulate fees charged by fire and rescue professionals. On this, the proposed framework may create a risk of arbitrary, excessive, or inconsistent charges to the public. Additionally, the Committee noted that the Bill raises constitutional and procedural issues, including concerns relating to the manner in which it was introduced and its financial implications.

In this regard, the Committee noted that the regulation of professionals is a national Government function and not a function of county governments. This is well established in the Constitution and detailed in Paragraph 7(b) of Part 2 of the Fourth Schedule. Accordingly, it should have been introduced in the National Assembly in accordance with Article 109(3) of the Constitution. This Bill meets the criteria of a money Bill pursuant to Article 114 of the Constitution and, as such, can only be introduced in the National Assembly, pursuant to Article 109(5) of the Constitution.

The Bill is well-intentioned, but contains significant structural and constitutional challenges. Having considered it and for the foregoing reasons, the Committee recommends that the House rejects it in its entirety.

In conclusion, I invite Members to read the comprehensive Report of the Departmental Committee on Regional Development in order to fully appreciate and enrich the debate. I further ask Members to adopt the recommendations of the Committee as contained in the Report.

I beg to move and call upon Hon. Basil to second. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Yatta.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker, and thank you, my Chairman. I am a Member of this Committee. I rise to second the Fire and Rescue Services Professional Bill (Senate Bill No.55 of 2023).

The Bill has very good intentions in terms of regulating, bringing professionalism, and standardising fire and rescue services. As a Member of the Committee, we collected submissions from several stakeholders, including chief fire officers and the association team who came to us as a Committee, as well as submissions from the Kenya National Fire Brigade Association.

In reality, the Bill has potential benefits which I have already indicated. For example, professionalisation of the fire response sector as well as improving public safety. If you talk of capacity building and professionalism within fire response, it means reduced fatalities and injuries. The clear regulatory framework being proposed is going to define the roles of the national Government and county governments and reduce duplication between the two levels of governance.

The Bill proposes accountability and oversight through the creation of a regulatory body, which has already been indicated by the Chairman when he was moving. Overall, it is supposed to create motivation for staff within the fire response mechanism. However, the proposal brings very solid challenges, which explains why, as a Committee, we suggested rejecting it in its entirety. Some of these challenges include operational costs, and that is why it is a money Bill. These operational costs will have detrimental effects, particularly on small counties, which cannot raise the required costs to meet the proposed standards.

There are also governance conflicts within the layers of governance, that is, the county government and the national Government. When we looked at all this, as a Committee, we said that Kenya does not have a law that regulates fires as a disaster in a centralised manner, which is a significant gap in the country's ability to respond to fire-related risks. As a result, safety is governed through multiple laws.

We recommend as a Committee, that this Bill, being a Money Bill, pursuant to Article 114(3) of the Constitution, the National Assembly should take into consideration some of the observations and recommendations of the Budget and Appropriations Committee during debate. Further, a money Bill can only be introduced in the National Assembly, pursuant to Article 109(5). Therefore, the Bill should have been first introduced in the National Assembly and not in the Senate. That is one of the reasons, as a Committee, we proposed the House to reject the Bill and to at least have some revisions done to the Bill, so that it can align and respond to the potential challenges that we observed.

With those few remarks, I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): Member for Marakwet West.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. I rise to comment on the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023). I associate fully with the sentiments of the Chairman of the Committee in charge of the Bill, my friend, Hon. Lochakapong. He has done a tremendous job.

The National Assembly is not a toothless bulldog. We are able to bite and reaffirm our mandate as the National Assembly in as far as legislation is concerned. If you look at the substance of this Bill, the long title of the Bill reads:

A Bill for an Act of Parliament to provide for the establishment, administration, powers and functions of the Fire and Rescue Services Professionals Board; to provide for the examination, training, registration and licensing of fire and rescue services professionals and for connected purposes.

The title is colourful, but the substance of the Bill is devoid of what the long title proposes. The Bill proposes to regulate a professional body yet its substance does not establish any institute to regulate that professional body. The Law Society of Kenya Act establishes the Law Society of Kenya (LSK). Surveyors have the Institution of Surveyors of Kenya (ISK). I have not seen the Bill proposing such a body.

I agree with the Chairman that the structure of the Bill has defects that this House must address. Therefore, I agree that the Bill must suffer only one fate, to collapse. In its advisory opinion on the Division of Revenue Bill, the Supreme Court made it very clear that money Bills shall only originate from the National Assembly. This is a money Bill and it ought to have originated from the National Assembly.

We can only do justice to this Bill if we agree with the decision of the Committee to collapse it. It is a Bill that must originate from this House. In the Fourth Schedule of the Constitution, regulating professionals is a mandate of the National Assembly; it is not a devolved function. Therefore, we need to restate the mandate of this House by rejecting the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023).

The Bill does not establish a secretariat. In Clause 5 of the Bill, the composition of the board looks like a parastatal. The Bill says the board shall comprise:

- (a) an Executive Chairperson appointed by the President;
- (b) a person representing the Ministry responsible for matters relating to fire;
- (c) a person representing the Ministry responsible for finance;
- (d) the Principal Secretary in the Ministry responsible for technical and vocational education;
- (e) three persons nominated by the Council of County Governors; and,
- (f) two persons nominated by the Association representing the largest number of professional firefighters in Kenya. So, in its composition, where is room for self-regulation?

This Thursday, the Law Society of Kenya will be having elections to elect its President. This is an example of a body that is self-regulating. Members can elect their President and officials. If you look at the composition of the board in the Bill, first it has established offices that will represent that professional body. So, the Bill is defective.

Second, it does not provide for a secretariat that will assist the body in the day-to-day running of its affairs. The Bill is defective in substance and form. Therefore, we should not proceed with it in this House. It flouts Articles 109(3) and 114 of the Constitution. It also flouts Article 109(5) of the Constitution which states:

A Bill may be introduced by any member or committee of the relevant House of Parliament, but a money Bill may be introduced only in the National Assembly in accordance with Article 114.

This was reinforced by the Supreme Court advisory opinion that all money Bills must originate from the National Assembly. I, therefore, associate myself with the letter, the intent and the spirit of the Committee led by Mheshimiwa Lochakapong in rejecting this piece of legislation.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, thank you for this opportunity. First of all, when I saw the title of the Bill, my heart almost left my chest because the Fire and Rescue Services Professionals' Bill... I admit I am an old school who went to school when schools were schools. Do you know where I went to school? I do not want to annoy some people here by mentioning it.

A professional as defined in the dictionary is a unique training that leads one to a certain level of professionalisation. By the time I was leaving the University of Nairobi to come to this Parliament, I had not come across any university that was teaching a course similar to the one proposed that leads to a professional in firefighting. So, on that score alone – even if I were to be the last man standing – I would have called for total rejection of the Bill.

Let me also alert the Member for Marakwet West that this is not the first time we are killing a Senate Bill that is completely defective. In the last term, we killed three Senate Bills that were completely defective. They were a total waste of paper and legislative library. As my colleagues have said, in the Fourth Schedule of the Constitution, firefighting is a mandate of county governments. However, regulation of professional standards is an exclusive mandate of the national Government. Nobody can infringe on it because standards must apply equally throughout the country. So, again, purporting to somehow find a way of creating this kind of thing is completely out of mind.

Clause 7 of the Bill provides for some of the functions of the board, which include determination of the fees chargeable by licensed fire and rescue service professionals in Kenya and, from time to time, reviewing and revising the fees chargeable by licensed fire and rescue service professional firms in Kenya. On that ground alone, it is dead on arrival, because the constitutional provisions relating to money Bills are explicitly clear. The Supreme Court has, once and for all, set the marker. I would imagine that this Bill was processed before the Supreme Court pronounced itself. Even then, it ought to have failed at the very beginning by virtue of being unconstitutional.

It is important to commend the Committee for flagging it. You have saved us the time we would have wasted in the Committee of the whole House and in the subsequent stages. We also want to send a message to the Senate, our junior brothers, or whatever they may wish to call themselves. Let us spend more time dealing with matters that have a direct impact and that enrich and entrench devolution. Not all counties in this country have the capacity to maintain a fire-fighting department. I doubt whether my own county of Busia has one, although I will confirm, because I have never seen it. When there are fires in our villages, we know how to put them out. The county government is often too far. Even here in Nairobi, how many times have buildings been burnt to ashes before fire-fighting equipment has arrived?

We must, therefore, develop a Bill that focuses on standards for responding to emergencies and disasters caused by fire, among other related matters. This proposal is of no use to them. It is of no use. The county governments will employ and train competent people

to undertake fire rescue and extinguish fires whenever they occur. There is no need for legislation of this nature.

Let me commend the Committee. I support their report and therefore oppose the Bill in its entirety.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Member for Ruaraka, are you on this one?

**Hon. TJ Kajwang'** (Ruaraka, ODM): No, I am waiting for the next one.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Temporary Speaker. I rise on this occasion, having listened to my colleague debate, to oppose this Bill. As a woman leader from the rural constituency of Githunguri, we are victims of what we call 'village fires.' If you were to visit my constituency, you would find that I have set aside a special room where I store mattresses, blankets and foodstuffs, not because I wish to undertake that role as a Member of Parliament, but because the demand for such support continues especially during the hot season between December and March.

Unfortunately, every time such incidents occur, there is very little support from the county government. It is not necessarily because they are not equipped, but because no training has been provided to residents on how to intervene. Therefore, when I see this House retreating into the creation of professional bodies for such activities and interventions, it confuses me. I am not sure whether this is what we should be doing. We should instead be debating how to train our people in first aid, rescue services, the use of digital media, and contemporary methods of fire intervention.

I have visited several countries since becoming a Member of Parliament. In one State in the United States of America, fire incidents are addressed using drones. The community is well trained on what to do and how to coordinate activities around the use of such technology. That State has invested significantly in training and sensitising its people.

Today, if you visit my constituency and a fire breaks out in a village, I am not used to seeing men screaming, but I see men screaming. Traditionally, men are not expected to scream, yet they do. Women scream. Men are subjected to screaming like women. Why? Because they have not been trained on how to respond to fires. You will see the head of the family screaming, the wife screaming, and the children screaming. We all stand there as fires burn down our homes and businesses.

Just the other day, I witnessed a major fire at Kamakis, on the way to the airport. I saw men who ride motorbikes standing and staring at the fire while holding their bikes. Those bikes carry petroleum products and were only about three metres away from the flames. I was concerned that the fire could easily spread to them. All they could do was scream. Men screaming is something out of our nature and cultural practises. We have reduced our men to that level because we have failed to train, sensitise and equip them with the knowledge and skills they require. I would be very pleased if we were to consider a Bill that would enable the national Government to decentralise fire intervention knowledge, skills and equipment to our villages, so that we can reduce the damage caused by fires across the country.

I would also wish to see legislation addressing compensation. In the last fire in my constituency, in a ward called Githiga, we lost two children – one disabled and one able-bodied. To date, no one has taken responsibility. When agencies such as Kenya Power are asked to investigate whether the fault lay with them, we have never had an instance where they admit that it was due to wiring problems, an exploding transformer, or any other intervention on their

part. No one accepts blame for village fires, particularly in my constituency. Kenya Power does not own up...

**The Temporary Speaker** (Hon. Martha Wangari): Just to agree with you, Hon. Wamuchomba, it is not only your constituency. Today, I lost a child in a fire at a place called Kambi Mahindi in my constituency.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): My apologies.

**The Temporary Speaker** (Hon. Martha Wangari): I agree with you.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): We must, therefore, enact a law that clearly establishes responsibility when a village, slum or factory fire erupts. Who carries the blame? When we lose loved ones in such fires, who compensates the families? When an elephant strays from the Aberdare Ranges into a constituency and causes death, there is a policy framework that enables the affected family to claim compensation. However, when it comes to fires, it is as though we are destined to perish without recourse, and the national Government appears indifferent. I do not blame the national Government. I blame Members of Parliament. We have failed to enact laws that provide guidelines for addressing such matters.

For me, this is not about professional bodies for fire-fighting. We do not need professionals in villages to fight fires. We need villagers to be sensitised, properly equipped, properly trained, and given the necessary knowledge to handle fire incidents.

Therefore, I reject the Bill.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Hon. Murugara, are you on this debate?

*(Hon. George Murugara spoke off the record)*

No, you have just walked in.

Hon. Members, I do not see further interest in this specific Bill. I will, therefore, allow Hon. Lochakapong to reply.

**Hon. Peter Lochakapong** (Sigor, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to thank Members who have contributed to this Bill and commend them for accepting the Report and recommendations of the Committee. I sincerely appreciate your comments and your agreement with our position.

I beg to reply.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. We shall defer putting the Question on this specific Bill and proceed to the next Order.

*(Putting the question deferred)*

## MOTION

### ADOPTION OF REPORT ON BANNING OF TIKTOK IN KENYA

**The Temporary Speaker** (Hon. Martha Wangari): Chairperson of Public Petitions Committee, Hon. Karembea.

**Hon. Muchangi Karembea** (Runyenjes, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.41 of 2023 regarding regulation of TikTok in Kenya, laid on the Table of the House on Wednesday, 25<sup>th</sup> September 2024.

To bring Hon. Members up to speed, the Petition was brought to the Committee through the Speaker by one Bob Ndolo, who sought to have TikTok regulated in the country. The Public Petitions Committee acted on the Petition and invited several stakeholders, who included the Petitioner himself, Bob Ndolo, the Ministry of Interior and National Administration; the Ministry of Information, Communications and The Digital Economy; the Content Creators and Bloggers Association of Kenya, Kenya Film and Classification Board, Communications Authority of Kenya, Office of the Data Protection Commissioner, Law Society of Kenya, National Cohesion and Integration Commission, Kenya National Commission on Human Rights and TikTok management.

Initially, Bob Ndolo came to the Commission seeking for banning of TikTok, but afterwards, in his submission, he sought to step down the banning and instead sought its regulation. The Petitioner decried that while it has gained popularity among the youth in Kenya, the content that was being shared on the platform was inappropriate, thus promoting violence, explicit sexual content, hate speech, vulgar language and offensive behaviour, which was a serious threat to the cultural and religious values in Kenya.

Hon. Temporary Speaker, this is coming at a time when, in the past two days, there have been discussions on social media about a supposed Russian man who ‘has united the nation.’ Uniting the nation in Kenya means a person is being talked about by the entire country in the social media space. Bob Ndolo, in his Petition, sought to have TikTok regulated. The Committee sat and listened to all stakeholders, who were also in agreement that we do not need to ban it, but instead regulate it to ensure that what Kenyans, like our parents, are consuming is what is good for our country.

The Committee came up with resolutions, which I would like to go through and thereafter give Hon. Members an opportunity to debate them.

1. The Ministry of Interior and National Administration and the Ministry of Information, Communication and the Digital Economy collaborate to enhance user protection and cyber security on social media platforms, including TikTok, and reports to the House within four months upon adoption of this report on—
  - (a) the mechanisms for enhancement of age-verification on the social media platforms, the localisation of Kenyan user data to be retained within the country, such as the setting up of local infrastructure for data security by the platforms;
  - (b) the digital literacy programs to create awareness on data privacy, processing, storage and community guidelines by social media platforms, including TikTok.
2. Within four months of adoption of the Report, the Office of the Data Protection Commissioner engages social media platforms, including TikTok and reports to the relevant committee of the House on—
  - (a) levels of compliance with the laws of Kenya including the Data Protection Act, 2019 and its attendant regulations;
  - (b) details on the effectiveness of age verification and content filtering;
  - (c) implementation of Kenya-specific supplemental terms in its privacy policy considering the provision of the law and the social

media platforms, including TikTok, have customised the data processing to comply with Kenyan laws.

3. The Departmental Committee on Communication, Information and Innovation introduces an amendment to the Kenya Information and Communications Act (Cap. 411A) to mandate the Communications Authority of Kenya to regulate social media platforms in the country.
4. The Ministry of Information, Communications and the Digital Economy monitor all social media platforms in the country including TikTok to addresses the concerns in their content moderation by—
  - (a) auditing of the artificial intelligence (AI) moderation system to identify the loopholes, to enhance continuous improvement of the system;
  - (b) training of the AI moderation system in local languages in the country to ensure the algorithm is able to detect inappropriate content presented in the local dialects;
  - (c) ensuring adequate human content moderators to ensure vast coverage of local dialects in moderating content from Kenyan creators;
  - (d) ensuring the human content moderators have adequate psychosocial support;
  - (e) provision of information and reporting options to flag illegal or inappropriate content.
5. TikTok and other social media platforms are without monetisation policy. Introduce a monetisation policy in the country to enable content creators to earn directly from their content.

The Committee noted that a total ban on TikTok is not tenable because it infringes upon fundamental rights and freedoms in the country. Further, a ban of the social media platform would stifle social and economic growth and benefits of internet connectivity as the nation seeks to enhance its digital economy. However, the Committee recommended that social media platforms, including TikTok, be regulated and periodic compliance reviews by the relevant State agencies be institutionalised.

Hon. Temporary Speaker, I beg to move and request Hon. TJ Kajwang' to second.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Ruaraka.

**Hon. TJ Kajwang'** (Ruaraka, ODM): I thank you, Hon. Temporary Speaker, for giving me this opportunity. I thank the Chair of the Public Petitions Committee for finding favour to call upon me to second even though I am not a member of this Committee. I have read the report by the Committee. I support it and second this Motion.

TikTok is an important discussion that we must have because we are leaders and the Constitution has given us the mandate, especially of oversight, which involves issues that concern the people and for which the institutions are made. However, we are also parents. My age mates, like the Member for Tharaka, are raising serious concerns. Hon (Dr) Oundo is fairly young, and I believe he fits within the general bracket I belong to, while yours faithfully is slightly younger but still in the mix. We all have teenage children who are outgrowing their youth and transitioning into adulthood. As parents, we often worry about our responsibilities to instruct these children in the best way possible - leading by example and nurturing their spiritual selves. They may not all be Christians; they may not even believe. Some could even be apostates. Regardless of their beliefs, every parent wishes for their child to lead a life of spiritual depth that contributes to being a moral citizen and aids in national building.

So, the question of TikTok must be addressed. You saw young people here sampling the food and commenting that the *pilipili* was not good enough. This highlights some of the

issues they raised and how they organised themselves to engage in robust debate. There seems to be a disconnect between leaders and young people because the communication channels were not even. If we do not engage in open conversations and truly listen to the youths, we risk missing the mark.

The question of TikTok raises pertinent issues for lawyers. Preservation of data sovereignty and privacy are critical components of leading a dignified life. Every sovereign country claims data sovereignty and privacy. Individuals must retain a certain level of privacy about their data, including its management and custody. This goes beyond gender privacy and comes to human privacy. Human beings must be clothed by God-given rights, in terms of what data can be harvested from you, its management and custody. On the other hand, national security is a significant concern. Neglecting it could expose us to risks that undermine our safety.

Mental health challenges are also real. We live with these children, some of whom isolate themselves in the rooms we have provided for them. They often lock up their rooms and come out only at midnight seeking food, avoiding interaction with us because we lack a communication platform that resonates with them. This creates a real problem where children may engage in self-harm due to the content they consume without any societal context to help them process it. This is a real problem.

The legal question that I hear my colleagues asking is the concept of the duty of care. Where does the duty of care, which is a principle in issues of management of socio-economic affairs, fall? A company in China has created a globally embraced platform, but does that company owe a duty of care to our children? The Chinese company must clarify its responsibilities regarding harmful content on its platform. I am glad the Committee is not prescribing banning, as seen in India, where TikTok has been banned for national security reasons. India is a stable and big economy, but they do it all the same. Instead, we are advocating for robust content moderation, regulatory control, and oversight.

We must deliberately create oversight to monitor content and ensure that our children are exposed to beneficial material. I am not an expert, but Hon. Murugara speaks of filters that can restrict certain information. For instance, children under 16 should not be exposed to inappropriate content while still having access to educational materials which are often available on TikTok. As CBC parents, we also use TikTok as a teaching tool.

We need a situation where information can be shared with one group while restricting it from another. This is a conversation that we, as adults and parents, must have even if children perceive us as overly conservative. In African customary practice, children are expected to obey their parents, a sentiment echoed in biblical teachings. We must reinforce this at home even if children resist as we, too, obeyed our parents.

Hon. Temporary Speaker, if I may conclude, leaders face abuse everywhere, and young people have no regard for them. In fact, it has become a virtue to speak negatively about leaders and parents, often exposing them to remarks that are sexual, profane and immoral. They find it very laughable. We must uphold African customary values. As an African, I am proud of this heritage and believe we must teach our children accordingly. They cannot be European or Chinese. They will remain Africans. So, parents must speak with authority...

*(The microphone went off)*

**The Temporary Speaker** (Hon. Martha Wangari): You have a minute to conclude.

**Hon. TJ Kajwang'** (Ruaraka, ODM): We must speak with authority and assert that there are certain things that cannot be done and others that must be done. That is why we have brought children into this world. We are leaders for the time being, until they reach adulthood.

On the topic of cyber security, I want to highlight that I have seen the recommendations made by the Committee. However, there is one recommendation regarding the amendment to the Kenya Information and Communication Act that I would like to address. I would have preferred it if you had provided us with a draft for amending that regulation as part of this Report, so that we do not have to revert to the Committee in charge. By doing so, you could have indicated which section should be added to empower the Communication Authority to regulate this industry and provide us with the necessary content. We have that constitutional mandate. Why are we still going around it? We should have come here and put it in the Report, and then next time we have the Bill before us, we create a mandate within that Authority to regulate.

I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): Whip of the Minority Party.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker, for this opportunity. I thank the Committee for bringing this Petition. I will try to be very brief. With the advent of technology, we have seen many new positive ways of doing things even though it has also brought in a lot of challenges. As we speak right now, I am contributing in Parliament, but I am also in class, courtesy of technology.

Secondly, when we do class work, we do not know how to navigate around artificial intelligence issues. For instance, when you put in my name and particulars, it appears as plagiarised because I am all over social media. As a House, that is one of the things we must be able to deal with very quickly.

I listened to Hon. TJ Kajwang' on the issue of culture. Technology is bringing many challenging issues. For those of us in our 50s and 40s, we have a totally different culture from the younger people. Their culture is technological, not African. Aware of this, as a House, how do we deal with the issue that technology has brought to our doorsteps? How do we nurture and bring up our children within systems where other people are involved? There is somebody in the United States of America who is raising your child through technology. That is why we must be very brave as a House and confront some of the good things that technology brings, but also deal with them very fast because technology changes very fast.

I am glad that Bob Ndolo has raised the issue of TikTok, because a lot of the younger people are actually on the platform. Some of the good things that we have from TikTok are that young people are able to socialise. Of course, it takes away the face-to-face moments of play that we used to have. During our times, we played games like *blade* and all manner of things. Children no longer do that a lot. They are all on social media like TikTok.

Firstly, TikTok has also provided employment for quite a number of Kenyans. For a long time, I did not understand. I am very happy. I was even sharing it elsewhere that I have actually contributed a lot to employment. I am caricatured a lot on TikTok. Before I understood how it operated, I would call people and say, "I just want to thank you very much, because you have really promoted me." They said, "Millie, they are making money off you." So, when I learnt that, I said, "It is okay for them to caricature me and make money out of me through TikTok. It is a good thing, especially now that we have the issue of unemployment."

Secondly, it also provides civic engagement for the young people. Of course, this can also bring other challenges like what we saw in 2024. Through civic engagement, young people are able to challenge Parliament even on Bills we pass here. Of course, through TikTok and other social media platforms, they were able to even come right into Parliament. Such are challenging times for us.

Thirdly, it is also an entertaining and information-sharing platform. However, as a child protection expert, I want to indicate that there are things we cannot negotiate about. We cannot

negotiate about the issue of child protection. For me, therefore, it means that the issue of explicit sexual content must not be made available to young people. There are predatory tendencies, but I know that there are laws which already cater for that. However, we must be very clear on the age young people can access what information. Hon. Temporary Speaker, it should not just be explicit sexual content, but also a variety of other things. The Children's Act talks about giving children information depending on their evolving capacities, but social media does not take into account the idea of children's evolving capacity.

Therefore, as a House, we must be brave enough to look for experts in this sector because of technology. We should also look at issues of the law on child protection, technology and a myriad of other things. We must be brave and confront them every single time. We need to be looking at technology issues almost every month.

Hon. Temporary Speaker, I see that my time is up. Please, give me one minute to conclude.

**The Temporary Speaker** (Hon. Martha Wangari): You have one minute.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. Looking at the trending Russian man case, it brings out racism issues. We need to speak to such issues because there are people who want to exploit the vulnerability of poor African people when they come to Africa. They realise that women are very poor. Because we have not nurtured and trained the mind-sets of our people that we are beautiful enough as black people, the moment they see a white person, they think they are heaven on earth. I challenge our women to see our men in Kenya as good enough. They ought to look at men in Africa and see them as good enough. Not everybody who is white is heaven on earth.

I am not saying that there is anything wrong with white people, but we need to guard against certain forms of neo-colonisation where people come to ridicule, shame and misuse African women. If you have sex with somebody in private, why would you want to make it a public affair? It is not anybody's business. I do not want to use the word 'regulation' because people misunderstand it. But for sure, there is certain content that should not reach the public. Nowadays, sometimes when you click on something on a phone, you suddenly see children having sex in pools. How is that even possible? Certain content should be regulated and should not come to my page if I do not want to see it. Therefore, as a House, we must be brave and confront these issues head on.

With those remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. Allow me to support the report by the Committee and laud the gentleman, Mr Bob Ndolo, who brought this Petition to us. Allow me also to laud the Chairperson of the Public Petitions Committee, Hon. Karemba, who is here with me. He is doing a good job. For a long time, we had problems with that Committee for reasons that possibly were known to all of us, but now the Committee is on track. Hon. Karemba is also a Member of my Committee – the Departmental Committee on Justice and Legal Affairs – and he never misses even one meeting. At 10.00 o'clock, we are together, we start with him, we finish then he goes to the Public Petitions Committee and he does it very well. Note that he needs to grow in the Departmental Committee on Justice and Legal Affairs too, where he is doing a good job.

It is true that we should not ban TikTok. It is one of the social media platforms of communication. I may not know a lot about it simply because my age does not allow me to know some of the things that happen with our little children out there. However, from what I

have heard about TikTok and what I know it does to young people, there is absolute need for us to regulate it. We can do this through another statute or amending the Kenya Information and Communication Act and introduce regulations that will guide us on how this branch of social media will be handled.

The stakeholders who came to the hearings on this Petition were all candid that there is need for regulation. Not even one would advocate for saving it away from a ban without regulation. This is because if we do not regulate it, then we ban it. Yet there are some positive aspects of TikTok, including the youngsters who say in their language that they are content creators. They create content, post it on TikTok and through whatever means, they are able to earn some money. We agree that with the degree of unemployment in our country, it behoves on us to ensure that available money is tapped and used for the benefit of our youths. However, we should not derogate from our responsibility. As Hon. TJ Kajwang' has said, we are Africans and we must protect our culture and cultural practises. Those practises include taking care of our children, giving them advice and admonishing them when need be. This will ensure that we grow and nurture children who are actually responsible citizens in this country.

Here comes the Government making certain recommendations through the Chairperson of the Public Petitions Committee. This Committee's recommendations are useful and we should support them so that as we use the internet, Information Communication Technology (ICT) and other communication platforms, we do not expose our children to danger. We must also not abrogate our responsibilities as parents. As you heard Hon. TJ saying, our youngsters lock up themselves in the rooms we have provided for them. You do not know what they are doing and you do not hear or see them until the wee hours of the night. That cannot be a virtue. As parents, we should be more involved in the growth of our children so that we raise responsible citizens away from some of vices that come to us through TikTok and other applications on the internet.

I support the recommendation by Hon. Karemba that we should regulate TikTok for the good of our country.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Hon. Wandeto.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to this very important Motion.

I support the sentiments of the Committee. We live in a very lucky generation. In one generation, we have seen the advent of the internet, the smartphone, social media, and now artificial intelligence (AI). Just to remind you, the World Wide Web (WWW) as we know is just a 1991 invention. Therefore, as a generation, we are very lucky. These inventions have fundamentally reshaped how we live, parent, and even how power is exercised, just like we saw in this country in 2024.

Even thinking about banning TikTok would raise a few fundamental issues. One of them is that this would be a complete violation of our Constitution, which guarantees freedom of expression. If we were to ban TikTok, we would need to ban all the other social media platforms. This is because the youth would just move from one platform to the other. Additionally, from a technical point of view, I know that there are very many workarounds – the same way people in China today use WhatsApp even though it is banned there, and people in India use TikTok even though it is banned there. There are always technical workarounds around these things.

The second thing is the economic opportunity that we would be sacrificing through such a ban. It is important to note that TikTok and all other social media platforms...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wandeto, would you like to be informed by Hon. Wamuchomba?

**Hon. Geoffrey Wandeto** (Tetu, UDA): I do not wish to be informed, unless you insist.

**The Temporary Speaker** (Hon. Martha Wangari): Continue, but do not expound on it.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Temporary Speaker. The second issue is the revenue opportunity. Hundreds of thousands of our youths and elderly people are deriving economic opportunities from the use of social media. This has come in handy under a Government that does not seem to have very effective ideas on how to create jobs for the youth.

The third issue is economic opportunity. We just passed a law that provides for digital taxation. We now have multinational corporations operating on social media platforms. Even some of our digital content creators are joining the formal economy and paying taxes. We need to think about strengthening the regulations. We cannot take the route of countries like Somalia, Iran and Afghanistan, which have banned TikTok. Those are extreme cases from which Kenya should not borrow. We should focus on three things.

First, we should strengthen the regulations. The Office of the Data Protection Commissioner should be strengthened and given teeth to bite companies which fail to properly moderate content. I am aware that companies like Meta and TikTok have local offices with moderators who monitor what our people post and oversee content moderation.

Secondly, we should introduce a curriculum to teach our children how to navigate through this new world in which we find ourselves. How do we introduce mental health issues in the curriculum and other institutions, so that our people do not suffer from social media addiction?

In conclusion, we should not even contemplate a ban. We only need to strengthen the regulation and governance of social media.

**The Temporary Speaker** (Hon. Martha Wangari): Very well said. Just to guide you, Member for Tetu, this Report does not recommend a ban. It recommends regulation. That is simply for the record.

Hon. Members, just to guide you, once you are given the Floor, you will have five minutes to contribute. Kindly organise your thoughts accordingly. I keep seeing many of you getting caught off-guard, thinking that you have 10 minutes to contribute.

The next opportunity goes to the Member for Moiben, Prof. Bartoo.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Motion on the regulation of TikTok in Kenya. I laud the Committee for such an elaborate presentation on TikTok. Kenya is not the only country grappling with this issue. Countries the world over, including USA, China and India, are also grappling with it.

This situation takes me down the memory lane to when mobile phones and computers were first introduced. Many people wondered what the future would look like and how the world would adapt. It was a major challenge at the time. Today, however, mobile phones and computers are fully integrated into our lives. Perhaps what we require is a robust social media regulatory framework that comprehensively addresses all the issues affecting us in relation to social media.

The other day, I was looking through a PhD thesis from one of my students and I sat with that big document the whole day until my son asked what I was reading. When I explained I was examining a thesis, he asked for the evaluation tool. I provided the evaluation tool and the thesis in soft copy. Within five minutes, he produced an entire report which was surprisingly almost similar to my own work. I then had to ask myself how analogue I am as these things are

moving fast. This is what is happening in our classrooms. Even the Kenya National Examinations Council and universities are facing challenges in how to examine students in lecture halls. This is a debate we must take deeper, rather than doing superficial work, because this technology will be with us for a long time.

As Members of Parliament, we make the laws. It is upon us to sit down and create regulations to govern social media in its entirety without infringing on the Bill of Rights in Chapter 4 of the Constitution. We need to look at censoring content to protect vulnerable people such as children, who frequently become victims of social media. It has reached a stage where it is not possible for a parent to manage young people. As a mother, there are some boundaries my children set where they say I cannot go beyond, even if they are my children.

We need to put structures and procedures in place to handle this. We need a robust social media policy that works for everyone. We should look at how to monetise it so that people can make money positively, rather than misusing it to create explicit content which is not good for us or our children. If well regulated, it is not bad and will take us to another level. Its time has come. We must see how we can benefit and how it can boost communication, content creation, and wealth generation. Regulating it is the right direction because we cannot run away from it. It is good.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I join my colleagues in supporting this Report of the Departmental Committee. I thank the Petitioner and the Committee for changing the focus from banning to regulating TikTok. Many of us have said it would be unconstitutional to ban it, so it is good that we are now talking about regulation.

There are benefits associated with TikTok, even alongside the disadvantages. One is sharing of information. It allows information to move from one corner of the country to another within a very short time. At the same time, many of our young people are making money from this which is good for the economy given the level of unemployment. Most of our people have gone to school and have several degrees, but are not able to access gainful employment. Any time they can make a coin from TikTok is something worth supporting.

The other thing I have also discovered is that TikTok uses some pictures and that helps most of our people to know who is who in terms of leaders and all that. However, all said and done, there are also some negative aspects of it and that is why I support the word 'regulate'. I wish we become more serious on regulation because as Hon. Kajwang' said, I think we remain Africans and as Africans, there are things which are not part of our culture. It is not part of our culture to see people in their natural suits, irrespective of where they are. Whether you are an old man or a young person, we do not expect Kenyans to do things in their natural suits. To me, any time I look at those things, I feel bad as an African. We need to encourage our people and tell them that at the end of the day, we remain Africans. It is good to admire foreign culture, but we must realise that those things look unique to us and funny to our parents and elders who see them.

We support regulation. We need to empower bodies which can do that regulation so that the content that goes out there, even as they make money, is also in line with our culture and we do not get this blown out of proportion. I totally support regulation. What I do not know is who is supposed to do that. As we move into the future, I know we have the Communications Authority of Kenya (CA) and all that, but you realise even in the past, we had movies being shown on television and cinema halls which should not have been screened on the basis of age.

I do not know what we will do to ensure that we factor in the age element because to me, what is critical is age. There are things as an honourable Member I can see and I will not mind. There are things my son will see and he might not be comfortable with. There are things that my mother, who is elderly, will see and she cannot believe. She would get a culture shock. What we need to do is to come up with a system where we can filter information getting to different age groups to ensure it is the right information. If we do that, we will be safe and home.

At times, you see very young children... These days, it is part of the upbringing. Anytime you go to a home, you find that for the young ones to be fed, they are given a phone. They are into cartoons or watching those things. At times, you might be surprised by the kind of content. It is not restricted. We are saying let us come up with a very strict way of restricting the content. If we do that, we will be taking care of the advantages of TikTok and also the disadvantages, or what I call content which should not be publicly screened to every adult or to every young person.

With those many remarks, Hon. Temporary Speaker, I support. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Speaker. I stand to also support the Committee Report on the regulation of TikTok. For me, first of all, this is very exciting because I remember when the Petition by Bob Ndolo first came to Parliament, all of us were really looking forward to getting the views of the different stakeholders and to also have an opportunity to debate. The reason this is very important, and maybe just for context, is the economic value that comes with these spaces, and especially TikTok. Some of the top 10 TikTokers earn Ksh2 billion annually. The person with the highest number of followers on TikTok—650 million and above—is currently at a value of Ksh20 billion in terms of his wealth. That is from TikTok. That shows you just how economically viable this particular space is.

However, in as much as we do not want to be in a space where we are stifling innovation, we also want to ensure that the innovation is properly regulated. I have seen some of the issues that came through from the stakeholders and the Committee Members, especially when you look at the angle of the current regulatory space we are in. There are two aspects to this. There is the human moderation aspect and there is the artificial intelligence aspect. Reports have shown that the company that has the mandate to help us regulate this space has not been able to do enough. One of the reasons for this is that the different laws we have in our country like the Kenya Information and Communications Act (KICA), the Cyber Security Act and all the regulations do not speak directly to social media.

I have seen the Committee's recommendations. If we pile all the things that they want to be done in terms of law infrastructure, it will take us a very long time. The most viable recommendation is for the Departmental Committee on Communication, Information and Innovation to come up with an omnibus Bill that seeks to look at all the specific laws that involve social media regulation. This is because we are not just looking at TikTok, but also Instagram and Telegram, which have even more explicit material currently. We need to have a set of laws done at one go that will regulate all the spaces.

I agree with the Members who say that we cannot totally ban TikTok because the world is currently in the Industry 4.0, otherwise known as the Fourth Industrial Revolution that supports the use of machines, use of intelligence, internet of things and artificial intelligence. We cannot avoid this. The recommendations by the Public Petitions Committee are very futuristic. They are futuristic in the sense that the world is going into the Fifth Industrial

Revolution which seeks to ensure that there is an actual combination of artificial intelligence and human intervention working together for the social benefit and ethical arrangement of the world. Once we are able to put the laws in place, we will be in the space where the world is going into the Industry 5.0. I join fellow Members in supporting this Report. I recommend that we have a setup of these laws as soon as possible so that we cure some of these issues that came into light.

With those remarks, I support and I submit.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Central Imenti.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Temporary Speaker. There is a colleague here who has been advising me to remove my card because I will not be ‘reached’ today. I did not know that he wanted me to be passed.

**The Temporary Speaker** (Hon. Martha Wangari): Be very careful who you listen to.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important Bill. At the outset, I support it.

We have seen the TikTok issue addressed in foreign countries. A number of countries have banned it. It is being addressed in the United Kingdom, India, China and also in America. The origin of TikTok is China. In Kenya, social media communication, as a form of disseminating information to people like us by the youth, is an essential commodity.

First and foremost, if you walk along the streets of Nairobi on a weekend, especially on Sunday, you will be surprised by the number of young people creating content that ends up in TikTok. When they do that, they earn some money so, at least, it creates jobs. More than that, it helps to disseminate information to other youth who are not yet exposed. If it is used in the right manner, it is going to be a very big form of employment for our youth.

TikTok is not necessarily used injuriously by our youth and children. TikTok benefits families when it is used properly. It is of much assistance to the youth, especially now that we are facing economic hardships due to lack of employment in the Republic of Kenya. We require prudent regulations which, if used wisely, will help us to manage and control the poisonous aspects of social media and avoid exposing our children to them. We do not need to criminalise social media.

Some consider social media as being un-African or not culturally right, but we should not forget that culture evolves. A number of things which we found obnoxious in our youth such as some ways of dressing is now ordinary to the current generation made up of those who are 25 years old and younger. Back in the day, you would not see a girl dressed in clothes that did not cover her knees. These days, however, their hemlines are even shorter. Nothing is hidden. Everything is exposed. We should not curtail our youths’ right to communication by gagging their use of TikTok. However, existing laws such as the Computer Misuse and Cybercrimes Act and social media rules and regulations should be prudently applied to control the same. Those Acts provide enough cover and protection such that if obeyed and properly followed, TikTok can exist.

With those few remarks, I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Member for West Mugirango.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for giving me this great opportunity to also support this Report from the Chairperson of the Public Petitions Committee, with whom I serve in the Departmental Committee on Justice and Legal Affairs. This is the first time that I am interacting with a Report of his Committee. I have

been underestimating his ability, but I am convinced beyond doubt that the Public Petitions Committee is doing a fantastic job. The Chairperson does not carry himself as a person who can deliver such a fantastic Report. Humility is usually associated with very clever people.

Technology enables service delivery. Any technological platform, including TikTok, should only be regulated, not banned. For that reason, I thank the Committee for living within the times and making the 13<sup>th</sup> Parliament proud to regulate any product that comes into the country, rather than being selfish and slow-moving and banning it. Other mainstream media are regulated by the Media Council of Kenya (MCK) and so should social media, including TikTok. I urge developers, particularly those in the field of social media, to rise to the occasion just like the mainstream media and regulate themselves. It is unfortunate that it is Parliament pushing for this regulation, meaning that these inventors are not living with the times.

I have noticed that we are saying unregulated social media is only dangerous to young persons. I think bad content is bad no matter the age. It is not a licence that once you are an adult, you go about exhibiting nudity and what is done in bedrooms and splashing it on social media. A bad thing is a bad thing for anybody, and that moral decadence should be stopped for all ages. Adulthood is no licence for exhibiting immorality and annoying particularly those adults who are not very lucky to always live with their spouses. You can imagine how disturbing it can be for such married, but unaccompanied adults.

It is also important that through regulation, every piece of content has ownership. You are all aware that cyberbullies take advantage of anonymity and an unregulated environment to bully anybody they target, including political competitors. It is, therefore, important that through this regulation, every content creator takes responsibility. How I wish we had a mechanism of licensing every content creator and a way to track who owns or who created what content. Those who target and defame or adulterate people's reputations should be held to account. We must insist on this regulation so that those propagating their prejudices through religion or other idiosyncrasies are made to account. It is with those few remarks that I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Through you, I have learnt that there is a new category of married but unaccompanied people. Member for Nyeri Town, Hon. Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Report of the Committee recommending that we regulate social media platforms, including TikTok. I would like to correct the impression that may have been created by previous speakers on the Floor of this House who referred to banning TikTok. Nowhere in the recommendations of this Committee has the issue of banning TikTok been addressed. In fact, it is the position of the Committee that banning TikTok would be contrary to and would violate our Constitution. So, let us be clear that the proposal is on regulation.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. DMM, we were very clear that it is the petitioner who proposed the ban, but the Committee has proposed regulation.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): That is what I wanted to make clear, that the Committee has declined to ban TikTok as per the Petition, but has gone a step further and recommended regulation, not just for TikTok, but for social media platforms in general. The regulation could include self-regulation, such as the community rules and standards on WhatsApp and other social media platforms.

Most importantly, as we regulate, we must appreciate the economic contribution of social media platforms, especially in an era where the globe has gone digital. We live in a global village, and the traditional definition of work, as we have known it, has been completely disrupted and changed with the advent of the digital age. Therefore, the regulations that we propose, as we confer the powers to regulate to certain bodies that exist like the constitutional

commissions and the Ministry of Interior and National Administration, must support the economic opportunities that the digital arena continues to provide especially for our young people.

The AI age is uncharted waters. It holds potential opportunities. In fact, it is being said that the next millionaires and billionaires will be made by the AI space. Therefore, our regulations must be as forward-thinking as possible. They must capture the reality of what our young people are able to do positively using social media, but at the same time protect us, as a country and our communities, from the negative unintended consequences and side effects of digital space and social media use.

Our Constitution guarantees a lot of rights. It also delineates very clearly the limits of their enjoyment. Therefore, these proposed regulations that the Committee has recommended must ensure that we operate within the clear boundaries that are set within the freedoms provided by our Constitution. The other issue is the question of data protection in the social media space. This is an area that a lot of infringements happen.

I support the Motion with a rider that the regulations must support the exploitation of the existing economic opportunities.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you very much. Hon. Mule.

**Hon. Caleb Mule** (Machakos Town, MCCP): Thank you, Hon. Temporary Speaker. I rise to support the Public Petitions Committee's recommendation to regulate TikTok as digital social media, but not to ban it as the Petitioner had requested. We are moving to the digital world. We cannot move backwards. Everything is digital which is the route that we, as a country, should take. We should not go back while others are going forward. We have AI which is in the digital space. As a country, we cannot afford to ban TikTok.

When TikTok was introduced in the country, it brought a lot of heat. For example, people started streaming live on it. People used to watch nude photos and funny acts of making love on this platform which brought a lot of heat to the country. I guess that is what pushed this Petitioner to petition the ban of TikTok. However, we have come of age lately. Everything has been settled and there is right content on TikTok.

Some of the things that warranted the banning of TikTok was the impact on national security because with TikTok, we cannot have authenticity. The information coming out may not be authentic and might cost national security, but it has several advantages. One advantage of TikTok is that it creates monetary value, as many contributors have said. Young people are going live and making money through content creation. In social places like in my hometown, many young people are occupying the social spaces, doing content creation and making money. That is one way of engaging the youth so they can make money.

Another advantage of TikTok is that it is an easy way to communicate. If something happens, it goes viral, meaning you get real-time information. Communication is very easy and reaches everywhere. Another advantage is that you learn many great things. Not only bad things are learnt from TikTok. For example, you can learn how to cook various foods such as eggs and fish, as well as practical skills like repairing phones and cars. It is very informative and good when used properly. It is also very entertaining. I find myself spending time being entertained when I flip through TikTok. It is also a way of advertising products and reaching many people easily.

However, there are two things that can better...

**The Temporary Speaker** (Hon. Martha Wangari): I said time is five minutes. Your time is up. Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Let me join my colleagues in commenting on the Report by the Public Petitions Committee. I want to correct my colleague, Hon. TJ Kajwang'. I have adult children and now other children, the phase three. That is how life goes on. I speak for those who need to be protected in life.

We find ourselves in a conundrum. Technology has come and we cannot restrict its expansion and growth. But we must also admit that technology can be destructive if not well managed and regulated. There is a common joke that the greatest challenge faced by the world is artificial intelligence and natural stupidity. That those two combined may destroy this world. We hope it destroys others, but those of us, the old geezers, will remain because we can deal with it. I am a man who believes in freedom of expression. Everybody must have the right to say what they want. I may not agree with you, but I will protect your right to say so. In the same way, let people use social media whichever way they want. Unfortunately, as my seniors have said, we are an African society, guided by certain norms and values. We just hope and pray.

I want to appeal to those who use social media. When the Petition came, I was apprehensive because any attempt by Parliament to sanitise such kind of a request would be unconstitutional and would be playing into the hands of those people who believe this 13<sup>th</sup> Parliament has challenges. We will talk about these challenges regardless of whether we are going to be expelled or not. We must protect the young ones. In Australia, they have banned under-16s from social media simply to allow them to develop their faculties naturally as expected. I have just been googling and I am told TikTok is banned in India, Afghanistan, and there are restrictions in the US, Canada, Australia. Let me also admit, and go on record, that I have not joined TikTok because I have been told that it is bad. I will need to sit with my young adult children to show me how to use it without hurting me or damaging my mind.

There is a recommendation which I read somewhere that requires a bit more explanation about those people who manage the backside. Or is it called back end? There must be ways of ensuring their social life is protected. I think that is an area that we need to consider. Yes, we must ensure human content moderators have adequate psychosocial support. For us to regulate, to ensure we only churn out what is positive, there must be somebody sitting behind to make sure that ban or that regulation is enforced.

I do not know if I have the capacity to see the kind of nudity and negativity all through. I am sure there must be a way. They must find a way of being supported; otherwise, they will break down. I still believe we should use social media safely and judiciously in a manner that promotes our culture and family values. I will not go for any ban. But if there be any regulation, it should be in such a way that it does not stifle content creation and innovation, but protects, especially the family and the young children.

With that, I support the Petition and I commend the petitioner. At least the Public Petitions Committee will be working.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Njeri.

**Hon Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I take note that the Petitioner had prayed that TikTok be banned in Kenya and I appreciate the Committee for disregarding that request. I will deviate from the contributions that have been done on this Floor and confirm that I am an active TikTok member. I use the platform to educate the young people on the legislative initiatives I undertake on the Floor and other constituency engagements.

I have read this Report extensively and my law lecturer taught me to always look for the devil in the details. I ask myself, why now? What is the rationale behind it? How extensive will these regulations be? Will they be used to stifle dissent, to stifle key fundamental rights and freedoms guaranteed by the Constitution of this great Republic of Kenya? I ask this because we do not live in a vacuum. We have seen autocratic governments that seek to govern absolutely stifle any means of communication that the young people use to reach out to each other, to engage as a community. Besides, I have heard Members say that they saw very graphic details on TikTok.

TikTok operates on a very sequential algorithm. It operates on 'For You Page.' so, it feeds you what you search for. It feeds you the information that you are looking for. It is, therefore, important that before we utter some things on this Floor, we are aware of how TikTok operates. When Bangladesh restricted TikTok during the election period, the country went down in ruins. It is imperative for this Report to capture the extent of the regulations that will be proposed on TikTok and any other social media platform. Oftentimes, when people feel that perhaps a government is trying to stifle expression of their rights, we always see explosions. We do not want to see that because we know that we are nearing the election period in 2027.

The morality of a society is a mirror of that community. A lot of things that would be categorised in the sphere of the immoral are happening. They are not only happening on social media platforms, but some of them are perpetuated when young people are killed by the Government. That is something that is immoral. So, it is not only about social media platforms. We must get to the devil in the details in regard to the regulations.

As I wind up, TikTok has been a platform where community and social matters are addressed. It is a support community for many young people and others in society. At the advent of the 2024 protests, when young people were arrested and most of them could not raise cash bail, I engaged a very popular TikToker, who goes by the name Githaiga Wachai, and I will leave it there because those who know him, know him, and we managed to raise money to a tune of Ksh1 million which paid cash bail for young people from underprivileged backgrounds. This is an important platform. We agree we must have regulations, but we must be told to what extent.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ibrahim Saney.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you, Hon. Temporary Speaker. TikTok is both good and bad. Ordinarily, good things do not need any regulations because they are good. What needs regulations are the bad things. Here, we are discussing the bad side of TikTok.

Advanced countries are the source of these technological advancements and in doing so, they are not friendly to our cultures and values because of our incapacity. The need for regulation is mandatory. If we do not regulate, there will be legal suits, financial losses for businesses and individual damages because of defamation and such kind of things. There will be operational damages because of misinformation that is related to negative TikTok content.

There is much defamation on persons, communities, companies and other entities that is being publicised and circulated all over without control thus causing damage. There are things of criminal nature that go through TikTok that need control. Businesses are being damaged because of business rivalry. Some content, if not controlled, causes undue negative rivalry. A lot of immorality, nudity and promiscuity is propagated by TikTok. At night, inasmuch as we always support a 24-hour economy, our boys and girls are in petrol stations taking pictures that are not within the standards, norms and cultures of the African society. Some of the things happening on TikTok border on national insecurity. That needs to be regulated and tamed.

With artificial intelligence, your photograph can be manipulated. Your image can be distorted. You can be impersonated and propaganda about you spread widely. Filthy things about a Member can be said. We need to manage this. Our social values have been eroded. We cannot just import and receive everything. We must have mechanisms to regulate the bad side of TikTok and maintain the good side of it.

Tomorrow is the first day of Ramadhan for Muslims and Ash Wednesday for our Christian brothers. I want to take this moment to wish my fellow Muslims a very peaceful Ramadhan and a happy Ash Wednesday to our Christian brothers.

With those few remarks, I support the Report.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you very much, Hon. Saney. As a Christian, Ash Wednesday is not just one day; it is followed by the Lenten Season. The Lenten Season will go hand in hand with Ramadhan.

Hon. Members, I know there is a lot of interest in this Motion, but unfortunately, our time is up. This debate will continue. You will have another opportunity to contribute. Be up standing.

#### ADJOURNMENT

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, the time being 7.02 p.m., the House stands adjourned until Wednesday, 18<sup>th</sup> February 2026 at 9.30 a.m.

*(The House rose at 7.02 p.m.)*

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